

# NOTICE

## **Requirements for Mandated New Hire Reporting**

Welfare reform legislation, also known as the Personal Responsibility and Work Opportunity Reconciliation Act, provides for strong measures for ensuring that children receive financial support. New Hire reporting is an integral part of this legislation. New Hire Reporting is a process by which a Vermont employer reports information on newly hired employees to the Vermont Department of Labor (VDOL). Vermont will match new hire reports against child support records to locate parents, establish an order for child support, or enforce an existing order. This information is also transmitted to the National Directory of New Hires, which allows the Federal Office of Child Support Enforcement to assist states in locating parents on a national level.

New Hire Reporting will result in significant increases to child support collections, reduction in welfare payments, and millions of dollars saved in Medicaid and Food Stamps. New Hire Reporting can also benefit employers by reducing unemployment and worker's compensation fraud.

Vermont H.792 passed into law in Spring 2010 made two changes related to New Hire reporting: 1) reports to be filed within 10 days of the first date of employment; and 2) requirement for employers to report the first date of employment, which is now defined to be "the first date services are performed for compensation."

### **What is the definition of "employer" for new hire reporting purposes?**

Federal legislation states that an "employer" for new hire reporting purposes is the same as for the federal income tax purposes (as defined by Section 3401 (d) of the Internal Revenue Code of 1986) and includes any government entity or labor organization. At a minimum, in any case where an employer is required to give an individual a W-4 form, the employer must meet the New Hire Reporting requirements.

(Section 253(a) of the TAAEA adds a new section 453(a)(2)(C), SSA, expanding the scope of individuals reported to the state directory of new hires by specifically defining a "newly hired employee" as an employee who "has not previously been employed by the employer," or "was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days." Newly hired employees meeting either of these terms must be reported to the state directories of new hires.)

### **What must be included in a New Hire report?**

*There are seven required data elements:*

- Employer Name
- Employer Address
- Federal Employer Identification Number (FEIN)
- Employee Name
- Employee Address
- Employee Social Security Number
- Date of Hire - First date services performed for compensation

### **As a temporary employment agency, does each individual placed by the agency need to be reported as a new hire?**

If the agency is paying wages to the individual, it MUST submit a new hire report. The individual needs to be reported only once, unless there is a break in service from the agency and a new W-4 form is required. If the agency simply refers individuals for employment and does not pay salaries, new hire reports are not necessary. Additionally, Federal policy states that if work being performed is based on a contract rather than an employer/employee relationship, it is not required to submit a new hire report. However the contractor is responsible for reporting his/her employees.

### **What is the “date of hire” considered to be?**

The “date of hire” is the first day services are performed for compensation by an individual for an employer.

### **When must an employer report the hire?**

The report of hire MUST be made within 10 days of the first day services are actually performed for compensation, or was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.

### **If an employee is laid off, and then re-hired, or an employee returns after a leave of absence, does another New Hire report need to be sent?**

Yes, if an employee was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days. When in doubt, the employer is encouraged to report the new hire, especially upon return from a lengthy layoff, as it becomes a quick method to stop inappropriate payment of unemployment insurance benefits.

### **How do reports get filed?**

Note: Employers filing more than ten reports of hire MUST report electronically.

- 1) Internet filing: [www.labor.vermont.gov](http://www.labor.vermont.gov) – Employer Applications
- 2) For those without internet access: Ten reports or less can be transmitted on VDOL form C-61 and mailed to:

VDOL – New Hire Reporting  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601-0488

### **Questions about reporting?**

If an employer has questions about the actual submission of data, contact the Department of Labor at (802) 828-4344.

# Methods of Reporting

**Employers may choose one of these convenient reporting methods**

**Reminder: Reports must be filed within 10 days.**

**Internet:** This allows quick and easy online reporting. Access New Hire Reporting from the Department of Labor's website at: <http://www.labor.vermont.gov> - Employer Applications.

**Forms:** Submit new hire information using the Vermont Department of Labor's C-61 New Hire Reporting Form or an employer may use its own form ensuring that it includes the seven required elements. A copy of the reporting form can be found in this packet or on our website at <http://www.labor.vermont.gov>. Employers filing more than ten reports of hire MUST report electronically.

**W-4 Form:** This method of reporting can only be used if the employer completes information on lines 8 and 10 of the form and includes the employee's date of hire (first day services are performed). Fax or mail a copy of the W-4 form to the Vermont Department of Labor. Employers filing more than ten reports of hire MUST report electronically.

Compact Disc (CD): Data specifications are contained in this packet. Please contact the Department of Labor at 802-828-4344, for approval to use this filing method.

**Mail:** Employers can also mail the above forms, or compact discs (CD) to:

**Vermont Department of Labor  
New Hire Reporting  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601-0488**

**Fax:** The following to the Vermont Department of Labor:

- The Vermont Department of Labor's C-61 New Hire Reporting Form, or
- A form the employer created that includes the seven required data elements, or
- A copy of the W-4 form, to: Fax (802) 828-4286.

For additional help or information about Vermont's New Hire Reporting call the Vermont New Hire Help Line to talk to a customer service representative: (802) 241-2194 or Toll-Free 1-800-786-3214.

For questions regarding the actual submission of data, contact the Department of Labor at (802) 828-4344 or [Labor-UlandWagesDivision@state.vt.us](mailto:Labor-UlandWagesDivision@state.vt.us).

# Magnetic Media New Hire Reporting Specifications

Diskettes or Compact Disc ASCII format – 3.5 floppy diskettes/ compact disc created on an IBM PC XT, PC/AT, PS/2 or IBM compatible equipment. On all diskettes, the file must be named “**New Hire**”.

All magnetic media must have an exterior label with the following information:

- Employer name/ Payroll Service Bureau
- Contact Person
- Telephone Number

***NOTE: Payroll Service Bureaus may submit multiple employers on the same file.***

For questions regarding the actual submission of data, please contact the Department of Labor’s Employer Services Unit at (802) 828-4344.
-------------------------------------------------------------------------------------------------------------------------------------------

## **Magnetic Media must be sent to:**

Vermont Department of Labor  
Attn: Reports Processing Unit  
P.O. Box 488  
Montpelier, VT 05601-0488

Location	Field	Field Picture	Description	Required/Optional
1	Record Type	X	Always 2	R
2-16	Employee Last Name	X (15)	No Special Characters	R
17-31	Employee First Name	X (15)	No Special Characters	R
32	Employee Middle Initial	X	No Special Characters	O
33-62	Employee Address Line 1	X (30)	No Special Characters	R
63-92	Employee Address Line 2	X (30)	No Special Characters	O
93-107	Employee City	X (15)	No Special Characters	R
108-109	Employee State	XX		R
110-114	Employee Zip 5	X (5)		R
115-118	Employee Zip 4	X (4)		O
119-127	Employee SSN	9 (9)	All zeros will be rejected	R
128-135	Employee 1st date of employment	9 (8)	CCYYMMDD	R
136	Filler	X	Fill with spaces	O
137-144	Employee Date of Birth	9 (8)	CCYYMMDD	O
145-147	Filler	X (3)	Fill with spaces	O
148-177	Employer Name	X (30)	No Special Characters	R
178-207	Employer Address Line 1	X (30)	No Special Characters	R
208-237	Employer Address Line 2	X (30)	No Special Characters	O
238-252	Employer City	X (15)	No Special Characters	R
253-254	Employer State	XX	No Special Characters	R
255-259	Employer Zip 5	X (5)		R
260-263	Employer Zip 4	X (4)		O
264-272	Employer Federal EIN	X (9)		R
273-300	Filler	X (28)	Fill with spaces	O

Carriage Return/Line Feed must be at the end of each Record. (column 301)

