

# BENEFITS of reporting

- Assists the Texas Workforce Commission with detecting fraudulent claims and preventing overpayments
- Lowers business taxes by returning overpayments of unemployment benefits to the Unemployment Compensation Trust Fund
- Reduces government spending on public assistance
- Helps the Office of the Attorney General with collecting court-ordered child support for Texas families and children

NEED MORE INFORMATION  
about employer  
new hire reporting?

#### ON THE INTERNET

[www.employer.texasattorneygeneral.gov](http://www.employer.texasattorneygeneral.gov)

#### BY CALLING THE EMPLOYER CALL CENTER

(800) 850-6442

#### BY EMAIL

[employer.newhire@texasattorneygeneral.gov](mailto:employer.newhire@texasattorneygeneral.gov)

#### BY U.S. MAIL

ENHR Operations

P.O. Box 149224

Austin, Texas 78741-9224

#### NEW HIRE REPORTING

It's not just the law... It's good business!

## PARTNERING together



THE OFFICE OF THE ATTORNEY GENERAL  
& Texas employers

REV 5/16

TEXAS EMPLOYER  
NEW HIRE REPORTING



# NEW HIRE REPORTING

## IS IT required?

New Hire Reporting is mandated by state and federal law, which requires employers to report new hires and rehires. A “newly hired employee” is an employee who has not previously been employed by the employer or was previously employed by the employer but has been separated from prior employment for at least 60 consecutive days. Information received from employers is entered into a state registry and then transmitted to the National Directory of New Hires.

## WHO MUST comply?

Federal law defines “employer,” for new hire reporting purposes, as including any governmental entity or labor organization.

Texas law defines “employee” as an individual who is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986 (26 U.S.C. Section 3401(c)) or an independent contractor as defined by the Internal Revenue Service. TFC § 234.101(1).

In any case where an employer is required to have an employee complete an IRS Form W-4, the employer must comply with new hire reporting requirements. In addition to reporting employees who complete an IRS Form W-4, employers must also report persons they

hire, which are classified as independent contractors. TFC § 234.101(1).

The definition of “independent contractor” is clarified in the Texas Administrative Code to include independent contractors “whose income is required to be reported on Form 1099-MISC.” 1 TAC § 55.302.

## WHAT DO I report?

Employers have to report seven basic items:

- Employer name
- Employer mailing address
- Federal Employer Identification Number (FEIN)
- Employee name
- Employee address
- Employee SSN
- Employee date of hire

## HOW OFTEN do I report?

Federal law requires employers to submit the New Hire report no later than 20 days after the employee begins to provide services for wages. If an employer transmits reports electronically, new hires must be reported by two monthly transmissions (if necessary), not less than 12 days or more than 16 days apart.

## HOW DO I report?

There are several ways to report new hire information. Choose the option that is easiest for your company:

- Internet: [www.employer.texasattorneygeneral.gov](http://www.employer.texasattorneygeneral.gov)
- US Postal Service: (W-4\*, printed list, or state form)

ENHR Operations  
P.O. Box 149224  
Austin, Texas 78741-9224

- Telephone: (800) 850-6442
- Fax: (800) 732-5015

\*Date of hire must be written at bottom of Form W-4.

## MULTI-STATE employers

An employer who has employees in two or more states and who transmits reports electronically may comply with New Hire Reporting requirements by designating one state to which the employer will transmit reports. Any multi-state employer that transmits reports in this manner is first required to notify the secretary of the federal Office of Child Support Enforcement, in writing, as to which state the employer designates for the purpose of sending reports.

The notification form can be accessed by visiting the multistate section of New Hire Reporting on the OAG Employer website.

## THIRD-PARTY agents

Employers may hire third-party agents to take over their reporting responsibilities. However, these agents must adhere to the same standards as employers. Third-party agents must obtain written authorization from the employer and provide it to the Office of the Attorney General. (Visit the Employer Website at [www.employer.texasattorneygeneral.gov](http://www.employer.texasattorneygeneral.gov) for information and forms.) Employers are liable for a third-party agent’s failure to report or comply with reporting requirements.