

1 **CENTRALIZED NEW HIRE REGISTRY ACT AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jeremy A. Peterson**

5 Senate Sponsor: Curtis S. Bramble

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Workforce Services and Community and Economic Development Interim
10 Committee recommended this bill.

11 **General Description:**

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

14 **Highlighted Provisions:**

15 This bill:
16 ▶ defines terms;
17 ▶ requires employers in the state to report the date of hire or rehire of each new
18 employee to the Department of Workforce Services in compliance with recent
19 additional reporting requirements of the Social Security Act; and
20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill takes effect on July 1, 2012.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **35A-7-102**, as last amended by Laws of Utah 2000, Chapter 161



28 35A-7-104, as enacted by Laws of Utah 1997, Chapter 232



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

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

32 **35A-7-102. Definitions.**

33 As used in this chapter:

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

35 (2) "Compensation" means payment owed by an employer for labor or services
36 ~~rendered~~ performed by an employee.

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

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

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

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

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

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

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

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

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

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

58 (7) (a) "Labor organization" means any entity as defined in Section 2(5) of the National

59 Labor Relations Act~~[, and]~~.

60 (b) "Labor organization" includes any entity or hiring hall [~~which~~] that is used by
61 agreement between the organization and an employer to carry out requirements described in
62 Section 8(f)(3) of the National Labor Relations Act.

63 (8) "Registry" means the centralized new hire registry created in Section 35A-7-103.
64 Section 2. Section **35A-7-104** is amended to read:

65 **35A-7-104. Reporting requirements.**

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

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

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

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

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

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

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

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

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

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

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

86 Section 3. **Effective date.**

87 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 11-17-11 9:05 AM

Office of Legislative Research and General Counsel