

1 HB43
2 147158-1
3 By Representative Nordgren
4 RFD: Commerce and Small Business
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

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8 SYNOPSIS: Under existing law, employers of newly
9 hired, recalled, or rehired individuals are
10 required to provide certain information regarding
11 the individuals to the Alabama Department of Labor.

12 Existing law also provides that a person or
13 entity who violates the law relating to newly
14 hired, recalled, or rehired individuals may be
15 subject to an administrative penalty.

16 This bill would provide a penalty for a
17 violation of the New Hires Act resulting from a
18 conspiracy between an employer and an employee.

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20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Relating to the State Director of New Hires; to
25 amend Section 25-11-17 of the Code of Alabama 1975, to provide
26 a penalty for a violation resulting from a conspiracy between

1 an employer and employee regarding the reporting requirements
2 of the New Hires Act of 1997.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 25-11-17, Code of Alabama 1975,
5 is amended to read as follows:

6 "\$25-11-17.

7 "Any (a) Except as provided in subsection (b), any
8 person or entity violating any provision of this chapter may
9 be subject to an administrative penalty not to exceed
10 twenty-five dollars (\$25) per violation. The director shall
11 have the authority to collect and deposit an administrative
12 penalty in the Employment Security Administration Fund to be
13 used in accordance with state law.

14 "(b) In lieu of the administrative penalty in
15 subsection (a), any person or entity violating any provision
16 of this chapter may be subject to an administrative penalty
17 not to exceed five hundred dollars (\$500), if the failure to
18 meet the requirements of this chapter is the result of a
19 conspiracy between the employer and the employee to not supply
20 the required report or to supply a false or incomplete report.
21 The director shall have the authority to collect and deposit
22 an administrative penalty in the Employment Security
23 Administration Fund to be used in accordance with state law."

24 Section 2. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.