

31A-40-211 Employment related economic incentives -- Employment information -- Client's status.

- (1) Notwithstanding the other provisions of this chapter, for purposes of determining eligibility for an employment related economic incentive, a covered employee is considered only an employee of the client.
- (2)
 - (a) If eligibility for an employment related economic incentive relates to a covered employee, the client is entitled to the employment related economic incentive if the client is otherwise eligible for the employment related economic incentive.
 - (b) A professional employer organization is not eligible for an employment related economic incentive described in Subsection (2)(a).
- (3) If eligibility for or the amount of an employment related economic incentive is determined on the basis of the number of employees, a client is treated as employing only:
 - (a) a covered employee coemployed by the client under the professional employer agreement; or
 - (b) an employee solely employed by the client.
- (4) Subject to a confidentiality provision in federal or state law, a professional employer organization shall provide employment information:
 - (a) upon the request of:
 - (i) the client; or
 - (ii) the governmental entity administering an employment related economic incentive; and
 - (b) reasonably required for:
 - (i) administration of an employment related economic incentive; or
 - (ii) necessary to support any of the following by a client seeking an employment related economic incentive:
 - (A) a request;
 - (B) a claim;
 - (C) an application; or
 - (D) another action.
- (5) With respect to a bid, contract, purchase order, or agreement entered into with the state or a political subdivision of the state, the fact that the client enters into a professional employer agreement does not affect the client's status or certification as a:
 - (a) small business;
 - (b) minority-owned business;
 - (c) disadvantaged business;
 - (d) woman-owned business; or
 - (e) historically underutilized business.

Enacted by Chapter 318, 2008 General Session