

---

HOUSE BILL 2393

---

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Rodne, Pedersen, Moscoso, and Condotta; by request of Department of Social and Health Services

Read first time 01/13/12. Referred to Committee on Judiciary.

1 AN ACT Relating to federal new hire reporting requirements; and  
2 amending RCW 26.23.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.23.040 and 1998 c 160 s 5 are each amended to read  
5 as follows:

6 (1) All employers doing business in the state of Washington shall  
7 report to the Washington state support registry:

8 (a) The hiring of any person who resides or works in this state to  
9 whom the employer anticipates paying earnings and who:

10 (i) Has not previously been employed by the employer; or

11 (ii) Was previously employed by the employer but has been separated  
12 from such employment for at least sixty consecutive days; and

13 (b) ((The rehiring or return to work of any employee who was laid  
14 off, furloughed, separated, granted a leave without pay, or terminated  
15 from employment)) The date on which the employee first performed  
16 services for pay for the employer, or, in the case of an employee  
17 described in (a)(ii) of this subsection the date on which the employee  
18 returned to perform services for pay after a layoff, furlough,  
19 separation, or leave without pay.

1 The secretary of the department of social and health services may  
2 adopt rules to establish additional exemptions if needed to reduce  
3 unnecessary or burdensome reporting.

4 (2) Employers (~~(may)~~) shall report (~~((by mailing the employee's copy~~  
5 ~~of the))~~) to the extent practicable by W-4 form, or, at the option of  
6 the employer, an equivalent form, and may mail the form by first-class  
7 mail, or may transmit it electronically, or by other means authorized  
8 by the registry which will result in timely reporting.

9 (3) Employers shall submit reports within twenty days of the  
10 hiring, rehiring, or return to work of the employee, except as provided  
11 in subsection (4) of this section. The report shall contain:

12 (a) The employee's name, address, social security number, and date  
13 of birth; and

14 (b) The employer's name, address, and identifying number assigned  
15 under section 6109 of the internal revenue code of 1986.

16 (4) In the case of an employer transmitting reports magnetically or  
17 electronically, the employer shall report (~~((newly—hired))~~) those  
18 employees ((by)) described in subsection (1) of this section, in two  
19 monthly transmissions, if necessary, not less than twelve days nor more  
20 than sixteen days apart.

21 (5) An employer who fails to report as required under this section  
22 shall be subject to a civil penalty of:

23 (a) Twenty-five dollars per month per employee; or

24 (b) Five hundred dollars, if the failure to report is the result of  
25 a conspiracy between the employer and the employee not to supply the  
26 required report, or to supply a false report. All violations within a  
27 single month shall be considered a single violation for purposes of  
28 assessing the penalty. The penalty may be imposed and collected by the  
29 division of child support under RCW 74.20A.350.

30 (6) The registry shall retain the information for a particular  
31 employee only if the registry is responsible for establishing,  
32 enforcing, or collecting a support debt of the employee. The registry  
33 may, however, retain information for a particular employee for as long  
34 as may be necessary to:

35 (a) Transmit the information to the national directory of new hires  
36 as required under federal law; or

37 (b) Provide the information to other state agencies for comparison

1 with records or information possessed by those agencies as required by  
2 law.

3 Information that is not permitted to be retained shall be promptly  
4 destroyed. Agencies that obtain information from the department of  
5 social and health services under this section shall maintain the  
6 confidentiality of the information received, except as necessary to  
7 implement the agencies' responsibilities.

--- END ---