

June 2009



## Greetings From Job Service North Dakota

### LEGISLATIVE HIGHLIGHTS 2009

Members of the 2009 Legislative Assembly passed several pieces of legislation that affect North Dakota employers and the Unemployment Insurance (UI) taxes they pay.

**SB 2107** — Modifies the requirements of North Dakota Century Code (N.D.C.C.), Chapter 52-04-01.1 - following are the changes:

- ◆ Effective with the filing of reports for the first quarter of 2010, employers with **more than 24 employees** must file quarterly Contribution and Wage reports electronically. Job Service North Dakota (JSND) accepts electronic reports via several methods.
- ◇ **UI EASY**, JSND's Internet reporting tool, allows for either manual entry or the importing of a file containing wage and employee information from an employer's payroll system.
  - Information to register for **UI EASY** may be obtained on the web site at [jobsnd.com](http://jobsnd.com) (click on the **UI EASY** logo on the home page) or by contacting JSND using the contact information in this newsletter.
- ◇ Magnetic tape, diskette, cd, and secure FTP are methods requiring wage and employee information to be submitted in a specific file format. Additional information regarding file formats and submissions may be found on the web site at [jobsnd.com](http://jobsnd.com) or by contacting JSND using the contact information in this newsletter.
- ◆ JSND will be identifying employers likely to be affected by this requirement and contacting them directly. An employer who meets the criteria is responsible to meet the requirement even if not contacted.

**SB 2101** – Adds "rounding" language to two calculations done in the tax rate setting process:

- ◆ N.D.C.C., Chapters 52-04-05 and 52-04-06 provide the guidance for calculations that are done in connection with the determination of tax rates for each calendar year. The changes in this bill provide instruction as to the rounding of those calculations.

### Unemployment Insurance (UI) Contact Information

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### EMPLOYER REMINDER

Employer's Contribution and Wage Reports for the quarter ending June 30, 2009, are due and must be submitted by July 31, 2009. Reports and payments not filed by the due date are subject to penalty and interest charges.

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Pertinent information, forms, and Job Service local office directories may be obtained from the web site at [jobsnd.com](http://jobsnd.com).

**SB 2102** – Modifies the requirements of North Dakota Century Code, Chapter 52-04-11 – following are the changes:

- ◆ Effective August 1, 2009, penalties for the filing of reports after the due date will change.
  - ◇ The minimum penalty for the first month of the first past due report in a calendar year will remain at \$25.
  - ◇ The minimum penalty for the first month for subsequent past due reports in the calendar year will increase to \$100.
  - ◇ The maximum penalty for any past due report will increase from \$250 to \$500.
- ◆ These penalty calculations also apply to the failure to file a report electronically when required.

**HB 1362** – Amends N.D.C.C. Chapter 52-04-24 as follows:

- ◆ Requires Job Service North Dakota (JSND) to respond to a request made under paragraph 2 of N.D.C.C., 52-04-24 §3a. within 15 days of receiving all required information.
- ◆ Provides that JSND send annual notices of rate determinations to “staffing services”.
- ◆ Requires JSND to submit reports relating to the Federal Unemployment Tax Act to the IRS using the employer identification number of the “staffing service”.

**HB 1361** – Amends N.D.C.C. 43-55-03 and 43-55-08 – Professional Employer Organization Licensing Requirements:

- ◆ Eliminates the audited financial statement verified by a certified public accountant as a routine requirement for a professional employer organization license.
- ◆ Provides authority to the Secretary of State or the Attorney General to request an audited financial statement verified by a certified public accountant if deemed necessary.
- ◆ Provides a continuous bond as a requirement for a professional employer organization license. The bond must accompany the application for a license and be held by the Secretary of State with a minimum value of the greater amount of \$100,000, or 5% of the total wages reported on the employer’s quarterly contribution and wage report to Job Service North Dakota for the quarter ending immediately before the date submitted to the Secretary of State, but not to exceed \$500,000. The bond must be held by the Secretary of State and secure payment by the professional employer organization of any tax, wage, benefit, or other entitlement due to or with respect to a covered employee if the professional employer organization does not make the payment when due.
- ◆ Privatizes part of the license record held by the Secretary of State including the social security or federal tax identification number disclosed or contained in an application, all audited financial reports, and the employers’ quarterly contribution and wage report to Job Service North Dakota.
- ◆ Establishes cooperation between agencies of the State of North Dakota that regulate the activities of a professional employer organization.

Job Service North Dakota is an equal opportunity employer/program provider.  
Auxiliary aids and services are available upon request to individuals with disabilities.

This newsletter is published by Job Service North Dakota. Articles are for general information only and are not intended to provide specific advice or recommendations. Notice: Wage and other confidential information collected from employers as part of the Unemployment Insurance process may be requested and utilized for other governmental purposes, including, but not limited to, verification of eligibility under other government programs as required by law.



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