

VIDOL COMPLIANCE OVERVIEW

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LEGAL OVERVIEW

Workforce Development- Title 27 V.I.C. 303b
Hearings and Appeals-Title Chapter 24 Section 306 and
Wrongful Discharge Title 24 Chapter 3 Section 76
Labor Relations- Title 24 Chapter 1 Section 1-23
Compliance- Title 29 V.I.C. Sections 710-713
Unemployment Insurance-Title 24 Chapter 12Sections 301-320
OSHA-Title 24 Chapter 2 Sections- 31-50



THE GOAL IS TO KEEP YOU IN COMPLAINCE!



POSTING OF VACANCIES

Title 27 V.I.C. 303b- Registration of Vacancies with Employment Security Agency

A Guide for Employers Licensed to do business in the Virgin Islands

Who is covered?

What is covered?

When is the period?

Why is this law needed?





All employers – This law applies to all businesses with employees in the Virgin Islands.



WHAT IS COVERED?

What constitutes a "position" under this statute

A 'position' means employment at an hourly, monthly, or yearly salary intended to last **at least 30 hours per week** and for one month or more (with exceptions.)

Exceptions:

Positions that are being upgraded

Temporary or day workers

Part-time employment (Less than 30 hours per week and for one month or more)

Two paths:

For Beneficiaries or applicants of the Economic Development Authority:

The review period will be the length of time requested by the application or what was requested by the authority.*

(For example, if the EDA has requested a compliance check for a ten-year period, VIDOL will review the last ten years)

For Non-EDC: We will review the last calendar year.

WHEN IS THE PERIOD OF REVIEW?

*EDC Beneficiaries review will be moving to a yearly compliance check



WHY IS THE LAW NEEDED

Established June 20, 1986, by Act 5174, this law provides a more equal footing of **notice of available jobs.** By ALL employers posting vacancies. Persons in the territory can see what is available and choose to participate in the Job market in real time.

Using www.vidolviews.org

WHAT ARE THE FINES? HOW DO I AVOID THEM?

\$500 per employee per position, \$1000 thereafter.

How to avoid it?- Post your vacancy with <u>www.vidolviews.org</u> as soon as the position is needed.

Appeals can be sent to the Department of License and Consumer Affairs.

NEW HIRE REPORTING







What is New Hire Reporting?



A report of any newly hired and rehired employees.

NEW HIRE REPORTING



20 days of hire





Who does this apply to?

NEW HIRE REPORTING



Employers must submit a report for anyone who is hired full or part-time as defined by **Section 3401(d)** of the Internal Revenue Code



Employers must submit a report for anyone that is rehired

NEW HIRE REPORTING AUTHORITY

Where can I find the law?

Federal law- 42 U.S.C. 653A(B)(1)(B) and

Local law E:Title16, Chapter 13, Subchapter I, Section 378(g)



NEW HIRE REPORTING

What form do I use to send in my New Hire reports?

Employers are required to report new hires by (1) submitting a New Hire Reporting form to:

New Hire Reporting

Virgin Islands Department of Labor 2353 Kronprindsens Gade St.Thomas,VI 00802-6221 Phone: 340-776-3700 x. 2032 Fax: 340-774-5908



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS



Return Form to: VIRGIN ISLANDS DEPARTMENTOF LABOR NEW HIRE REPORTING PROGRAM P.D. BOX 303159 ST. THOMAS, VI 00803 P (340) 776-3700 est. 2009, F (340) 715-5746 Website: www.idol.gov

EMPLOYER INFORMATION (Mandatory)											
EMPLOYER NAME:						DATE SUBMITTED:					
Federal Employer Identification Number:						Employer Phone No.:					
Physical Address:						Employer fax / email:					
Mailing Address:						Contact Person:					
City:		State:		Zip Code:		VIESA #:					

EMPLOYEE INFORMATION (Mandatory)

Employee's Name	mployee's Name Social Security Job Title		Physical Address	City	State Zip Code		D.O.B	Medical insurance provided?		ce	Date of Hire/ Rehire	Start to Work Date
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			
								Yes	No			

NOTE: Title16, Chapter 13, Subchapter I, Section 378(g), Virgin Islands Code, and 42 U.S.C. 6534(B)(1)(B) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 (PUBLIC LAW 104-193) requires all employees to report all newly hired or rehired employees within Twenty (20) Days of the date of hire. *****Note: The start to work date is the first day the individual performs services for pay. [I] additional space is needed copy this form and submit additional names.]



WHAT IS INCLUDED IN THE FORM?

What information must be reported on each New Hire report?

Employee name, address, Social Security number (SSN) and date of hire (the date an employee first performs services for pay)

Employer name, address, and Federal Employer Identification Number (FEIN)

Employee's Occupation and Salary

Employee's Date of Birth

□ Is Dependent Health Insurance Available?

□ Is this employee still employed with your company?

□ Recall (Rehire) Date

Employer date and signature



WHAT IS DONE WITH THE NEW HIRE

INFORMATION?

States and Territories match New Hire reports against their child support records to locate parents, establish a child support order, or enforce an existing order.

In addition to matching within a state, states transmit the New Hire reports to the National Directory of New Hires (NDNH).

State agencies with unemployment insurance and workers' compensation programs have access to their state new hire information to detect and prevent erroneous benefit payments.

In addition, each state can conduct matches between its own New Hire database and other state programs to prevent unlawful or erroneous receipt of public assistance, including welfare, EBT (food stamps), and Medicaid payments.

NEW HIRE REPORTING



Why have a National Directory of New Hires? How does this help employers?

Reduction and prevention of <u>fraud</u>

Timely receipt of New Hire data allows each state to crossmatch this data against its active unemployment insurance claimant files to either stop or recover erroneous payments.

States have saved millions of dollars of erroneous unemployment insurance payments because of these crossmatches.

-Assists the Office of Paternity and Child Support in connecting needy children with benefits.

Are there fines?



Yes, an employer can be penalized for employers who do not report New Hires.

Federal law mandates that **if** a state or territory chooses to impose a penalty on employers for failure to report, the fine may not exceed \$25 per newly hired employee.

If there is a conspiracy between the employer and employee not to report, that penalty may not exceed \$500 per newly hired employee.

Locally, the fines can not exceed \$5000.

However, VIDOL is currently not issuing penalties. We are working with businesses to comply.

FAQS: WHEN DO I NEED TO SEND THE REPORT? An employer must send the report before it is due.

Why? Because the employer/employee relationship existed and wages were earned, a New Hire report must be submitted.

Even though the employment period was short, the reported information may be the key to locating a noncustodial parent.

To report that someone has quit before the New Hire report is due, answer "NO" to the question "Is this person still employed with your company?"

How do I report Recalled or Rehired employees?

These employees are reported by completing the same information as required for new hires. These are employees for whom a new W-4 is not required. Check "recalled" on the form to indicate this employee had previously worked for your company, was laid-off and then rehired or recalled. You should re-report these employees as "recalled" using the return-to-work-date after layoffs ends. Do I need to send a New Hire report on a newly hired individual who quits before the New Hire report is due?

Yes. Because the employer/employee relationship existed and wages were earned, a New Hire report must be submitted.

Even though the employment period was short, the reported information may be the key to locating a noncustodial parent. To report that someone has quit before the New hire report is due. Answer "NO" to the question, "Does your company still employ this person?"

How do I report Recalled or Rehired employees?

FAQS:

NEW HIRE

REPORTING

These employees are reported by completing the same information as required for new hires. These are employees for whom a new W-4 is not required. Check "recalled" on the form to indicate this employee had previously worked for your company, was laid off, and then was rehired or recalled. You should re-report these employees as "recalled" using the return-to-work date after the layoff ends.

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Thank you

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