**Section 2760.128 Wage Report Filing for Employers that Employ Household Workers and Elect to Report Their Wages on an Annual Basis**

a) This Section only applies to an employer who solely employs household workers with respect to whom the employer files federal unemployment taxes using Schedule H (Form 1040) or could file federal unemployment taxes using Schedule H (Form 1040) if the worker or workers were providing services in employment for purposes of the federal unemployment tax. For purposes of this Section, "household worker" has the meaning ascribed to it for purposes of Schedule H (Form 1040) and includes, but is not limited to, babysitters, cleaning people, housekeepers, nannies and maids.

1) EXAMPLE: Joe Smith employs individuals to provide maid services in the private homes of his customers. For purposes of Schedule H (Form 1040), an employee is considered a household worker only if his or her services are provided in the employer's private home. This Section does not apply to Joe Smith since he is not eligible to use Schedule H because the services of his employees are not performed in his home.

2) EXAMPLE: Jane Smith is the sole proprietor of a trucking company that employs numerous drivers and office personnel. She also employs a nanny to care for her child in her home. This Section does not apply to Ms Smith because, while the nanny is a household worker for purposes of Schedule H (Form 1040), performing her services in Ms Smith's private home, Ms Smith does not solely employ household workers.

3) EXAMPLE: George Smith employs a housekeeper who is considered self-employed for purposes of the federal unemployment tax, and whose wages, therefore, are not subject to the federal tax. However, the services are employment under Illinois' Unemployment Insurance Act [820 ILCS 405]. Since Mr. Smith could have used Schedule H (Form 1040) to file federal unemployment taxes with regard to the housekeeper's services had she not been considered self-employed for purposes of the federal tax, this Section will apply regarding her services.

b) Notwithstanding any other provisions of this Part to the contrary, if an employer to whom this Section applies notifies the Director, in writing, that he or she wishes to pay his or her quarterly contributions and submit the quarterly wage and contribution reports on an annual basis, then the due date for filing the reports shall be April 15 of the calendar year immediately following the quarters to which the reports apply. A notice pursuant to this subsection shall apply to all quarters for which a Determination and Assessment of contributions, penalties or interest due has not become final. An employer's failure to provide the notice before the reports and payments become due may result in the Department's issuance of statements of account, indicating the employer is delinquent in the filing of wage reports or the payment of contributions, or both, as well as the issuance of a Determination and Assessment of delinquent contributions, plus penalties and interest. If the employer does not protest a Determination and Assessment on a timely basis, pursuant to Section 2200 of the Act, the delinquency indicated in the Notice of Determination and Assessment will become a legally final debt of the employer's.

(Source: Added at 33 Ill. Reg. 9652, effective July 1, 2009)