

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 481

**ORDER PROHIBITING THE USE OF
UNDOCUMENTED WORKERS ON STATE CONTRACTS**

WHEREAS, although most undocumented immigrants enter the Commonwealth seeking opportunities, jobs and a better way of life, the unlawful employment of undocumented immigrants causes harm to both employers and employees;

WHEREAS, some employers unlawfully misclassify undocumented workers as self-employed or independent contractors to avoid the costs of social security taxes, healthcare, pensions, workers' compensation and unemployment insurance, and other benefits, thereby violating labor and employment laws to the detriment of workers and of employers who comply with the law;

WHEREAS, the Commonwealth of Massachusetts is committed to deterring unlawful employment practices, including wage and hour violations, and to protecting workers and law-abiding employers from the unfair effects of such practices;

WHEREAS, the federal Immigration & Nationality Act, 8 U.S.C. §§ 1324a and 1324b, provides a comprehensive scheme for employers to verify the immigration status of all job applicants without engaging in unlawful discrimination; and

WHEREAS, Massachusetts General Laws Chapter 149, Section 19C prohibits employers from knowingly employing any alien in the Commonwealth who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the Attorney General of the United States;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, hereby order as follows:

SECRETARY OF STATE
COMMUNICATIONS DIVISION

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Section 1. This Executive Order shall apply to all state agencies in the Executive Branch. As used in this Order, “state agencies” shall include all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established.

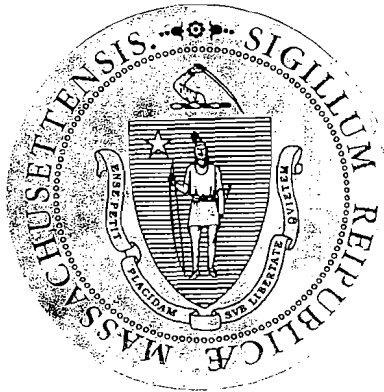
Section 2. It shall be the policy of the Executive Branch to prohibit the use of undocumented workers in connection with the performance of state contracts.

Section 3. All Executive Branch contracts entered into after the effective date of this Order shall require contractors to certify, as a condition of receiving Commonwealth funds under the contract, that they shall not knowingly use undocumented workers in connection with the performance of the contract; that, pursuant to federal requirements, they shall verify the immigration status of all workers assigned to the contract without engaging in unlawful discrimination; and that they shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker.

All contracts shall specify that breach of any of these terms during the period of the contract may be regarded as a material breach, subjecting the contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

The foregoing contractual provisions shall be drafted by the Office of the Comptroller and the Operational Services Division, which shall develop and implement uniform language to be incorporated into all Executive Branch contracts.

Section 4. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 23^d day of February in the year of our Lord two thousand and seven, and of the Independence of the United States of America two hundred and thirty-one.

A handwritten signature in black ink, appearing to read "Deval L. Patrick".

DEVAL L. PATRICK, GOVERNOR
Commonwealth of Massachusetts

A handwritten signature in black ink, appearing to read "William Francis Galvin".

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS