

## Chapter 7 Centralized New Hire Registry Act

### **35A-7-101 Title.**

This chapter is known as the "Centralized New Hire Registry Act."

Enacted by Chapter 232, 1997 General Session

### **35A-7-102 Definitions.**

As used in this chapter:

- (1) "Business day" means a day on which state offices are open for regular business.
- (2) "Compensation" means payment owed by an employer for labor or services performed by an employee.
- (3) "Date of hire" means the date labor or services for compensation are first performed by the employee.
- (4) "Date of rehire" means the date labor or services for compensation are first performed by an employee who was previously employed by the employer but has been separated from that employment for at least 60 consecutive days.
- (5)
  - (a) "Employee" means an individual who is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986.
  - (b) "Employee" does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.
- (6)
  - (a) "Employer" means any person or entity that is an employer as defined in Section 3401(d) of the Internal Revenue Code of 1986.
  - (b) "Employer" includes any governmental entity and any labor organization.
- (7)
  - (a) "Labor organization" means any entity as defined in Section 2(5) of the National Labor Relations Act.
  - (b) "Labor organization" includes any entity or hiring hall that is used by agreement between the organization and an employer to carry out requirements described in Section 8(f)(3) of the National Labor Relations Act.
- (8) "Registry" means the centralized new hire registry created in Section 35A-7-103.

Amended by Chapter 107, 2012 General Session

### **35A-7-103 Establishment of registry.**

- (1)
  - (a) The Department of Workforce Services, through contract with the Office of Recovery Services, shall establish a centralized new hire registry database for the purpose of receiving and maintaining information on newly hired or rehired employees.
  - (b) The database shall be formatted to conduct automatic comparisons as described in Section 35A-7-105 by October 1, 1997.

- (2) Information in the registry will be used to match the employee's employment records with other databases to allow for the rapid implementation of support orders and verification of employment status.

Enacted by Chapter 232, 1997 General Session

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

- (1) An employer that hires or rehires an employee shall send to the department:
  - (a) the employee's name, address, Social Security number, and date of hire or date of rehire; and
  - (b) the employer's name, address, and federal tax identification number.
- (2) An employer shall send the information required by this section to the department:
  - (a) not later than 20 days after the date of hire or date of rehire; or
  - (b) if approved by the department, on a semimonthly basis of not less than 12 days nor more than 16 days apart.
- (3) The department shall determine by rule the form and manner for sending the information required under this section, which may include magnetic, electronic, and voice activated transmission.
- (4) The reporting requirement of this section does not apply to an employer if the employer:
  - (a) has employees in two or more states;
  - (b) sends the information required by this section to a state other than Utah; and
  - (c) complies with the multi-state employer reporting requirement of Section 453A of the Social Security Act, 42 U.S.C. 653a.

Amended by Chapter 107, 2012 General Session

**35A-7-105 Requirements of the new hire registry.**

- (1) Within five business days after receiving information described in Section 35A-7-104, the department shall:
  - (a) enter the information into the registry;
  - (b) conduct an automated comparison of the social security numbers reported by employers and the social security numbers appearing in the records of the Office of Recovery Services beginning May 1, 1998; and
  - (c) when an information comparison reveals a positive match between an individual's social security number and the child support records, provide the following information to the Office of Recovery Services:
    - (i) the name, address, and social security number of the individual; and
    - (ii) the name, address, and federal tax number of the individual's employer.
- (2) Beginning May 1, 1998, within two business days after information described in Section 35A-7-104 is entered into the registry, matched, and reported to the Office of Recovery Services, the Office of Recovery Services shall transmit a notice to the employer directing the employer to withhold the employee's wages in an amount equal to the employee's monthly or other periodic support obligation.
- (3) Within three business days after information described in Section 35A-7-104 is entered into the registry, the department shall furnish that information to the National Directory of New Hires.
- (4) The department shall, on a quarterly basis, furnish to the National Directory of New Hires extracts of the reports required under the Social Security Act, 42 U.S.C. Sec. 303(a)(6), to be made to the Secretary of Labor concerning the wages and unemployment compensation paid

to individuals by such dates, in such format, and containing such information as specified in federal regulations.

- (5) State agencies operating employment security and workers' compensation programs may have access to the information in the registry for purposes of administering those programs.

Enacted by Chapter 232, 1997 General Session

**35A-7-106 Penalties for failure to report.**

- (1) An employer who fails to timely report the hiring or rehiring of an employee as required by this chapter is subject to a civil penalty of:
- (a) \$25 for each such failure; or
  - (b) \$500 if the failure to report is intentional and is the result of an agreement between the employer and the employee to not supply the required information, or to supply false or incomplete information.
- (2) The department may assess the penalty by following the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act. The department shall collect any unpaid civil penalty in the same manner as provided for other penalties under Subsections 35A-4-305(3) and (5).

Amended by Chapter 382, 2008 General Session

**35A-7-107 Use and access to the registry records.**

- (1)
- (a) The records of the registry shall be maintained as private records under Section 63G-2-202.
  - (b) In addition to those persons granted access to private records under Sections 63G-2-202 and 63G-2-206, state or federal agencies may access data from the registry for the following purposes:
    - (i) the Office of Recovery Services for use related to locating, establishing, and enforcing child, medical, and spousal support obligations and other services;
    - (ii) state agencies which use financial information in determining eligibility for public assistance programs;
    - (iii) state agencies which use financial information in collecting state accounts receivable; and
    - (iv) federal agencies responsible for periodic matches of new hire registry information with federal data bases.
- (2) Information that is received under this chapter shall be kept by the department for at least six months.

Amended by Chapter 59, 2011 General Session

**35A-7-108 Authorization to contract for services and collect funds.**

- (1) The department may contract for services to assist with the implementation of this chapter.
- (2) The department, through contract with the Office of Recovery Services, may collect fees from state and federal agencies for performing data comparisons in accordance with Section 35A-4-106.

Enacted by Chapter 232, 1997 General Session