

## ACCA-AZ meeting focuses on new employment law

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As the Jan. 1, 2008 date on which Arizona's new Fair and Legal Employment Act takes effect approaches, the Air Conditioning Contractors of America (ACCA) Arizona Chapter devoted its Sept. 12 membership meeting to how the controversial new law might impact its members, and employers throughout the state.

To a sold out luncheon, speakers addressed some of the issues surrounding the new law, but there were mostly more questions raised than answers provided.

The law calls for serious penalties for hiring illegal workers and includes a mechanism for filing complaints against companies believed to employ illegal workers.

First up at the meeting was State Rep. Steven M. Gallardo, the democratic whip who fiercely opposes the new law. "I do not believe it is a solution to a problem we have not only in Arizona but the entire country," Gallardo said. "We need the federal government to step up to the plate."

Gallardo, who also serves on the Homeland Security and Property and Right Committees, explained that he does support sanctions for companies which employ illegal



State Rep. Steven Gallardo (left) and Kent Lang of Lang and Baker at the Sept. 12 meeting.

workers, but that employers need the tools and resources available to make sure they are able to verify the status of the people they are hiring.

The accuracy and reliability of the current federal I-9 Form employment status system and the Immigration and Customs Enforcement (ICE) verification systems are one of the major points of controversy surrounding the new law.

Aside from hurting employers and all workers—legal or not, Gallardo said "Let's be honest, this bill is not going to secure our borders, it is not going to do one thing that slows down the flow of people coming across the border illegally."

Attorney Kent Lang of the firm

Lang and Baker then provided what information he could on how the new law might impact employers and possible ways they can protect and defend themselves.

Because there are so many unknown aspects surrounding how the new law will be interpreted, enforced and defended against, Lang jokingly suggested to attendees that "My best advice to you is to make sure you hire somebody before 1986," the year the federal Immigration Reform and Control Act (IRCA) was passed.

One point Lang did seriously emphasize was the importance of I-9 Form verification by employers. "The only thing the attorneys

looking at this issue know for sure right now is that I-9 compliance is the most critical thing you can do right now," he explained. Everything else—and I know that people love lawyers when we say this—we're just not sure. It is that simple because this [law] is confusing, it has never before been done by any state, so bear with me."

Speaker Marilyn Manning of Amcheck suggested companies sort out any employee I-9 Form discrepancies as soon as possible and to also request employees who know they are not legally authorized to work to voluntarily come forward and resign before the new law comes into effect, and further complicating the situation.