

# ASSEMBLY, No. 3127

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Concerns certain employer reporting requirements.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning certain employer reporting requirements and  
2 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, the  
11 following information, which shall comprise and be known as the  
12 Employee Status Report:

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

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

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

23 (4) the ending of employment for an employee who is laid off,  
24 furloughed, separated, granted a leave without pay, or terminated  
25 from employment in this State, including the wages paid to the  
26 employee and the number of base weeks, as defined in subsection  
27 (t) of R.S.43:21-19, worked by the employee during the calendar  
28 quarter in which the employment ends, except that the reporting  
29 requirements under this paragraph with respect to temporary help  
30 service firms, as defined in section 1 of P.L.1989, c.331 (C.34:8-  
31 43), shall apply only to the ending of employment for an employee  
32 after a period of more than 60 consecutive days from the last date of  
33 work. For the purposes of this paragraph (4) “wages” shall not  
34 mean non-monetary remuneration.

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

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

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

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

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

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

18 (cf: P.L.2013, c.169, s.1)

19  
20 2. This act shall take effect on the first day of the month next  
21 following enactment by at least 180 days.

## 22 23 24 STATEMENT

25  
26 This bill requires employers to submit certain information to the  
27 Department of Human Services regarding employees who are  
28 terminated from employment in this State.

29 Under current law, employers and labor organizations doing  
30 business in the State are required to report certain information to the  
31 department regarding: (1) the hiring of, or contracting with, any  
32 person who works in this State and to whom the employer  
33 anticipates paying earnings; (2) the re-hiring or return to work of  
34 any employee who is laid off, furloughed, separated, granted a leave  
35 without pay, or terminated from employment in this State; and (3)  
36 any other employee hired by the employer to work in the State who  
37 was not previously employed by the employer; or was previously  
38 employed by the employer but has been separated from the prior  
39 employment for at least 60 consecutive days. The law requires this  
40 information to be reported to the department within 20 days of the  
41 hiring, re-hiring, or return to work of the employee (every 15 days  
42 for employers who transmit reports electronically), and provides for  
43 reported information to be shared with State agencies operating  
44 employment security and workers' compensation programs and with  
45 any other federal or State agency deemed appropriate by the  
46 Commissioner of Human Services.

47 This bill expands these existing reporting requirements to  
48 mandate the reporting of similar information for employees

1 terminated from employment. Under the bill, employers and labor  
2 organizations doing business in the State are required to report to  
3 the department the ending of employment for an employee who is  
4 laid off, furloughed, separated, granted a leave without pay, or  
5 terminated from employment in this State, including the wages paid  
6 to the employee and the number of base weeks worked by the  
7 employee during the calendar quarter in which the employment  
8 ends. With respect to temporary help service firms, the reporting  
9 requirements regarding the ending of employment established under  
10 this bill only apply to the ending of employment for an employee  
11 after a period of more than 60 consecutive days from the  
12 employee's last date of work.

13 The bill establishes, in statute, that the employment information  
14 required to be reported to the department will comprise and be  
15 known as the Employee Status Report.