



POSITION STATEMENT

Comprehensive Immigration Labor Reform

Background: The landscape industry remains the fastest growing segment of the green industry. As a result of such rapid growth, industry members across the nation consider finding new employees to be their greatest challenge. Although each company sets its own standards for employment, the proper documentation of potential employees is a critical. The need for proper documentation of potential employees is dictated by the investment that companies make in finding, screening, hiring, and training employees. Hiring legal, documented workers is a priority for everyone, but often difficult because there is a fine line between authenticating the paperwork for identification and being too aggressive in the procedure, which can lead to discrimination charges.

The I-9 Employment Eligibility Verification Process is one that all employers must adhere to. Under this process, employers must attest, under penalty of perjury, that to the best of their knowledge, the employee they are attempting to hire is eligible to work in the United States, that they have examined the documents presented by the employee, and that the documents appear to be the employee's genuine property.

Yet, despite following the I-9 process, employers still may unknowingly hire an immigrant worker who has false, but legitimate-appearing documents. If a company hires an employee who turns out to have fake documents, it costs that company money, impedes its ability to operate, and damages its reputation.

Additionally, the I-9 Anti-Discrimination Notice makes it difficult for employers to aggressively pursue genuine documents for fear that they will violate the law. The notice states, "It is illegal to discriminate against work-eligible individuals. Employers cannot specify which document(s) they will accept from an employee. In addition, refusal to hire an individual because of a future expiration date may constitute illegal discrimination."

PLANET will support legislation that provides an acceptable mechanism for legalizing improperly documented workers or legislation that gives employers access to a steady workforce of seasonal, full-time guest workers, provided that employers are granted the opportunity to gradually replace a worker who is found to be improperly documented. Such legislation must not eliminate the current H-2B program or place undue economic burdens on employers.

The H-2B guest worker program is a fundamental source for obtaining labor for our industry. It is the most reliable source of documented, seasonal, visa-holding **non-immigrant** workers who fit our labor needs. We strongly support the extension of the H2B guest worker program and would vigorously oppose legislative actions to limit or eliminate it.