**A** **BILL**

TO AMEND SECTION 63‑17‑1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMPLOYEE NEW HIRE REPORTING PROGRAM, SO AS TO CLARIFY THAT REPORTING PURSUANT TO THE PROGRAM IS MANDATORY AND TO ADD REPORTING REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑17‑1210 of the 1976 Code is amended to read:

“Section 63‑17‑1210. (A) By January 1, 1996, the Child Support ~~Enforcement~~ Services Division of the Department of Social Services shall create and develop an Employer New Hire Reporting program. The Employer New Hire Reporting program shall provide a means for employers to ~~voluntarily~~ assist in the state’s efforts to locate absent parents who owe child support and collect child support from those parents by reporting information concerning newly hired and rehired employees directly to the division.

(B) The following provisions apply to the Employer New Hire Reporting program:

(1) An employer doing business in this State ~~may~~ shall participate in the Employer New Hire Reporting program by reporting to the Child Support ~~Enforcement~~ Services Division:

(a) the hiring of a person who resides or works in this State to whom the employer anticipates paying earnings; or

(b) the rehiring or return to work of an employee who was laid off, furloughed, separated, granted leave without pay, or terminated from employment.

(2) The Employer New Hire Reporting program applies to a person who is expected to:

(a) be employed for more than one month’s duration;

(b) be paid for more than three hundred fifty hours during a continuous six‑month period; or

(c) have gross earnings of more than three hundred dollars in each month of employment.

(3) An employer who ~~voluntarily~~ reports under item (1) shall submit monthly reports regarding each hiring, rehiring, or return to work of an employee during the preceding month. The report must contain:

(a) the employee’s name, address, social security number, date of birth, and salary information; ~~and~~

(b) the date services for remuneration were first performed by the employee; and

(c) the employer’s name, address, and ~~employer identification number~~ the identifying number assigned to the employer under Section 6109 of the Internal Revenue Code of 1986.

(4) Employers reporting to the Employer New Hire Reporting program shall provide information to the Child Support ~~Enforcement~~ Services Division by:

(a) sending a copy of the new employee’s W‑4 form;

(b) completing a form supplied by the Child Support ~~Enforcement~~ Services Division; or

(c) any other means authorized by the Child Support ~~Enforcement~~ Services Division for conveying the required information, including electronic transmission or magnetic tapes in compatible formats.

(5) An employer is authorized by this section to disclose the information described in item (3) and is not liable to the employee for the disclosure or subsequent use by the Child Support ~~Enforcement~~ Services Division of the information.

(6) Information received by the South Carolina Department of Employment and Workforce from employers which includes information contained in the reports provided for in this section must be transmitted to the Department of Social Services within fifteen working days after the end of each quarter.”

SECTION 2. This act takes effect upon approval by the Governor.

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