S T A T E O F N E W Y O R K

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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 corporations

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

Section 1. Subparagraph (ii) of paragraph (g) of subdivision 3 of section 537 of the labor law, as added by chapter 6 of the laws of 2007, clauses 1, 4 and 5 as amended and clauses 6, 7, 8 and 9 as added by chapter 551 of the laws of 2008, is amended to read as follows:

(ii) The information disclosed pursuant to this paragraph may be disclosed to the following agencies to be used exclusively for the following legitimate governmental purposes:

(1) any federal, state or local agency in the investigation of fraud relating to public programs, or misuse of public funds;

(2) any state or United States territorial workforce agency, local workforce investment board and its agents, and one-stop operating partner receiving funds under the workforce investment act of 1998 for program performance purposes and other legitimate programmatic purposes authorized by the commissioner;

(3) the United States department of labor or its agents, as required by law, or in connection with the requirements imposed as a result of receiving federal administrative funding;

(4) state and local economic development agencies, or their agents, where such information is necessary to carry out the statutory functions of such agencies, shall receive a quarterly census of employment and wage information compiled by the department, provided that such disclosure shall not violate federal law. Any redisclosure of information obtained by such agencies under this clause shall be limited to tabulation and publication of such information in an aggregated statistical form. No individual identifying information obtained pursuant to this clause shall be redisclosed in the course of the tabulation or publication. 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.

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

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

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

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

(8) the office of vocational and educational services for individuals with disabilities of the education department for the evaluation of the effect on earnings of participants, or former participants, in employment and training programs for which the office of vocational and educational services for individuals with disabilities of the education department has reporting, monitoring or evaluating responsibilities[.];

(9) the commission for the blind and visually handicapped for the evaluation of the effect on earnings of participants, or former participants, in employment and training programs for which the commission for the blind and visually handicapped has reporting, monitoring or evaluating responsibilities[.]; AND

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

S 2. This act shall take effect immediately.