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HOUSE BILL 2172

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State of Washington

53rd Legislature

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By Representatives Ogden, Dunshee, Silver, Valle, Karahalios and Johanson; by request of Legislative Budget Committee

Prefiled 01/06/94. Read first time 01/10/94. Referred to Committee on Judiciary.

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 potential tax liability or employer  
6 compliance with registration and licensing requirements. If after  
7 comparison no such situation is found or reasonably suspected to exist,  
8 the information shall be promptly destroyed by the requesting agency.

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