



Ohio Administrative Code Rule 5101:12-10-90 New hire reporting program.

Effective: June 1, 2021

(A) Federal law at 42 U.S.C. 653a (4/21/2012) requires the implementation of a new hire reporting program in each state to accomplish the purpose of locating parents, establishing paternity, and establishing and enforcing support obligations of parents. This rule and its supplemental rules describe the Ohio new hire reporting program.

(B) The following definitions shall be used in this rule and its supplemental rules.

(1) "Contractor" means an individual who provides services to an employer as an independent contractor for compensation that is reported as income other than wages and who is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company. "Contractor" does not include any of the following:

(a) An individual performing intelligence or counterintelligence functions for a state agency if the head of the agency has determined that reporting pursuant to this section could endanger the safety of the individual or compromise an ongoing investigation or intelligence mission;

(b) A professionally licensed person who is providing services to the employer under that license; or

(c) An individual who will receive for the services provided under the contract compensation of less than two thousand five hundred dollars per year.

(2) "Employee" means an individual who is employed to provide services to an employer for compensation that is reported as income from wages. "Employee" does not include an individual performing intelligence or counterintelligence functions for a state agency, if the head of the agency has determined that reporting pursuant to this paragraph could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(3) "Employer" means any person or government entity other than the federal government for which



an individual performs any service, of whatever nature, as the employee or contractor of such person, except that:

(a) If the person for whom the individual performs services does not have control of the payment of compensation for the services, employer means the person having control of the payment of the compensation.

(b) In the case of a person paying compensation on behalf of a nonresident alien individual, foreign partnership, or foreign corporation not engaged in trade or business within the United States, "employer" means the person paying the compensation.

(c) In the case of compensation paid to a contractor, "employer" does not include any person or entity that lacks a federal employer identification number.

(4) "Newly hired employee" means an employee who:

(a) Has not previously been employed by the employer; or

(b) Was previously employed by the employer but has been separated from such prior employment for at least sixty consecutive days.

(5) "Professionally licensed person" has the same meaning as in section 2925.01 of the Revised Code.

(C) The new hire reports required by this rule and its supplemental rules shall not be considered public records for purposes of section 149.43 of the Revised Code. Ohio department of job and family services (ODJFS) may disclose information in the new hire reports to any entity as described in sections 3121.898 and 3121.899 of the Revised Code.