



Jesse Arreguín
Councilmember, District 4

CONSENT CALENDAR
June 28, 2011

To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguín

Subject: Urging the U.S. Department of Homeland Security to Stop the Audit of I-9 Forms at Pacific Steel Foundry

RECOMMENDATION:

Adopt a Resolution urging the U.S. Department of Homeland Security to stop the audit of I-9 forms at the Pacific Steel foundry in West Berkeley.

BACKGROUND:

Recently workers and union leaders have learned that the U.S. Department of Homeland Security intends to require an audit of I-9 (employment eligibility) forms for workers at the Pacific Steel foundry in West Berkeley.

Employees are required to fill out the Employment Eligibility Verification Form I-9 as a means of documenting verification for employment. Employers are required by law to maintain for inspection original Forms I-9 for all current employees. The U.S. Department of Homeland Security can initiate an administrative inspection process (I-9 audit) to verify that all employees have completed I-9 forms and are eligible for employment. If it is determined that an employer has hired workers who are not eligible for employment they are required to terminate the employee.

Over the past two years, the number of immigration raids of businesses has decreased while the number of I-9 audits has risen dramatically as a way to identify and detain illegal immigrants. I-9 audits have resulted in the termination of jobs and disruption of lives of undocumented workers and their families throughout the country.

An I-9 audit at Pacific Steel can lead to the termination of many of the foundry's workers, and will do irreparable harm to them and to our community.

Workers at Pacific Steel have steady, well-paying union jobs and support many other people in their families. Many of these workers have worked at the foundry for over a decade, and some over two decades. These are skilled workers making steel parts for machinery, and if they are removed from the foundry, the operation of the business will suffer greatly. If the foundry were to close as a consequence, it would be an economic disaster for the Bay Area.

Workers inject hundreds of thousands of dollars into our local economy each month and support other businesses and families. The company and the workers pay taxes that support local schools and services. If the I-9 audit goes forward and workers are fired as a result, we could lose money that Berkeley desperately needs in these challenging economic times. Pacific Steel also has suppliers whose businesses could also be harmed as well.

An immigration audit leading to the firing of these workers will not create a single job and instead will force workers into an underground economy where illegal wages and conditions are prevalent. It is not necessary to enforce immigration law in a way that is so destructive to workers, their families, their employer and our entire community.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

Jesse Arreguin, Councilmember, District 4 981-7140

Attachment

1. Resolution

RESOLUTION NO. ##,###-N.S.

URGING THE U.S. DEPARTMENT OF HOMELAND SECURITY TO STOP THE AUDIT
OF I-9 FORMS AT THE PACIFIC STEEL FOUNDRY

WHEREAS, workers and union representatives have recently learned that the U.S. Department of Homeland Security will require the audit of I-9 forms for workers at the Pacific Steel foundry in West Berkeley; and

WHEREAS, the 1986 U.S. Immigration Reform and Control Act requires employers to verify the identity and employment eligibility of their employees and created criminal and civil sanctions for employment related violations. Employees are required to fill out the Employment Eligibility Verification Form I-9 as a means of documenting verification for employment; and

WHEREAS, employers are required by law to maintain for inspection original Forms I-9 for all current employees. The U.S. Department of Homeland Security can initiate an administrative inspection process (I-9 audit) to verify that all employees have completed I-9 forms and are eligible for employment. If it is determined that an employer has hired workers who are not eligible for employment they are required to terminate the employee; and

WHEREAS, over the past two years, the number of immigration raids of businesses has decreased while the number of I-9 audits has risen dramatically as a way to identify and detain illegal immigrants; and

WHEREAS, since 2009, the U.S. Department of Homeland Security has focused its worksite enforcement program on the criminal prosecution of employers who knowingly hire illegal workers; and

WHEREAS, if it is determined that an employer has hired someone who is undocumented, they face substantial fines and can even face criminal sanctions; and

WHEREAS, I-9 audits have resulted in the termination of jobs and disruption of lives of undocumented workers and their families throughout the country; and

WHEREAS, an I-9 at Pacific Steel can lead to the termination of many of the foundry's workers, and will do irreparable harm to them and to our community; and

WHEREAS, workers at Pacific Steel have steady, well-paying union jobs and support many other people in their families. Many of these workers have worked at the foundry for over a decade, and some over two decades; and

WHEREAS, these are skilled workers making steel parts for machinery, and if they are removed from the foundry, the operation of the business will suffer greatly. If the foundry were to close as a consequence, it would be an economic disaster for the Bay Area; and

WHEREAS, workers inject hundreds of thousands of dollars into our local economy each month and support other businesses and families. The company and the workers pay taxes that support local schools and services. If the I-9 audit goes forward and workers are fired as a result, we could lose money that Berkeley desperately needs in these challenging economic times. Pacific Steel also has suppliers whose businesses could also be harmed as well; and

WHEREAS, an immigration audit leading to the firing of these workers will not create a single job and instead will force workers into an underground economy where illegal wages and conditions are prevalent; and

WHEREAS, an immigration audit will also not improve wages and conditions at the Pacific Steel foundry. There is already a union contract in place that guarantees healthcare, pensions, and wages that support families. The firing of so many union members will weaken the ability of the union to adequately represent its members and continue to protect fair wages, benefits and working conditions for employees at Pacific Steel; and

WHEREAS, in 1971, the Berkeley City Council declared Berkeley to be a City of Refuge with the passage of Resolution No. 44,784 and reaffirmed that decision in 1986 relating to Central American refugees (Resolution No. 52,596–N.S.); and

WHEREAS, on May 22, 2008, the Berkeley City Council reaffirmed its status of a “City of Refuge” through its passage of Resolution No. 63,711–N.S., which requires that “*no department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information status of individuals in the City of Berkeley*”; and

WHEREAS, the audit of I-9 forms at Pacific Steel would violate the spirit of the City’s Sanctuary policy, and would harm undocumented residents and their families in our community; and

WHEREAS, it is not necessary to enforce immigration law in a way that is so destructive to workers, their families, their employer and our entire community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it stands in solidarity with the workers at the Pacific Steel foundry and hereby urges the U.S. Department of Homeland Security to stop the audit of I-9 forms at Pacific Steel.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Janet Napolitano, Secretary of the U.S. Department of Homeland Security; U.S. Immigration and Customs Enforcement Director John Morton; the San Francisco U.S. ICE Field Office and Congresswoman Barbara Lee.