

CENTRALIZED NEW HIRE REGISTRY ACT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies an employer's reporting requirements under the Centralized New Hire Registry Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires employers in the state to report the date of hire or rehire of each new employee to the Department of Workforce Services in compliance with recent additional reporting requirements of the Social Security Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2012.

Utah Code Sections Affected:

AMENDS:

35A-7-102, as last amended by Laws of Utah 2000, Chapter 161

35A-7-104, as enacted by Laws of Utah 1997, Chapter 232

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **35A-7-102** is amended to read:

35A-7-102. Definitions.

30 As used in this chapter:

31 (1) "Business day" means a day on which state offices are open for regular business.

32 (2) "Compensation" means payment owed by an employer for labor or services

33 ~~rendered]~~ performed by an employee.

34 (3) "Date of hire" means the ~~earlier of:]~~ date labor or services for compensation are
35 first performed by the employee.

36 ~~[(a) the first day for which the employee is owed compensation by the employer; or]~~

37 ~~[(b) the first day that an employee reports to work or performs labor or services for the~~
38 ~~employer.]~~

39 (4) "Date of rehire" means the ~~earlier of:]~~ date labor or services for compensation are
40 first performed by an employee who was previously employed by the employer but has been
41 separated from that employment for at least 60 consecutive days.

42 ~~[(a) the first day for which the employee is owed compensation by the employer~~
43 ~~following an unpaid absence of a minimum of six consecutive weeks; or]~~

44 ~~[(b) the first day that an employee reports to work or performs labor or services for the~~
45 ~~employer following an unpaid absence of a minimum of six consecutive weeks.]~~

46 (5) (a) "Employee" means an individual who is an employee within the meaning of
47 Chapter 24 of the Internal Revenue Code of 1986 ~~and].~~

48 (b) "Employee" does not include an employee of a federal or state agency performing
49 intelligence or counterintelligence functions[;] if the head of that agency determines that
50 reporting the employee could endanger the safety of the employee or compromise an ongoing
51 investigation or intelligence mission.

52 (6) (a) "Employer" means any person or entity ~~who or which]~~ that is an employer as
53 defined in Section 3401(d) of the Internal Revenue Code of 1986 ~~and].~~

54 (b) "Employer" includes any governmental entity and any labor organization.

55 (7) (a) "Labor organization" means any entity as defined in Section 2(5) of the National
56 Labor Relations Act~~], and].~~

57 (b) "Labor organization" includes any entity or hiring hall ~~which]~~ that is used by

58 agreement between the organization and an employer to carry out requirements described in
59 Section 8(f)(3) of the National Labor Relations Act.

60 (8) "Registry" means the centralized new hire registry created in Section 35A-7-103.

61 Section 2. Section **35A-7-104** is amended to read:

62 **35A-7-104. Reporting requirements.**

63 (1) An employer [~~who~~] that hires or rehires an employee [~~on or after October 1, 1997,~~]
64 shall send to the department:

65 (a) the employee's name, address, [~~and~~] Social Security number, and date of hire or
66 date of rehire; and

67 (b) the employer's name, address, and federal tax identification number.

68 (2) An employer shall send the information required by this section to the department:

69 (a) not later than 20 days after the date [~~the employer hires or rehires the employee~~] of
70 hire or date of rehire; or

71 (b) if approved by the department, on a semimonthly basis of not less than 12 days nor
72 more than 16 days apart.

73 (3) The department shall determine by rule the form and manner for sending the
74 information required under this section, which may include magnetic, electronic, and voice
75 activated transmission.

76 (4) The reporting requirement of this section does not apply to an employer [~~who~~] if
77 the employer:

78 (a) has employees in two or more states [~~and~~];

79 (b) sends the information required by this section to a state other than Utah [~~if in~~
80 ~~compliance with the Social Security Act, 42 U.S.C. Sec. 453A.~~]; and

81 (c) complies with the multi-state employer reporting requirement of Section 453A of
82 the Social Security Act, 42 U.S.C. 653a.

83 Section 3. **Effective date.**

84 This bill takes effect on July 1, 2012.