
SUBSTITUTE HOUSE BILL 2172

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Ogden, Dunshee, Silver, Valle, Karahalios and Johanson; by request of Legislative Budget Committee)

Read first time 02/04/94.

1 AN ACT Relating to the employer reporting program of the office of
2 support enforcement; and 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 1993 c 480 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (3) of this section, all
7 employers doing business in the state of Washington, and to whom the
8 department of employment security has assigned the standard industrial
9 classification sic codes listed in subsection (2) of this section,
10 shall report to the Washington state support registry:

11 (a) The hiring of any person who resides or works in this state to
12 whom the employer anticipates paying earnings; 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.

16 (2) Employers in the standard industrial classifications that shall
17 report to the Washington state support registry include:

18 (a) Construction industry sic codes: 15, building; and 16, other
19 than building;

1 (b) Manufacturing industry sic code 37, transportation equipment;
2 (c) Wholesale trade industry sic codes: 73, business services,
3 except sic code 7362 (temporary help supply services); and 80, health
4 services.

5 (3) Employers are not required to report the hiring of any person
6 who:

7 (a) Will be employed for less than one months duration;

8 (b) Will be employed sporadically so that the employee will be paid
9 for less than three hundred fifty hours during a continuous six-month
10 period; or

11 (c) Will have gross earnings less than three hundred dollars in
12 every month.

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

16 (4) Employers may report by mailing the employee's copy of the W-4
17 form, or other means authorized by the registry which will result in
18 timely reporting.

19 (5) Employers shall submit reports within thirty-five days of the
20 hiring, rehiring, or return to work of the employee. The report shall
21 contain:

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

24 (b) The employer's name, address, and employment security reference
25 number or unified business identifier number.

26 (6) An employer who fails to report as required under this section
27 shall be given a written warning for the first violation and shall be
28 subject to a civil penalty of up to two hundred dollars per month for
29 each subsequent violation after the warning has been given. All
30 violations within a single month shall be considered a single violation
31 for purposes of assessing the penalty. The penalty may be imposed and
32 collected by the office of support enforcement under RCW 74.20A.270.

33 (7) The registry shall retain the information for a particular
34 employee only if the registry is responsible for establishing,
35 enforcing, or collecting a support obligation or debt of the employee.
36 If the employee does not owe such an obligation or a debt, the registry
37 shall not create a record regarding the employee and the information
38 contained in the notice shall be promptly destroyed. Prior to the
39 destruction of the notice, the department of social and health services

1 shall make the information contained in the notice available to other
2 state agencies, based upon the written request of an agency's director
3 or chief executive, specifically for comparison with records or
4 information possessed by the requesting agency to detect improper or
5 fraudulent claims or to determine employer compliance with registration
6 and licensing requirements. If after comparison no such situation is
7 found or reasonably suspected to exist, the information shall be
8 promptly destroyed by the requesting agency. Requesting agencies that
9 obtain information from the department of social and health services
10 under this section shall maintain the confidentiality of the
11 information received, except as necessary to implement the agencies'
12 regulatory or enforcement responsibilities.

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