

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 717

By: Williamson

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2001, Section 2-802, as amended by Section 21, Chapter 452, O.S.L. 2002 (40 O.S. Supp. 2002, Section 2-802), which relates to the Employment Security Act of 1980; modifying contents of report; establishing penalty for failure to report specified information; allowing for collection of penalty; providing for distribution of penalties collected; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2001, Section 2-802, as amended by Section 21, Chapter 452, O.S.L. 2002 (40 O.S. Supp. 2002, Section 2-802), is amended to read as follows:

Section 2-802. REPORTS BY EMPLOYERS TO EMPLOYMENT SECURITY COMMISSION - NEW HIRE REGISTRY.

A. Employers doing business in the State of Oklahoma shall report to the Oklahoma Employment Security Commission, the hiring or employment of any person who resides or works in this state to whom the employer anticipates paying earnings.

B. Such report shall contain the employee's name, address, social security number, date of employment, state of employment, whether the employee is subject to a child support order, along with the employer's name, address, and federal identification number.

C. The report must be made within twenty (20) days of hiring, or twice monthly, not less than twelve (12) nor more than sixteen (16) days apart if reported electronically or magnetically. The report may be made by mailing a copy of the employee's W-4 form, by submitting a fax transmission of the employee's W-4 form, by

submitting electronic media in a format that can be used by the Commission, or by any other means authorized by the Commission.

D. The Child Support Enforcement Division shall be the official New Hire Registry for the State of Oklahoma and will obtain the new hire information from the Oklahoma Employment Security Commission.

E. The Child Support Enforcement Division shall enter into agreements with state agencies administering unemployment, employment services, Workforce Investment Act programs, workers' compensation, public assistance, Medicaid, food stamps, vocational rehabilitation, and other programs specified by federal law or regulation, to provide such information upon request.

F. 1. An employer who fails to timely report the hiring or rehiring of an employee as required by this section is subject to a civil penalty of:

a. a Twenty-five Dollar (\$25.00) fine for each failure,

or

b. a Five Hundred Dollar (\$500.00) fine if the failure to report is the result of a conspiracy between the employer and the employee not to supply the required report or to supply a false or incomplete report;

2. The Oklahoma Child Support Enforcement Division may bring an action in district court to assess and collect the penalty provided in this section; and

3. Penalties collected shall be remitted to the General Revenue Fund designated for the Child Support Enforcement Division of the Department of Human Services.

G. Used in this section:

1. "Employee" means an individual who is an employee as defined by the Internal Revenue Code of 1986, 26 U.S.C., Section 3401 et seq. "Employee" does not mean an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of such agency has determined that reporting with respect

to that employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission;

2. "Employer" means an individual or other entity who is an employer as defined by the Internal Revenue Code of 1986, 26 U.S.C., Section 3401(d) and includes any governmental entity and any labor organization; and

3. "Labor organization" means an entity as defined by the National Labor Relations Act, 29 U.S.C., Section 152(5) including, but not limited to, any entity known as a "hiring hall" which is used by the organization and an employer to carry out requirements described in Section 8(f)(3) of the National Labor Relations Act, 29 U.S.C., Section 158(f)(3), of an agreement between the organization and the employer.

SECTION 2. This act shall become effective November 1, 2003.

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