

5026

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed 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:

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

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

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1 form. No individual identifying information obtained pursuant to this
2 clause shall be redisclosed in the course of the tabulation or publica-
3 tion. As used in this clause, the term "aggregated statistical form"
4 shall mean, in the case of information regarding individuals, a data set
5 that includes information about not fewer than ten individuals, and, in
6 the case of employer information, a data set that includes information
7 about no fewer than three employers, of which no one employer comprises
8 more than eighty percent of the aggregated data set; [and]

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

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

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

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

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

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

54 S 2. This act shall take effect immediately.