

NEW HIRE REPORTING INFORMATION FOR NORTH DAKOTA

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1. What is the new hire law?

The “Personal Responsibility and Work Opportunity Reconciliation Act” (PRWORA) of 1996 was passed as part of the larger welfare reform legislation. This Act requires that all employers report information on people they hire or re-hire to a state directory shortly after they are hired. Although a Federal law, this legislation looks to the individual states to implement the law and to maintain the directories of new hires. North Dakota Century Code, Title 34, Chapter 34-15, Sections 34-15-01 through 34-15-08 is the implementation of PRWORA within the State of North Dakota.

2. Why is new hire reporting required?

New hire reporting was designed to speed up any child support withholding order processes by expediting collection of child support from parents who change jobs frequently. It also helps locate non-custodial parents to help in establishing paternity and child support orders. Thus, employers serve as key partners in ensuring financial stability for many children and families by helping them receive the financial support they deserve.

3. Who is required to report?

Employers doing business in the state of North Dakota must report on the following employees:

- **New Employees:** Employers must report information on newly hired employees who reside or work in the State of North Dakota. This includes employees of all ages, those who work less than a full day, those still in a probationary period, part-time and seasonal employees. This information must be reported even if the employee is employed for only one day before termination.
- **Rehired or recalled employees:** Employers must report information on employees who are rehired or recalled to work after being laid off, furloughed, separated, granted a leave without pay or are terminated from employment if the employee is required to complete a new federal W-4 form.
- **Temporary employees:** Temporary agencies are responsible for reporting information on any employee hired to report for an assignment. This need be done only once, employees do not need to be re-reported each time they report to a new client, unless there is a break in service or gap in wages, in which case they need to be reported as a rehire.

Employers doing business in the state of North Dakota must report information on anyone hired if the individual is considered an employee for purposes of paying federal income tax withholding. This includes employees of all ages, those who work less than a full day, those still in a probationary period, part-time, seasonal employees and employees who are rehired. This information must be reported even if the employee is employed for only a few hours before termination.

4. What information must be reported?

In accordance with the Federal legislation, the State of North Dakota requires the following information to be reported:

- The employer’s Federal Employer Identification Number (FEIN). If the employer has more than one FEIN, use the same one used to report quarterly wage information
- The employer’s name

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- The employer's address
- The employee's name (full name: first, middle and last)
- The employee's address
- The employee's Social Security Number

5. How and where is this information reported?

North Dakota New Hire reporting offers several options that make it easy for employers to report new hires. The options available are:

Electronic Reporting

- Go to <https://secure.apps.state.nd.us/dhs/cs/newhire/employer/login.htm> to report any new hires on-line
- Go to <http://www.nd.gov/dhs/services/childsupport/empinfo/newhire/webfile.html> for instructions on how to send a secure file electronically.

Non-Electronic Reporting

- Printed List: If you cannot or do not wish to report new hire information electronically, you might be able to have your accounting, payroll, or personnel software create a printed list containing your new hire data. The printed list should contain all of the required information and have the employer's name, Federal Employer Identification Number, and address clearly displayed at the top of the report.
- New hire reporting form: Go to <http://www.nd.gov/dhs/services/childsupport/docs/sfn01018.pdf> to download the form or use the one attached.
- W-4 form: You may choose to submit a W-4 form as a new hire report. If you do, please ensure that the W-4 is easily readable and has the employer's name, Federal Employer Identification Number, and address written in blocks 8 and 10 on each form.
- New hire reports may either be faxed or mailed to the following:

Mail reports to:
SDNH
P.O. Box 7369
Bismarck, ND 58507-7369

Fax reports to:
(701) 328-5497

Other Reporting Methods

- Payroll Service: Leading payroll services are already electronically reporting new hires for thousands of employers. If you use one a payroll or accounting service see if the service can report new hires for you.

6. How often must the information be reported?

Employers are required to submit new hire reports within 20 days after an employee is hired, rehired or returns to work. If you have multiple new hires in a month and are submitting electronic files, these files must be submitted which are not less than 12 days nor more than 16 days apart.

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7. What is the penalty if the report is late?

A penalty of \$25 per employee per month may be assessed for each failure to report a new hire. Also, a penalty of \$500 may be assessed for the failure to report new hire information if the failure is the result of conspiracy between the business or government entity and the employee.

8. How will the information be used?

Federal and State laws contain strict regulations on how new hire reporting information may be used. New hire reporting information is matched against any open child support orders to locate non-custodial parents and enforce these orders.

This information will also be fed into a national directory to provide more current information for locating out-of-state noncustodial parents.

New hire information may also be used by states to help detect and prevent fraudulent payments to recipients of unemployment insurance, worker's compensation and welfare benefits.

The use of this information helps maintain financial stability in North Dakota families and helps to keep down the cost of welfare, unemployment and worker's compensation insurance.

9. Additional information.

For questions about new hire reporting you can contact North Dakota New Hire at (701) 328-3582, toll-free in state at (800) 755-8530 or nationwide toll free at (800) 231-4255. You can also e-mail questions to: sohire@nd.gov



NEW HIRE REPORTING FORM
 ND DEPARTMENT OF HUMAN SERVICES
 CHILD SUPPORT ENFORCEMENT
 SFN 1018 (Rev. 11-2003)

Date: _____

Mail To:
 Child Support Enforcement
 ND Department of Human Services
 PO Box 7369
 Bismarck, ND 58507-7369

OR

Fax To:
 Child Support Enforcement
 ND Department of Human Services
 Fax #: (701) 328-5497
 Total Pages Faxed: _____

Part 1: Employer Information (please print or type)

Employer Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Federal Employer Identification Number: _____

For SDNH office use only.

Part 2: Employee Information (please print or type)

	Employee Name	Employee Address	Employee Social Security Number	Employee Date of Birth (optional)	Employee Date of Hire (optional)
1					
2					
3					
4					
5					

(Use continuation sheet to report additional new hires.)

Employer Representative: _____ Telephone: _____

INSTRUCTIONS FOR COMPLETING THE NEW HIRE REPORT

Federal and state laws require that all employers must report employees hired on or after October 1, 1997.

Step 1: Enter the date you will be mailing or faxing the form. If faxing, also enter the number of pages.

Under Part 1 . . .

Step 2: (REQUIRED) Enter the employer's name.

Step 3: (REQUIRED) Enter the employer's address. Be sure the address is complete, including street address or PO Box, and city, state, and zip code.

Step 4: (REQUIRED) Enter the Federal Employer Identification Number. This is also referred to as an EIN, FEIN, or Federal tax identification number. This is the same number as Box 10 of the W-4 form.

Under Part 2, for each newly hired employee . . .

Step 5: (REQUIRED) Enter the employee's name.

Step 6: (REQUIRED) Enter the employee's address. Be sure the address is complete, including street address or PO Box, and city, state, and zip code.

Step 7: (REQUIRED) Enter the employee's social security number.

Step 8: (OPTIONAL) Enter the employee's date of birth.

Step 9: (OPTIONAL) Enter the employee's date of hire. The date of hire is the employee's first day of work.

After steps 1 - 7, or 1 - 9 (at employer option), enter the name and telephone number of the employer representative and send the completed form to the address or fax number on the top of the form. If faxing the form, do not also mail it. Please be sure the correct side of the form is faxed.

How do I know if I am an employer who needs to report new hires?

The definition of "employer" for new hire reporting purposes is the same definition used for federal income tax wage withholding purposes (as defined by section 3401(d) of the Internal Revenue Code of 1986) and includes any governmental entity and any labor organization. As a general rule, if an employer is required to give an employee a W-2 form showing the amount of taxes withheld, the employer must comply with the new hire reporting requirements.

How do I know if the person I just hired needs to be reported?

The definition of "employee" for new hire reporting purposes is the same definition used for federal income tax wage withholding purposes (as defined by Chapter 24 of the Internal Revenue Code of 1986). As a general rule, if an employee is given a W-2 form showing the amount of taxes withheld, that employee fits the definition for new hire reporting.

When must I report?

The report must be made no later than 20 days after the employee's date of hire.

If you have any questions, please contact:

Child Support Enforcement
ND Department of Human Services
PO Box 7369
Bismarck, ND 58507-7369

Telephone: (701) 328-3582
Toll free in ND: 1-800-755-8530
For TTY service: 1-800-366-6888

IF YOU WOULD LIKE TO RECEIVE THIS FORM IN AN ALTERNATE FORMAT (SUCH AS LARGE PRINT OR BRAILLE). PLEASE CALL THE ABOVE NUMBER TO MAKE ARRANGEMENTS.

Your cooperation helps our nation's children — Thank You!

