

**SECTION 301.  
DISCRIMINATORY DISCHARGE OF UNITED STATES WORKERS.<sup>1</sup>**

**IRLI Comment:** Depending on state terminology, could be written as an “unfair business practice” or “unfair labor practice.” Relies on procedure and sanctions of the state equal employment opportunity commission for enforcement.

Adds new section [#12-3-456#], to read as follows:

“(a) Notwithstanding any other provision of this section, it shall be an unlawful discriminatory practice for an employer to discharge or terminate any United States citizen employee in this state, or any legal permanent resident alien employee in this state who has applied for naturalization, where, on the date of such discharge, an unauthorized alien worker was employed by the employer at the same job site, or in an equivalent job classification elsewhere in the State, in reckless disregard for the fact that such alien worker lacked federal employment authorization.

(b) It shall be an unlawful discriminatory practice for a labor organization to refer for employment an individual whose unauthorized employment status would cause an employer to violate this section.

(c) Safe harbor. The prohibitions of paragraphs (a) and (b) shall not apply to an employer or a labor organization who, as of the date of discharge, had enrolled in the E-Verify Program and maintained a standard employment practice of verifying the work authorization of newly hired employees in this state, or in the case of a labor organization, individuals referred for employment to the employer, using the E-Verify program.”

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<sup>1</sup> Source: OK HB 1804 7.C/IRLI.