

From: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
To: Danny Varat <DannyVarat@scstatehouse.gov>
CC: Lily Cogdill <LilyCogdill@scstatehouse.gov>
Date: 3/13/2017 2:05:24 PM
Subject: RE: E-verify Citation and Probation ~ Website email from John Tinsley

As a surveyor with public contracts he is definitely required under both state and federal law.

*Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)*

From: Lily Cogdill
Sent: Monday, March 13, 2017 1:50 PM
To: Catherine McNicoll
Subject: FW: E-verify Citation and Probation ~ Website email from John Tinsley

As requested.

Lily

From: Danny Varat
Sent: Monday, March 13, 2017 12:56 PM
To: Lily Cogdill <LilyCogdill@scstatehouse.gov>
Subject: Re: E-verify Citation and Probation ~ Website email from John Tinsley

This makes sense. The question is if he is required by federal law, then how could he be unaware of the state law. Ask him if he falls under this

(B) All private employers who are required by federal law to complete and maintain federal employment eligibility verification forms or documents

If he doesn't, then he may not have to do the state either. If he does, then I can't see how he didn't know about the state law.

From: Lily Cogdill
Sent: Monday, March 13, 2017 12:49 PM
To: Danny Varat
Cc: Catherine McNicoll
Subject: E-verify Citation and Probation ~ Website email from John Tinsley

Please review the response below.

Thank you,
Lily

From: Rebecca Leach [mailto:Rebecca.Leach@lrr.sc.gov]
Sent: Monday, March 13, 2017 12:20 PM
To: Lily Cogdill <LilyCogdill@scstatehouse.gov>
Subject: RE:
Good morning, Lily –

I spoke with my colleague who administers this program and he provided that statute requires us to cite businesses upon initial violation. Below is the section we use to enforce this requirement.

SECTION 9. Section 41-8-20 of the 1976 Code, as added by Act 280 of 2008, is amended to read:

"Section 41-8-20. (A) All private employers in South Carolina shall be imputed a South Carolina employment license, which permits a private employer to employ a person in this State. A private employer may not employ a person unless the private employer's South Carolina employment license and any other applicable licenses as defined in Section 41-8-10 are in effect and are not suspended or revoked. A private employer's employment license shall remain in effect provided the private employer complies with the provisions of this chapter.

(B) All private employers who are required by federal law to complete and maintain federal employment eligibility verification forms or documents must register and participate in the E-Verify federal work authorization program, or its successor, to verify the work authorization of every new employee within three business days after employing a new employee. A private employer who does not comply with the requirements of this subsection violates the private employer's licenses.

SECTION 12.

41-8-50 (D)(1)

(b) on or after July 1, 2012, for a first occurrence involving a violation of Section 41-8-20, the private employer shall, upon notification by the director of a violation of Section 41-8-20, immediately comply with the provisions of Section 41-8-20, and the private employer must be placed on probation for a period of one year, during which time the private employer shall submit quarterly reports to the director demonstrating compliance with the provisions of Section 41-8-20. Any subsequent occurrence involving a violation of Section 41-8-20 by the private employer must result in the suspension of the private employer's licenses for at least ten days but not more than thirty days by the director, except, if a private employer has not committed a violation of Section 41-8-20 within the previous three years, a subsequent occurrence must be treated as a first occurrence. If a private employer has ever committed a violation of Section 41-8-30, the private employer's licenses must be suspended for at least ten days but not more than thirty days for any violation or subsequent occurrence involving a violation of Section 41-8-20. The director shall verify the work authorization status of the employees with the federal government pursuant to 8 U.S.C. Section 1373(c) and notify the private employer of the results. The private employer shall immediately terminate an employee whose work authorization was not verified upon being notified by the director. The director shall notify federal, state, and local law enforcement officials of any suspected unauthorized aliens employed by the private employer;

(H) The director shall maintain a list of all private employers who have had their licenses disciplined pursuant to this chapter and shall publish the list on the agency's website. The director shall remove a private employer from the list who has committed only a first occurrence pursuant to Section 41-8-20 six months after the private employer's name has been published, if the private employer has not subsequently had their licenses disciplined pursuant to this chapter within the one year probation period.

I will also add, Lt. Governor Bryant was a cosponsor on the bill that created these requirements (Act 69 of 2011).

Let me know if there is anything more our office can do to assist you with this issue.

Thanks!

Rebecca



Rebecca G. Leach Director of Business and Governmental Affairs

Office of Communications and Governmental Affairs

South Carolina Department of Labor, Licensing and Regulation

Synergy Business Park Kingstree Building 110 Centerview Drive Columbia, SC 29210

Telephone: 803.896.4440 Cellphone: 803.360.1794 Rebecca.Leach@llr.sc.gov

From: Lily Cogdill [<mailto:LilyCogdill@scstatehouse.gov>]

Sent: Thursday, March 09, 2017 4:59 PM

To: Rebecca Leach <Rebecca.Leach@llr.sc.gov>

Subject:

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unencrypted.

Rebecca,

Thank you for talking with me regarding this matter. If you need anything else from me, please feel free to contact me.

Thank you,

Lily



Lily Cogdill

*Director of Administration
Office of Lieutenant Governor
P.O. Box 142
Columbia, S.C. 29201
Ph. 803.734.2079
lilycogdill@scstatehouse.gov*

From: tinsleysurveying@gmail.com [<mailto:tinsleysurveying@gmail.com>]

Sent: Monday, February 06, 2017 11:22 AM

Subject: E-verify Citation and Probation ~ Website email from John Tinsley

Dear Lt Governor Bryant, I am attaching an email I received this morning and my response. I was unaware that this E-verify existed or that it was required. I pay ALL my payroll taxes to both the State and Federal gov't. I am being issued a citation and being placed on probation which is wrong. I have no problem complying with the law that I have just been made aware of, and will be happy to do it. I think a warning and a grace period to comply would be appropriate. I will probably lose contracts with Duke Energy over this which will cut me out of at least 50% of my business. I am not a crook, nor have I intentionally or willfully violated any laws. This is wrong and I need some help. Sincerely, John Tinsley

John Tinsley
328 Pickens Dr
Pendleton, SC 29670
864-934-1700