

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4 By: Senator Mahony
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As Engrossed: H3/21/97

A Bill

SENATE BILL 28

For An Act To Be Entitled

8 "TO ESTABLISH A DIVISION WITHIN THE STATE EMPLOYMENT
9 SECURITY DEPARTMENT, CALLED THE DIVISION OF STATE NEW HIRE
10 REGISTRY TO COMPILE A STATE REGISTRY TO WHICH EMPLOYERS
11 SHALL REPORT NEWLY HIRED AND RETURNING EMPLOYEES TO AID IN
12 THE ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT ORDERS;
13 AND FOR OTHER PURPOSES."

Subtitle

16 "TO REQUIRE THE STATE EMPLOYMENT
17 SECURITY DEPARTMENT TO ESTABLISH A
18 DIVISION OF STATE NEW HIRE REGISTRY TO
19 WHICH EMPLOYERS SHALL REPORT NEWLY HIRED
20 AND RETURNING EMPLOYEES."

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. There is established within the Arkansas Employment Security
25 Department a division to be called the Division of the State New Hire Registry
26 which shall be administered by a full time salaried administrator who shall be
27 appointed by and serve at the pleasure of the Director of the Arkansas
28 Employment Security Department. The Division shall compile a state registry
29 of newly-hired and returning employees as required by the Personal
30 Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).
31 The Director is authorized to enter into such professional services contracts
32 as necessary to assist in the development and operation of the State New Hire
33 Registry. The Director shall enter into agreements with other state and
34 federal agencies necessary to properly administer and carry out the
35 requirements of Public Law 104-193 to insure confidentiality of data and
36 reimbursement for any costs associated with meeting the requirements of this
37 Act and the P.L. 104-193.

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2 SECTION 2. (a) As used in this section:

3 (1) "Employee" means an individual who is an employee as defined in
4 Chapter 24 of the Internal Revenue Code of 1986, as amended from time to time,
5 but does not include an employee of a federal or state agency performing
6 intelligence or counterintelligence operations if the head of such agency has
7 determined that reporting pursuant to subsection (b) of this section could
8 endanger the safety of the employee or could compromise an ongoing operation
9 or investigation.

10 (2) "Employer" means an employer as that term is defined in § 3401(d)
11 of the Internal Revenue Code of 1986, and includes any labor organization and
12 any governmental entity.

13 (3) "Labor organization" means a labor organization as that term is
14 defined in § 2(5) of the National Labor Relations Act, as amended from time to
15 time, and includes any entity, sometimes known as a hiring hall, that is used
16 by the labor organization and an employer to carry out the requirements listed
17 in § 8(f)(3) of the federal act of an agreement between the organization and
18 the employer.

19 (b)(1) On and after October 1, 1997, the New Hire Registry Division of
20 Arkansas Employment Security Department shall compile an automated State
21 Registry of newly-hired and returning employees.

22 (2) An employer shall report electronically, or in any manner
23 authorized by the Employment Security Department for inclusion in the State
24 Registry, whenever an employee is newly hired or returns to work.

25 (3) An employer shall include in each report the name, address,
26 and social security number of the employee, and the name, address, and federal
27 taxpayer identification number of the employer.

28 (4) An employer shall make the report by submitting a copy of the
29 United States Internal Revenue Service Form W-4 for the employee, or at the
30 option of the employer, an equivalent form. An employer may transmit the
31 report by first class mail, magnetically, or electronically. If an employer
32 makes the report by mail, the reporting date is that of the postmark. The
33 report shall be received not later than twenty (20) days after the date the
34 employer hires the employee, or in the case of an employer transmitting
35 reports magnetically or electronically, by two (2) monthly transmissions, if
36 necessary, nor less than twelve (12) days nor more than sixteen (16) days

1 apart.

2 (5) An employer that has employees employed in two (2) or more
3 states and transmits reports magnetically or electronically may comply with
4 the reporting requirements herein by designating one (1) state in which such
5 employer has employees and to which the employer will transmit the report
6 required by this section. Any employer that transmits such reports shall
7 notify the Secretary of the Department of Health and Human Services of the
8 United States in writing as to which state the employer designates for the
9 purpose of sending reports.

10 (c)(1) Information reported hereunder shall be entered into the
11 Registry of New Hires data base maintained by the Arkansas Employment Security
12 Department or its designated contractor within five (5) business days of
13 receipt from an employer. As used herein business day means a day which
14 state offices are open for regular business.

15 (2) Within two (2) business days after the data information
16 regarding a newly hired employee is entered into the State Registry of New
17 Hires, the Arkansas Office of Child Support Enforcement shall transmit a
18 notice to the employer of the employee directing the employer to withhold from
19 the income of the employee an amount equal to the monthly or other periodic
20 child support obligation (including any past due child support obligation) of
21 the employee.

22 (3) Within three (3) business days after the date information
23 regarding a newly hired employee is entered into the State Registry of New
24 Hires, the Arkansas Employment Security Department or its designated
25 contractor shall furnish the information to the National Registry of New
26 Hires.

27 (4) On a quarterly basis the State Registry of New Hires shall
28 furnish to the National Registry of New Hires extracts of reporting required
29 to be made to the Secretary of Labor concerning the wages and unemployment
30 compensation paid to individuals, by such dates, in such format, and
31 containing such information as the Secretary of Health and Human Services
32 shall specify in regulations.

33 (5) The Arkansas Department of Human Services shall have access
34 to information reported by employers pursuant to this section for purposes of
35 verifying eligibility for programs pursuant to 42 U.S.C. § 1320B-7, as
36 amended. The Employment Security Department shall have access to information

1 reported by employers pursuant to this section for purposes of administering
2 the Departments programs. The Workers Compensation Commission shall have
3 access to information reported by employers pursuant to this section for
4 purposes of administering the workers compensation programs.

5 (d)(1) Not later than May 1, 1998, the Arkansas Employment
6 Security Department shall directly or by contract conduct automated
7 comparisons of the social security numbers reported by employers and the
8 social security numbers appearing within records of the Arkansas Office of
9 Child Support Enforcement for cases being enforced under the Title IV-D State
10 Plan.

11 (2) When an information comparison reveals a match with respect
12 to the social security number of an individual required to provide child
13 support under a support order, the State Registry of New Hires shall
14 immediately provide the Arkansas Office of Child Support Enforcement with the
15 name, address, and social security number of the employee to whom the social
16 security number is assigned, and the name, address, and federal employer
17 identification number of the employer.

18 (e) The Arkansas Office of Child Support Enforcement shall use
19 information received pursuant to subsection (d) above to locate individuals
20 for purposes of establishing paternity and establishing, modifying, and
21 enforcing child support obligations, and may disclose such information to its
22 agents under contract for purposes connected to the administration of the
23 Title IV-D Child Support Program.

24 (f) All information gathered and maintained by the State Registry of
25 New Hires shall be held confidential and be utilized solely for the purposes
26 authorized herein. Such information shall be considered an exception to the
27 open public record requirements of the Arkansas Freedom of Information Act,
28 codified at Arkansas Code 25-15-101 et seq.

29 (g) To the maximum extent allowable, all expenses associated with the
30 development and operation of the State Registry of New Hires shall be
31 reimbursed through available funding under the Title IV-D Child Support
32 Program.

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34 SECTION 3. All provisions of this act of a general and permanent
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
36 Code Revision Commission shall incorporate the same in the Code.

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2 SECTION 4. If any provision of this act or the application thereof to
3 any person or circumstance is held invalid, such invalidity shall not affect
4 other provisions or applications of the act which can be given effect without
5 the invalid provision or application, and to this end the provisions of this
6 act are declared to be severable.

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8 SECTION 5. All laws and parts of laws in conflict with this act are
9 hereby repealed.

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11 SECTION 6. EMERGENCY. It is found and determined by the General
12 Assembly of the State of Arkansas that this act creates the Division of State
13 New Hire Registry within the Arkansas Employment Security Department; that the
14 Division is to compile a state registry of newly-hired and returning employees
15 as required by the Personal Responsibility and Work Opportunity Reconciliation
16 Act of 1996 (P.L. 104-193); and that to provide for the effective
17 administration of this act, it should become effectively immediately.
18 Therefore, an emergency is declared to exist and this act being immediately
19 necessary for the preservation of the public peace, health and safety shall
20 become effective on the date of its approval by the Governor. If the bill is
21 neither approved nor vetoed by the Governor, it shall become effective on the
22 expiration of the period of time during which the Governor may veto the bill.
23 If the bill is vetoed by the Governor and the veto is overridden, it shall
24 become effective on the date the last house overrides the veto.

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/s/Sen. Mahony

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