

July 18, 2012 [www.mcvpr.com](http://www.mcvpr.com)**LABOR & EMPLOYMENT LAW ALERT*****ASUME Issues Notice Warning Employers to Comply with Payment Requirements by August 1, 2012***

The Administration for Child Support Enforcement ("ASUME") issued a notice to all employers regarding payments for child support. Effective August 1, 2012, ASUME will no longer accept payments that do not comply with the methods established by Act No. 5 of December 30, 1986 ("Act No. 5"). The accepted methods of payment include: (1) electronic transfer, (2) web payments, (3) certified check, and (4) bank money order. Payments that do not comply with these methods will be returned to employers.

The notice also clarifies that employers must identify payments with the ASUME case number, consisting of seven digits beginning with a zero. If employers fail to identify the payments correctly and ASUME applies the payment to another case, the employer remains responsible for paying the amount to the correct case. Also, employers must include the Payment Relation form (Form ASM 4) with each payment. This form must include: (1) each employee's information, (2) the ASUME case number, and (3) the payment amount.

The notice further establishes that when an employee no longer works for the employer, within 30 days following the date of termination, the employer must notify ASUME of: (1) the termination of employment, (2) the name and address of the employee's new employer, if known, and (3) the employee's last known address.

Moreover, when an employee terminates his or her employment and is entitled to any liquidation amount, the employer must request a Certified Account Statement from ASUME. If there are payments in arrears, these will be deducted from any liquidation amounts and will be remitted to ASUME. The English translation of this notice mentions that employers should deduct the arrears from any settlement amounts. However, Act No. 5 establishes that the payments in arrears are deducted from any liquidation amounts.

Failure of the employer to comply with any of the duties imposed by Act No. 5 may result in the entry of judgment for the total amount the employer failed to withhold and remit, plus the applicable fines, expenses and interests. The Court, or the Administrator, may order the execution of the judgment on the employer's property.

If you have any questions or comments, or wish additional information regarding the above matters, please contact any of the following attorneys:

Alfredo Hoppood	787.250.5689	<a href="mailto:ah@mcvpr.com">ah@mcvpr.com</a>
Francisco Chévere	787.250.5615	<a href="mailto:fc@mcvpr.com">fc@mcvpr.com</a>
Jorge A. Antongiorgi	787.250.5659	<a href="mailto:jab@mcvpr.com">jab@mcvpr.com</a>
María Antongiorgi	787.250.2624	<a href="mailto:maj@mcvpr.com">maj@mcvpr.com</a>
Anita Montaner	787.250.5652	<a href="mailto:ams@mcvpr.com">ams@mcvpr.com</a>
James D. Noel	787.250.5673	<a href="mailto:jdn@mcvpr.com">jdn@mcvpr.com</a>
Miguel Palou	787.250.5686	<a href="mailto:mpps@mcvpr.com">mpps@mcvpr.com</a>
Radamés A. "Rudy" Torruella	787.250.5679	<a href="mailto:rat@mcvpr.com">rat@mcvpr.com</a>

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