

Topic: Information Collected to Address Worker Misclassification

Question by: Patti Epstein

Jurisdiction: Wisconsin

Date: September 2, 2021

Jurisdiction	Question(s)	
	<p>Question 1 Does your agency have active enforcement authority for entities that do not properly register with you? If so, what penalties are you authorized to impose/assess?</p>	<p>Question 2 Are entities required to disclose owners/members/partners to you as part of the registration/filing process? If so, is that information stored in a database? Is it made available to the public?</p>
Manitoba		
Corporations Canada		
Alabama		
Alaska		
Arizona		
Arkansas		
California		
Colorado		
Connecticut		
Delaware		
District of Columbia		
Florida		
Georgia		
Hawaii		
Idaho		
Illinois		

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Indiana	Indiana is similar to NC, but our reports are biennial.	
Iowa		
Kansas		
Kentucky		
Louisiana	In Louisiana, it is the same as Washington, we are a filing agency only, not an investigative/enforcement one. They can contact the AG's office or law enforcement on any criminal issues.	We do ask for officers/members/managers/partners at filing and it is recorded in our database and all this information is available to the public. We do not keep record of ?ownership?.
Maine		
Maryland		
Massachusetts		
Michigan		
Minnesota		
Mississippi		
Missouri		
Montana		
Nebraska		
Nevada		
New Hampshire		
New Jersey		
New Mexico		
New York		

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North Carolina	The NC Secretary of State has administrative authority and relies upon the interrogatory process and referrals to the Attorney General's Office for any enforcement actions.	The NC Secretary of State does not collect ownership information; however, the members, partners, company officials are required to be listed on the annual report and updated within 60 days when changes are made. Information contained on the annual report is public record except the email address, which is redacted.
North Dakota		
Ohio		
Oklahoma		
Oregon		
Pennsylvania	No. We are primarily ministerial, so there are no enforcement powers/penalties/carrot or stick. The ONLY penalty in existing law is a \$500 penalty for not registering a fictitious name and that only comes up in a lawsuit when the opposing party brings it up. If there consumer harm, we can notify the AG's consumer protection office or, like WA, encourage the parties involved to contact the AG or law enforcement for criminal issues.	No - only General Partners of a limited partnership must be specified upon filing. At this time, PA has no annual reports for all entities and no associated requirement to list one or all governors. For for-profit corporations only, if/when the corporation pays its taxes, the Department of Revenue forwards officer information to State and this information is made public on the Department of State business entity profile.
Rhode Island		
South Carolina		
South Dakota		
Tennessee		
Texas		
Utah		
Vermont		
Virginia		

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<p>Washington</p>	<p>We are ministerial so there is no enforcement. If there is a conflict in a registration, or lack thereof, we can notify the AG's consumer protection office or encourage the parties involved to contact the AG or law enforcement for criminal issues.</p>	<p>We do not track ownership, just the current list of governors either at formation or via initial report. When they go to DOR to get their business licensing they will be required to disclose ownership and percentages for tax purposes, but it is not a public record.</p>
<p>West Virginia</p>		
<p>Wisconsin</p>		
<p>Wyoming</p>		

Additional comments:

Full text of email:

Hello!

Wisconsin created a Joint Enforcement Task Force on Payroll Fraud and Worker Misclassification to evaluate current law and potential options that will help prevent worker misclassification and protect thousands of workers while also leveling the playing field for businesses that follow the law. We know this issue is not unique to Wisconsin - employers across the country in certain industries commonly misclassify workers as "independent contractors," even when under the law those workers should be classified as employees.

In considering options, the Task Force is curious about what other states are doing to address this issue. We'd appreciate your response to the following questions:

1. Does your agency have active enforcement authority for entities that do not properly register with you? If so, what penalties are you authorized to impose/assess?
2. Are entities required to disclose owners/members/partners to you as part of the registration/filing process? If so, is that information stored in a database? Is it made available to the public?

Thanks in advance!

Patti Epstein

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