



Employer law applies only to new hiring, Pearce says

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The punishments laid out in Arizona's employer-sanctions law are meant to apply only to new hires, not to entire workforces, says the law's prime sponsor.

That could bring a sigh of relief from employers nervous about an assertion that the sanctions law would affect every worker at every workplace in the state.

Attorney David Selden, who represents the business groups suing to block the state law, told U.S. District Judge Neil Wake in a court hearing last week that, as of Jan. 1, "an employer's entire workforce is covered by this statute."

That surprised Wake and most courtroom observers, who read the law as applying only to new hires.

And that's the intent of the law, says its sponsor, state Rep. Russell Pearce, R-Mesa.

"We didn't go retroactive," Pearce said Friday, when asked about Selden's statement.

Further, a provision in the bill states that "the county attorney shall not bring an action against any employer for any violation of subsection A that occurs before January 1, 2008." Subsection A says an employer shall not intentionally or knowingly employ an unauthorized alien.

Pearce noted that federal law already makes it a crime to hire an illegal worker.

In crafting the state's sanctions law, he said, lawmakers decided to make the state's penalties effective with anyone hired as of Jan. 1, 2008.

Illegal workers hired before that date are subject to federal prosecution and, Pearce added, he hopes the feds come down hard on such violations.

Arizona's law calls for penalties ranging from putting a business' state-issued licenses on probation, to a maximum 10-day suspension to permanent revocation, depending on the severity of the circumstances of the illegal hiring.

Wake conducted a one-day hearing on the case last week and has promised a decision before the Jan. 1 effective date.