

11193

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. D. WEPRIN -- read once and referred to the
Committee on Labor

AN ACT to amend the labor law, in relation to the sharing of information
with state and municipal agencies and certain local development corpo-
rations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subparagraph (ii) of paragraph (g) of subdivision 3 of
2 section 537 of the labor law, as added by chapter 6 of the laws of 2007,
3 clauses 1, 4 and 5 as amended and clauses 6, 7, 8 and 9 as added by
4 chapter 551 of the laws of 2008, is amended to read as follows:
5 (ii) The information disclosed pursuant to this paragraph may be
6 disclosed to the following agencies to be used exclusively for the
7 following legitimate governmental purposes:
8 (1) any federal, state or local agency in the investigation of fraud
9 relating to public programs, or misuse of public funds;
10 (2) any state or United States territorial workforce agency, local
11 workforce investment board and its agents, and one-stop operating part-
12 ner receiving funds under the workforce investment act of 1998 for
13 program performance purposes and other legitimate programmatic purposes
14 authorized by the commissioner;
15 (3) the United States department of labor or its agents, as required
16 by law, or in connection with the requirements imposed as a result of
17 receiving federal administrative funding;
18 (4) state and local economic development agencies, or their agents,
19 where such information is necessary to carry out the statutory functions
20 of such agencies, shall receive a quarterly census of employment and
21 wage information compiled by the department, provided that such disclo-
22 sure shall not violate federal law. Any redisclosure of information
23 obtained by such agencies under this clause shall be limited to tabu-
24 lation and publication of such information in an aggregated statistical
25 form. No individual identifying information obtained pursuant to this
26 clause shall be redisclosed in the course of the tabulation or publica-
27 tion. As used in this clause, the term "aggregated statistical form"

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD06965-01-9

1 shall mean, in the case of information regarding individuals, a data set
2 that includes information about not fewer than ten individuals, and, in
3 the case of employer information, a data set that includes information
4 about no fewer than three employers, of which no one employer comprises
5 more than eighty percent of the aggregated data set; [and]

6 (5) the workers' compensation board, the state insurance fund and the
7 state insurance department, for purposes of determining compliance with
8 the coverage of workers' compensation and disability insurance and to
9 the workers' compensation board for purposes of determining eligibility
10 for workers' compensation benefits[.];

11 (6) any federal, state, or local law enforcement agency in accordance
12 with a proper judicial order or grand jury subpoena served upon the
13 department[.];

14 (7) the office of temporary and disability assistance, or local social
15 services districts, for purposes of establishing or verifying the income
16 and eligibility of applicants for, or recipients of, benefits under
17 state public assistance programs for such benefits. Information obtained
18 by the office of temporary and disability assistance under this clause
19 shall not be disclosed, except to local social services districts for
20 purposes of establishing or verifying the income and eligibility of
21 applicants for, or recipients of, benefits under state public assistance
22 programs[.];

23 (8) the office of vocational and educational services for individuals
24 with disabilities of the education department for the evaluation of the
25 effect on earnings of participants, or former participants, in employ-
26 ment and training programs for which the office of vocational and educa-
27 tional services for individuals with disabilities of the education
28 department has reporting, monitoring or evaluating responsibilities[.];

29 (9) the commission for the blind and visually handicapped for the
30 evaluation of the effect on earnings of participants, or former partic-
31 ipants, in employment and training programs for which the commission for
32 the blind and visually handicapped has reporting, monitoring or evaluat-
33 ing responsibilities[.]; AND

34 (10) AGENCIES OF CITIES HAVING A POPULATION OF ONE MILLION OR MORE AND
35 THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION, WHERE SUCH INFORMA-
36 TION IS NECESSARY FOR: THE DEVELOPMENT AND EVALUATION OF ECONOMIC DEVEL-
37 OPMENT STRATEGIES FOR SPECIFIC INDUSTRIES AND NEIGHBORHOODS; THE
38 PERFORMANCE OF LAND USE PLANNING, THE DEVELOPMENT OF ECONOMIC IMPACT
39 STRATEGIES FOR SPECIFIC INDUSTRIES AND NEIGHBORHOODS, AND THE ANALYSIS
40 OF ENVIRONMENTAL IMPACTS OF ACTIONS REQUIRING REVIEW UNDER STATE OR
41 LOCAL LAW; THE EVALUATION OF TRENDS IN HIRING, EMPLOYMENT, AND WAGES IN
42 SPECIFIC INDUSTRIES AND NEIGHBORHOODS AND THE MONITORING OF EMPLOYEE
43 PLACEMENT AND TRAINING PROGRAMS; OR THE FORECASTING AND MONITORING OF
44 TAX REVENUE AND THE TRACKING OF EMPLOYMENT PATTERNS AND WORKER FLOWS
45 ACROSS SPECIFIC INDUSTRIES AND NEIGHBORHOODS. INFORMATION DISCLOSED
46 PURSUANT TO THIS CLAUSE SHALL BE LIMITED TO THE FOLLOWING FOR EACH
47 EMPLOYER: NAME, ADDRESS, LOCATION, INDUSTRY, TOTAL WAGES, NUMBER OF
48 EMPLOYEES, EMPLOYER AND REPORTING UNIT ACCOUNT NUMBERS, INITIAL TAX
49 LIABILITY DATE, AND CODES INDICATING PRIVATE OR GOVERNMENT OWNERSHIP AND
50 MULTIPLE ESTABLISHMENT EMPLOYERS.

51 S 2. This act shall take effect immediately.