



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 327

135th General Assembly

House Commerce and Labor

Paul Luzzi, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_0215-4)
Rehires	
<p>Requires political subdivisions, private employers employing 75 individuals within Ohio, and nonresidential construction contractors to verify all newly hired employees' work eligibility through the federal E-verify program (R.C. 4151.11(A)).</p>	<p>Allows a covered employer to forgo using E-verify when the employer rehires an employee previously employed by the employer and both of the following apply:</p> <ul style="list-style-type: none"> ▪ The employer previously used E-verify to verify the employee's work eligibility; ▪ The employee's previously executed Form I-9 is sufficient for purposes of the federal Immigration Reform and Control Act because the employee was re-hired within three years of the form's initial execution and the employer updated the form to reflect the rehiring (R.C. 4151.11(A)(2)).
<p>Requires a contract for a public improvement or service or a contract for a nonresidential construction project to include a provision requiring the contractor to use E-verify to confirm the identity and legal working status of specified workers (R.C. 4151.02(A)(1) and 4151.11(B)).</p>	<p>Allows the parties to a contract requiring a covered individual's work eligibility to be verified through E-verify to waive the requirement under the circumstances described above (R.C. 4151.02(B) and 4151.11(B)(2)).</p>

Previous Version (As Introduced)	Latest Version (I_135_0215-4)
Cancelation of public contracts and subcontracts	
<p>Requires a contract between a state agency or political subdivision and a contractor to contain a provision requiring the state agency or political subdivision to cancel a contract for a public improvement or a service if the contractor fails to use E-verify to confirm the identity and legal work status of covered workers (<i>R.C. 4151.02(A)(2)</i>).</p>	<p>Allows the agency or political subdivision to cancel the contract if the contractor recklessly failed to use E-verify to confirm the identity and legal work status of a covered worker.</p>
<p>No provision.</p>	<p>Requires the contract between the state agency or political subdivision and the contractor to contain a provision requiring any subcontract to contain a provision allowing the contractor awarded a contract for a public improvement or a service to cancel the subcontract if the subcontractor recklessly fails to use E-verify to confirm the identity and legal work status of a covered worker.</p>
<p>No provision.</p>	<p>Specifies that a contractor is liable for a state agency's or political subdivision's foreseeable economic damages when the agency or political subdivision cancels a contract in accordance with the bill, including the reasonable costs of soliciting a new bid.</p>
<p>No provision.</p>	<p>Specifies that a subcontractor is liable for a contractor's foreseeable economic damages when the contractor cancels a subcontract in accordance with the bill. (<i>R.C. 4151.02.</i>)</p>
Subcontractor affidavit	
<p>No provision.</p>	<p>Requires a subcontractor performing work on a contract for a public improvement or service to provide the primary contractor with an affidavit stating the subcontractor does not employ, contract with, or subcontract with unauthorized aliens as defined in federal law; the contractor must keep a copy for the duration of the contract (<i>R.C. 4151.02(D)</i>).</p>

State contract disbarment

Disqualifies a person from bidding on or participating in state contracts for one year if a court finds the person failed to verify an employee's employment eligibility with E-verify or failed to keep proof of the verification for the required time (*R.C. 4151.13(A)*).

No provision.

Requires the Attorney General to maintain a list of which persons are disqualified from participating in state contracts and remove the person from the list when the person becomes eligible because one year has elapsed without violation (*R.C. 4151.13(C)*).

Applies the one-year disqualification from state contracts only if the person has been found by a court to have recklessly violated the E-verify and record keeping requirements, and requires the court to provide a copy of the order to the Director of Administrative Services (*R.C. 4151.13(B)(1)*).

Disqualifies a contractor awarded a contract for a public improvement or a service from participating in state contracts for one year if the contractor or subcontractor recklessly fails to use E-verify to confirm the identity and legal work status of a covered worker (*R.C. 4151.03*).

Requires the Director of Administrative Services to maintain and update the list (*R.C. 4151.03 and 4151.13(C)*).