

3767

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 28, 2009

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Introduced by M. of A. 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

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.