

APA-2
07/04

Department of
Industrial Relations

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF INDUSTRIAL RELATIONS

RULE NO. & TITLE: 480-1-1-.11 Electronic Filing of New Hire Data

INTENDED ACTION: To amend the above rule in the Executive Division Chapter under General Administration

SUBSTANCE OF PROPOSED ACTION: To define the individuals who report to the state directory of new hires outlined by the United States Department of Labor.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Byron Yates, Department of Industrial Relations, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including August 10, 2012. Persons wishing to submit data, views or arguments orally should contact Byron Yates by telephone at (334) 242-8945 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 10, 2012.

CONTACT PERSON AT AGENCY:

Byron Yates
UC Section Supervisor
Department of Industrial Relations
649 Monroe Street
Montgomery, Alabama 36131
Telephone: (334) 242-8945



Joseph Ammons,
Administrative Procedure Secretary

ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS
ADMINISTRATIVE CODE

RULE

Division: General Administration
Chapter: Executive Division
Page: 1 of 1

480-1-1-.11 - ELECTRONIC FILING OF NEW HIRE DATA

(1) Code of Alabama 1975, '25-11-5 as amended, requires employers to report certain New Hire data in a method approved by the director. This section allows for the reporting by employers to be done electronically.

(2) On the effective date of this rule, employers with five (5) or more employees are required to electronically register and file New Hire data via the internet or some other means as approved by the director or federal law, unless a waiver is granted by the director or his designee.

(3) A waiver request must be submitted in writing and include the business name and address, state unemployment account number, Federal Identification Number and state the reason(s) why a method other than the prescribed method is necessary. No waiver may be granted for a period longer than 1 year. Employers with less than 5 employees do not need to request a waiver as they may report by non-electronic means but are encouraged to file electronically.

(4) All third party submissions of New Hire data must be reported electronically.

(5) The New Hire report shall include the name, address, Social Security number, and date of hire of each newly hired, recalled, or rehired individual and the name, address, and state and federal identification numbers of the employer. The date of hire must be the date services for remuneration were first performed by the newly hired employee. The term newly hired individual means an employee who : (1) has not previously been reported by the employer or (2) was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.

(6) Employers may transmit New Hire reports as described in subsection (5) of this rule to the department electronically twice a month, not less than 12 days nor more than 16 days apart. If a waiver from the electronic reporting is granted, an employer shall report to the department within seven days of hiring, each new hire, recall, or rehire.

(7) Failure to comply with this rule or statute may result in a civil penalty of \$25.00 per violation as provided for in Code of Alabama, '25-11-17, supra. 25-11-5.

Author: Byron Yates, Unemployment Compensation Division

Statutory Authority: Code of Alabama, '25-11-16, Part D of title IV of the Social Security Act

Effective: Filed March 5, 2008; effective April 9, 2008.