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LAW/KR

P.L.2013, CHAPTER 169, *approved October 16, 2013*

Assembly, No. 4188

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

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 12 of P.L.1998, c.1 (C.2A:17-56.61) is amended to
8 read as follows:

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

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

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

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

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

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

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

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

37 Payment of the penalty may not be required, however, if in
38 response to the imposition of the penalty, the person or entity
39 complies immediately with the new hire reporting requirements.
40 All penalties assessed under this section shall be payable to the
41 State Treasurer and may be recovered in a summary proceeding
42 pursuant to **["the penalty enforcement law," N.J.S.2A:58-1 et seq]**

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-
2 10 et seq).

3 d. The information provided pursuant to this section **[may]**
4 shall be shared with State agencies operating employment security
5 and workers’ compensation programs and with any other federal or
6 State agency **[as]** deemed appropriate by the commissioner.
7 (cf: P.L.1998, c.1, s.12)

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9 2. This act shall take effect immediately.

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STATEMENT

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14 This bill requires, rather than permits, all information reported
15 by employers to the Department of Human Services about newly
16 hired employees to be shared by the department with State agencies
17 operating employment security and workers’ compensation
18 programs and specifies that newly hired employees subject to the
19 bill include all employees hired by an employer to work in the State
20 who were not previously employed by the employer; or were
21 previously employed by the employer but have been separated from
22 the prior employment for at least 60 consecutive days. Information
23 provided under this bill to the Department of Labor and Workforce
24 Development will facilitate efforts by that department to prevent
25 any continued improper collection of unemployment benefits by
26 individuals after they have returned to work.

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Concerns requirements to report newly hired employees.

ASSEMBLY, No. 4188

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 10, 2013

Sponsored by:

Assemblyman ANTHONY M. BUCCO
District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblyman Coughlin, Senators A.R.Bucco, Codey and Madden

SYNOPSIS

Concerns requirements to report newly hired employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/13/2013)

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

3

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

6

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

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

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

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

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

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

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28 Security number; and

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

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

37 Payment of the penalty may not be required, however, if in
38 response to the imposition of the penalty, the person or entity
39 complies immediately with the new hire reporting requirements.
40 All penalties assessed under this section shall be payable to the
41 State Treasurer and may be recovered in a summary proceeding
42 pursuant to **["the penalty enforcement law," N.J.S.2A:58-1 et seq]**
43 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
44 10 et seq).

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. The information provided pursuant to this section **[may]**
2 shall be shared with State agencies operating employment security
3 and workers' compensation programs and with any other federal or
4 State agency **[as]** deemed appropriate by the commissioner.
5 (cf: P.L.1998, c.1, s.12)

6
7 2. This act shall take effect immediately.
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9

10 STATEMENT

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12 This bill requires, rather than permits, all information reported
13 by employers to the Department of Human Services about newly
14 hired employees to be shared by the department with State agencies
15 operating employment security and workers' compensation
16 programs and specifies that newly hired employees subject to the
17 bill include all employees hired by an employer to work in the State
18 who were not previously employed by the employer; or were
19 previously employed by the employer but have been separated from
20 the prior employment for at least 60 consecutive days. Information
21 provided under this bill to the Department of Labor and Workforce
22 Development will facilitate efforts by that department to prevent
23 any continued improper collection of unemployment benefits by
24 individuals after they have returned to work.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4188

STATE OF NEW JERSEY

DATED: JUNE 17, 2013

The Assembly Budget Committee reports favorably Assembly Bill No. 4188.

The bill modifies certain employer reporting requirements to prevent the improper collection of unemployment benefits.

The bill requires, rather than permits, all information currently reported by employers to the Department of Human Services about newly hired employees to be shared by the department with State agencies operating employment security and workers' compensation programs.

In addition, the bill specifies that newly hired employees subject to the bill include all employees hired by an employer to work in the State who were not previously employed by the employer or who were previously employed by the employer but have been separated from the prior employment for at least 60 consecutive days.

Information provided to the Department of Labor and Workforce Development as a result of the bill will facilitate efforts by the department to prevent any continued improper collection of unemployment benefits by individuals after they have returned to work.

FISCAL IMPACT:

The bill was not certified as requiring a fiscal note.

SENATE, No. 2740

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 9, 2013

Sponsored by:

Senator ANTHONY R. BUCCO
District 25 (Morris and Somerset)
Senator RICHARD J. CODEY
District 27 (Essex and Morris)

Co-Sponsored by:

Senator Madden

SYNOPSIS

Concerns requirements to report newly hired employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/10/2013)

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

3

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

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7 1. Section 12 of P.L.1998, c.1 (C.2A:17-56.61) is amended to
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41 State Treasurer and may be recovered in a summary proceeding
42 pursuant to **["the penalty enforcement law," N.J.S.2A:58-1 et seq]**
43 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
44 10 et seq).

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. The information provided pursuant to this section **【may】**
2 shall be shared with State agencies operating employment security
3 and workers' compensation programs and with any other federal or
4 State agency **【as】** deemed appropriate by the commissioner.
5 (cf: P.L.1998, c.1, s.12)

6
7 2. This act shall take effect immediately.

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10 STATEMENT

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12 This bill requires, rather than permits, all information reported
13 by employers to the Department of Human Services about newly
14 hired employees to be shared by the department with State agencies
15 operating employment security and workers' compensation
16 programs and specifies that newly hired employees subject to the
17 bill include all employees hired by an employer to work in the State
18 who were not previously employed by the employer; or were
19 previously employed by the employer but have been separated from
20 the prior employment for at least 60 consecutive days. Information
21 provided under this bill to the Department of Labor and Workforce
22 Development will facilitate efforts by that department to prevent
23 any continued improper collection of unemployment benefits by
24 individuals after they have returned to work.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2740

STATE OF NEW JERSEY

DATED: MAY 9, 2013

The Senate Labor Committee reports favorably Senate Bill No. 2740.

This bill requires, rather than permits, all information reported by employers to the Department of Human Services about newly hired employees to be shared by the department with State agencies operating employment security and workers' compensation programs and specifies that newly hired employees subject to the bill include all employees hired by an employer to work in the State who were not previously employed by the employer; or were previously employed by the employer but have been separated from the prior employment for at least 60 consecutive days. Information provided under this bill to the Department of Labor and Workforce Development will facilitate efforts by that department to prevent any continued improper collection of unemployment benefits by individuals after they have returned to work.