

CHAPTER 169

AN ACT concerning requirements to report newly hired employees and amending P.L.1998, c.1.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 12 of P.L.1998, c.1 (C.2A:17-56.61) is amended to read as follows:

C.2A:17-56.61 Reports from employers, labor organizations; noncompliance; penalties.

12. a. All employers and labor organizations doing business in the State shall report to the department, or its designee:

(1) the hiring of, or contracting with, any person who works in this State and to whom the employer anticipates paying earnings; and

(2) the re-hiring or return to work of any employee who is laid off, furloughed, separated, granted a leave without pay, or terminated from employment in this State; and

(3) any other employee hired by the employer to work in the State who was not previously employed by the employer; or was previously employed by the employer but has been separated from the prior employment for at least 60 consecutive days.

b. An employer shall submit the information required in this subsection within 20 days of the hiring, re-hiring, or return to work of the employee, except that an employer who transmits reports magnetically or electronically shall report every 15 days in accordance with rules adopted by the commissioner. The report shall contain:

(1) the employee's name, address, date of birth and Social Security number; and

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

c. An employer who fails to report, as required in this section, shall be given a written warning by the department for the first violation and shall be subject to a civil penalty which shall not exceed: \$25 per violation, or, if the failure to report is the result of a conspiracy between the employer and the employee to not supply the required report or to supply a false or incomplete report, \$500.

Payment of the penalty may not be required, however, if in response to the imposition of the penalty, the person or entity complies immediately with the new hire reporting requirements. All penalties assessed under this section shall be payable to the State Treasurer and may be recovered in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

d. The information provided pursuant to this section shall be shared with State agencies operating employment security and workers' compensation programs and with any other federal or State agency deemed appropriate by the commissioner.

2. This act shall take effect immediately.

Approved October 16, 2013.