

4554

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. SQUADRON -- (at request of the Office of Temporary and Disability Assistance) -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law and the social services law, in relation to the wage reporting system

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

1 Section 1. Paragraphs (a) and (b) of subdivision 3 of section 171-a of
2 the tax law, paragraph (a) as amended by section 3 of part V of chapter
3 57 of the laws of 2009 and paragraph (b) as added by chapter 818 of the
4 laws of 1990, are amended to read as follows:
5 (a) Notwithstanding any law to the contrary, the commissioner [of
6 taxation and finance] shall maintain cooperative agreements with the
7 [state] office of temporary and disability assistance, which shall
8 provide:
9 (i) for the utilization by the office of temporary and disability
10 assistance of information obtained pursuant to subdivision one of this
11 section, for the purpose of verifying eligibility for and entitlement to
12 amounts of benefits under the social services law, ADMINISTRATION OF
13 SUCH OFFICE'S PUBLIC ASSISTANCE PROGRAM, locating absent parents or
14 other persons legally responsible for the support of applicants or
15 recipients of public assistance and care under the social services law
16 and persons legally responsible for the support of a recipient of
17 services under section one hundred eleven-g of the social services law
18 and, in appropriate cases, establishing support obligations pursuant to
19 the social services law and the family court act, and for the purpose of
20 evaluating the effect on earnings of participation in employment or
21 training programs authorized pursuant to the social services law by
22 current recipients of public assistance and care and by former recipi-
23 ents of public assistance and care, such agreement shall further provide

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

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1 to the degree required by federal law for the commissioner and the
2 office of temporary and disability assistance to provide information
3 obtained pursuant to subdivision one of this section to the federal
4 social security administration or to public agencies in other states
5 which administer programs under the food stamp act of nineteen hundred
6 seventy-seven or title I, II, IV-A, IV-D, X, XIV, XVI, or XIX of the
7 federal social security act and to take such other steps as may be
8 required by section one thousand one hundred thirty-seven of the social
9 security act or federal regulations promulgated thereunder; and
10 (ii) for the utilization by the office of temporary and disability
11 assistance of information obtained pursuant to subdivision one of this
12 section, with respect to the parents, the stepparents, the child and the
13 siblings of the child who were living in the same household as a child
14 who is in the custody, care and custody or custody and guardianship of a
15 local social services district or of the office of children and family
16 services during the month that the court proceedings leading to the
17 child's removal from the household were initiated, or the written
18 instrument transferring care and custody of the child pursuant to the
19 provisions of section three hundred fifty-eight-a or three hundred
20 eighty-four-a of the social services law was signed, provided however,
21 that the office of temporary and disability assistance shall only use
22 the information obtained pursuant to this subdivision, for the purpose
23 of determining the eligibility of such child for federal payments for
24 foster care and adoption assistance pursuant to the provisions of title
25 IV-E of the federal social security act. Notwithstanding any other
26 provision of law, the office of temporary and disability assistance is
27 authorized to share information obtained pursuant to this subdivision
28 with any applicable social services district, provided however, that if
29 such information is shared, that such social services district shall
30 only use the information obtained for the purpose of determining the
31 eligibility of such child for federal payments for foster care and
32 adoption assistance pursuant to the provisions of title IV-E of the
33 federal social security act.
34 (b) Notwithstanding any law to the contrary and not later than ninety
35 days after the effective date of this paragraph, the commissioner [of
36 taxation and finance] shall enter into a cooperative agreement with the
37 commissioner of [social services] THE OFFICE OF TEMPORARY AND DISABILITY
38 ASSISTANCE for the delivery to [the state department of social services]
39 SUCH OFFICE of information obtained pursuant to subdivision one [hereof]
40 OF THIS SECTION, which information shall be utilized for the purpose of
41 enabling such [department] OFFICE to fulfill obligations and responsi-
42 bilities otherwise incumbent upon the state department of labor under
43 section one hundred twenty-four of the federal family support act of
44 nineteen hundred eighty-eight by giving the federal parent locator
45 service, maintained by the federal department of health and human
46 services, prompt access to certain wage information for use by such
47 latter department for the purpose of complying with such act.
48 S 2. Subdivision 4 of section 171-a of the tax law, as amended by
49 chapter 214 of the laws of 1998, is amended to read as follows:
50 (4) Notwithstanding any law to the contrary and not later than Septem-
51 ber first, nineteen hundred ninety-seven, the commissioner shall enter
52 into a cooperative agreement with the state department of labor to allow
53 the information obtained by the department pursuant to subdivision one
54 of this section to be made available to the department of labor, or
55 other individuals designated by the commissioner of labor, for adminis-
56 tration of such department's employment security programs[, public

1 assistance work programs,] or for other purposes deemed appropriate by
2 the commissioner of labor consistent with the provisions of the labor
3 law, as well as for the evaluation of the effect on earnings of partic-
4 ipation in training programs with respect to which the department of
5 labor has reporting, monitoring, administering, or evaluating responsi-
6 bilities.

7 S 3. Paragraph 3 of subsection (e) of section 697 of the tax law, as
8 amended by section 4 of part V of chapter 57 of the laws of 2009, is
9 amended to read as follows:

10 (3) Nothing [herein] IN THIS SUBSECTION shall be construed to prohibit
11 the department, its officers or employees from furnishing information to
12 the office of temporary and disability assistance relating to the
13 payment of the credit for certain household and dependent care services
14 necessary for gainful employment under subsection (c) of section six
15 hundred six of this article and the earned income credit under
16 subsection (d) of section six hundred six of this article, or pursuant
17 to a local law enacted by a city having a population of one million or
18 more pursuant to subsection (f) of section thirteen hundred ten of this
19 chapter, only to the extent necessary to calculate qualified state
20 expenditures under paragraph seven of subdivision (a) of section four
21 hundred nine of the federal social security act or to document the prop-
22 er expenditure of federal temporary assistance for needy families funds
23 under section four hundred three of such act. The office of temporary
24 and disability assistance may redisclose such information to the United
25 States department of health and human services only to the extent neces-
26 sary to calculate such qualified state expenditures or to document the
27 proper expenditure of such federal temporary assistance for needy fami-
28 lies funds. Nothing [herein] IN THIS SUBSECTION shall be construed to
29 prohibit the delivery by the commissioner to a commissioner of jurors,
30 appointed pursuant to section five hundred four of the judiciary law,
31 or, in counties within cities having a population of one million or
32 more, to the county clerk of such county, of a mailing list of individ-
33 uals to whom income tax forms are mailed by the commissioner for the
34 sole purpose of compiling a list of prospective jurors as provided in
35 article sixteen of the judiciary law. Provided, however, such delivery
36 shall only be made pursuant to an order of the chief administrator of
37 the courts, appointed pursuant to section two hundred ten of the judici-
38 ary law. No such order may be issued unless such chief administrator is
39 satisfied that such mailing list is needed to compile a proper list of
40 prospective jurors for the county for which such order is sought and
41 that, in view of the responsibilities imposed by the various laws of the
42 state on the department, it is reasonable to require the commissioner to
43 furnish such list. Such order shall provide that such list shall be used
44 for the sole purpose of compiling a list of prospective jurors and that
45 such commissioner of jurors, or such county clerk, shall take all neces-
46 sary steps to insure that the list is kept confidential and that there
47 is no unauthorized use or disclosure of such list. Furthermore, nothing
48 [herein] IN THIS SUBSECTION shall be construed to prohibit the delivery
49 to a taxpayer or his or her duly authorized representative of a certi-
50 fied copy of any return or report filed in connection with his or her
51 tax or to prohibit the publication of statistics so classified as to
52 prevent the identification of particular reports or returns and the
53 items thereof, or the inspection by the attorney general or other legal
54 representatives of the state of the report or return of any taxpayer or
55 of any employer filed under section one hundred seventy-one-h of this
56 chapter, where such taxpayer or employer shall bring action to set aside

1 or review the tax based thereon, or against whom an action or proceeding
2 under this chapter or under this chapter and article eighteen of the
3 labor law has been recommended by the commissioner, the commissioner of
4 labor with respect to unemployment insurance matters, or the attorney
5 general or has been instituted, or the inspection of the reports or
6 returns required under this article by the comptroller or duly desig-
7 nated officer or employee of the state department of audit and control,
8 for purposes of the audit of a refund of any tax paid by a taxpayer
9 under this article, or the furnishing to the state department of labor
10 of unemployment insurance information obtained or derived from quarterly
11 combined withholding, wage reporting and unemployment insurance returns
12 required to be filed by employers pursuant to paragraph four of
13 subsection (a) of section six hundred seventy-four of this article, for
14 purposes of administration of such department's unemployment insurance
15 program, employment services program, federal and state employment and
16 training programs, employment statistics and labor market information
17 programs, worker protection programs, federal programs for which the
18 department has administrative responsibility or for other purposes
19 deemed appropriate by the commissioner of labor consistent with the
20 provisions of the labor law, and redisclosure of such information in
21 accordance with the provisions of sections five hundred thirty-six and
22 five hundred thirty-seven of the labor law or any other applicable law,
23 or the furnishing to the [state] office of temporary and disability
24 assistance of information obtained or derived from New York state
25 personal income tax returns as described in paragraph (b) of subdivision
26 two of section one hundred seventy-one-g of this chapter for the purpose
27 of reviewing support orders enforced pursuant to title six-A of article
28 three of the social services law to aid in the determination of whether
29 such orders should be adjusted, or the furnishing of information
30 obtained from the reports required to be submitted by employers regard-
31 ing newly hired or re-hired employees pursuant to section one hundred
32 seventy-one-h of this chapter to the [state] office of temporary and
33 disability assistance, the state department of health, the state depart-
34 ment of labor and the workers' compensation board for purposes of admin-
35 istration of the child support enforcement program, verification of
36 individuals' eligibility for one or more of the programs specified in
37 subsection (b) of section eleven hundred thirty-seven of the federal
38 social security act and for other public assistance programs authorized
39 by state law, and administration of the state's employment security and
40 workers' compensation programs, and to the national directory of new
41 hires established pursuant to section four hundred fifty-three-A of the
42 federal social security act for the purposes specified in such section,
43 or the furnishing to the [state] office of temporary and disability
44 assistance of the amount of an overpayment of income tax and interest
45 thereon certified to the comptroller to be credited against past-due
46 support pursuant to section one hundred seventy-one-c of this chapter
47 and of the name and social security number of the taxpayer who made such
48 overpayment, or the disclosing to the commissioner of finance of the
49 city of New York, pursuant to section one hundred seventy-one-l of this
50 chapter, of the amount of an overpayment and interest thereon certified
51 to the comptroller to be credited against a city of New York tax warrant
52 judgment debt and of the name and social security number of the taxpayer
53 who made such overpayment, or the furnishing to the New York state high-
54 er education services corporation of the amount of an overpayment of
55 income tax and interest thereon certified to the comptroller to be cred-
56 ited against the amount of a default in repayment of any education loan

1 debt, including judgments, owed to the federal or New York state govern-
2 ment that is being collected by the New York state higher education
3 services corporation, and of the name and social security number of the
4 taxpayer who made such overpayment, or the furnishing to the state
5 department of health of the information required by paragraph (f) of
6 subdivision two and subdivision two-a of section two thousand five
7 hundred eleven of the public health law and by subdivision eight of
8 section three hundred sixty-six-a and paragraphs (b) and (d) of subdivi-
9 sion two of section three hundred sixty-nine-ee of the social services
10 law, or the furnishing to the state university of New York or the city
11 university of New York respectively or the attorney general on behalf of
12 such state or city university the amount of an overpayment of income tax
13 and interest thereon certified to the comptroller to be credited against
14 the amount of a default in repayment of a state university loan pursuant
15 to section one hundred seventy-one-e of this chapter and of the name and
16 social security number of the taxpayer who made such overpayment, or the
17 disclosing to a state agency, pursuant to section one hundred seventy-
18 one-f of this chapter, of the amount of an overpayment and interest
19 thereon certified to the comptroller to be credited against a past-due
20 legally enforceable debt owed to such agency and of the name and social
21 security number of the taxpayer who made such overpayment, or the
22 furnishing of employee and employer information obtained through the
23 wage reporting system, pursuant to section one hundred seventy-one-a of
24 this chapter, as added by chapter five hundred forty-five of the laws of
25 nineteen hundred seventy-eight, to the [state] office of temporary and
26 disability assistance, the department of health or to the state office
27 of the medicaid inspector general for the purpose of verifying eligibil-
28 ity for and entitlement to amounts of benefits under the social services
29 law or similar law of another jurisdiction, locating absent parents or
30 other persons legally responsible for the support of applicants for or
31 recipients of public assistance and care under the social services law
32 and persons legally responsible for the support of a recipient of
33 services under section one hundred eleven-g of the social services law
34 and, in appropriate cases, establishing support obligations pursuant to
35 the social services law and the family court act or similar provision of
36 law of another jurisdiction for the purpose of evaluating the effect on
37 earnings of participation in employment, training or other programs
38 designed to promote self-sufficiency authorized pursuant to the social
39 services law by current recipients of public assistance and care and by
40 former applicants and recipients of public assistance and care, [(except
41 that with regard to former recipients, information which relates to a
42 particular former recipient shall be provided with client identifying
43 data deleted),] to the [state] office of temporary and disability
44 assistance FOR THE PURPOSE OF THE ADMINISTRATION OF SUCH OFFICE'S PUBLIC
45 ASSISTANCE PROGRAMS, PROVIDED, HOWEVER, THAT THIS INFORMATION REGARDING
46 FORMER RECIPIENTS SHALL NOT BE USED TO RECOVER PUBLIC ASSISTANCE PREVI-
47 OUSLY PROVIDED TO SUCH RECIPIENTS AND SHALL ONLY BE AVAILABLE TO THE
48 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FOR A PERIOD OF THREE
49 YEARS SIX MONTHS AFTER THE CLOSURE OF THE RECIPIENT'S PUBLIC ASSISTANCE
50 CASE AND ONLY FOR THE PURPOSE OF EVALUATING SUCH FORMER RECIPIENT'S
51 ELIGIBILITY FOR TRANSITIONAL BENEFITS AND FOR THE PURPOSE OF EVALUATING
52 THE EFFECTIVENESS OF PUBLIC ASSISTANCE PROGRAMS AND EMPLOYMENT PERFORM-
53 ANCE WHEN RECIPIENTS LEAVE PUBLIC ASSISTANCE, AND for the purpose of
54 determining the eligibility of any child in the custody, care and custo-
55 dy or custody and guardianship of a local social services district or of
56 the office of children and family services for federal payments for

1 foster care and adoption assistance pursuant to the provisions of title
2 IV-E of the federal social security act by providing information with
3 respect to the parents, the stepparents, the child and the siblings of
4 the child who were living in the same household as such child during the
5 month that the court proceedings leading to the child's removal from the
6 household were initiated, or the written instrument transferring care
7 and custody of the child pursuant to the provisions of section three
8 hundred fifty-eight-a or three hundred eighty-four-a of the social
9 services law was signed, provided however that the office of temporary
10 and disability assistance shall only use the information obtained pursu-
11 ant to this [subdivision] SUBSECTION for the purpose of determining the
12 eligibility of such child for federal payments for foster care and
13 adoption assistance pursuant to the provisions of title IV-E of the
14 federal social security act, and to the state department of labor, or
15 other individuals designated by the commissioner of labor, for the
16 purpose of the administration of such department's unemployment insur-
17 ance program, employment services program, federal and state employment
18 and training programs, employment statistics and labor market informa-
19 tion programs, worker protection programs, federal programs for which
20 the department has administrative responsibility or for other purposes
21 deemed appropriate by the commissioner of labor consistent with the
22 provisions of the labor law, and redisclosure of such information in
23 accordance with the provisions of sections five hundred thirty-six and
24 five hundred thirty-seven of the labor law, or the furnishing of infor-
25 mation, which is obtained from the wage reporting system operated pursu-
26 ant to section one hundred seventy-one-a of this chapter, as added by
27 chapter five hundred forty-five of the laws of nineteen hundred seven-
28 ty-eight, to the [state] office of temporary and disability assistance
29 so that it may furnish such information to public agencies of other
30 jurisdictions with which the [state] office of temporary and disability
31 assistance has an agreement pursuant to paragraph (h) or (i) of subdivi-
32 sion three of section twenty of the social services law, and to the
33 [state] office of temporary and disability assistance for the purpose of
34 fulfilling obligations and responsibilities otherwise incumbent upon the
35 state department of labor, under section one hundred twenty-four of the
36 federal family support act of nineteen hundred eighty-eight, by giving
37 the federal parent locator service, maintained by the federal department
38 of health and human services, prompt access to such information as
39 required by such act, or to the state department of health to verify
40 eligibility under the child health insurance plan pursuant to subdivi-
41 sions two and two-a of section two thousand five hundred eleven of the
42 public health law, to verify eligibility under the medical assistance
43 and family health plus programs pursuant to subdivision eight of section
44 three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two
45 of section three hundred sixty-nine-ee of the social services law, and
46 to verify eligibility for the program for elderly pharmaceutical insur-
47 ance coverage under title three of article two of the elder law, or to
48 the office of vocational and educational services for individuals with
49 disabilities of the education department, the commission for the blind
50 and visually handicapped and any other state vocational rehabilitation
51 agency, for purposes of obtaining reimbursement from the federal social
52 security administration for expenditures made by such office, commission
53 or agency on behalf of disabled individuals who have achieved economic
54 self-sufficiency or to the higher education services corporation for the
55 purpose of assisting the corporation in default prevention and default
56 collection of education loan debt, including judgments, owed to the

1 federal or New York state government; provided, however, that such
2 information shall be limited to the names, social security numbers, home
3 and/or business addresses, and employer names of defaulted or delinquent
4 student loan borrowers.

5 Provided, however, that with respect to employee information the
6 office of temporary and disability assistance shall only be furnished
7 with the names, social security account numbers and gross wages of those
8 employees who are (A) applicants for or recipients OR FORMER RECIPIENTS
9 of benefits under the social services law, or similar provision of law
10 of another jurisdiction (pursuant to an agreement under subdivision
11 three of section twenty of the social services law), PROVIDED, HOWEVER,
12 THAT THIS INFORMATION REGARDING FORMER RECIPIENTS SHALL NOT BE USED TO
13 RECOVER PUBLIC ASSISTANCE PREVIOUSLY PROVIDED TO SUCH RECIPIENTS AND
14 SHALL ONLY BE AVAILABLE TO THE OFFICE OF TEMPORARY AND DISABILITY
15 ASSISTANCE FOR A PERIOD OF THREE YEARS SIX MONTHS AFTER THE CLOSURE OF
16 THE RECIPIENT'S PUBLIC ASSISTANCE CASE AND ONLY FOR THE PURPOSE OF EVAL-
17 UATING SUCH FORMER RECIPIENT'S ELIGIBILITY FOR TRANSITIONAL BENEFITS AND
18 FOR THE PURPOSE OF EVALUATING THE EFFECTIVENESS OF PUBLIC ASSISTANCE
19 PROGRAMS AND EMPLOYMENT PERFORMANCE WHEN RECIPIENTS LEAVE PUBLIC ASSIST-
20 ANCE, or, (B) absent parents or other persons legally responsible for
21 the support of applicants for or recipients of public assistance and
22 care under the social services law or similar provision of law of anoth-
23 er jurisdiction (pursuant to an agreement under subdivision three of
24 section twenty of the social services law), or (C) persons legally
25 responsible for the support of a recipient of services under section one
26 hundred eleven-g of the social services law or similar provision of law
27 of another jurisdiction (pursuant to an agreement under subdivision
28 three of section twenty of the social services law), or (D) employees
29 about whom wage reporting system information is being furnished to
30 public agencies of other jurisdictions, with which the [state] office of
31 temporary and disability assistance has an agreement pursuant to para-
32 graph (h) or (i) of subdivision three of section twenty of the social
33 services law, or (E) employees about whom wage reporting system informa-
34 tion is being furnished to the federal parent locator service, main-
35 tained by the federal department of health and human services, for the
36 purpose of enabling the [state] office of temporary and disability
37 assistance to fulfill obligations and responsibilities otherwise incum-
38 bent upon the state department of labor, under section one hundred twen-
39 ty-four of the federal family support act of nineteen hundred eighty-
40 eight, and, only if, the office of temporary and disability assistance
41 certifies to the commissioner that such persons are such applicants,
42 recipients OR FORMER RECIPIENTS, absent parents or persons legally
43 responsible for support or persons about whom information has been
44 requested by a public agency of another jurisdiction or by the federal
45 parent locator service and further certifies that in the case of infor-
46 mation requested under agreements with other jurisdictions entered into
47 pursuant to subdivision three of section twenty of the social services
48 law, that such request is in compliance with any applicable federal law.
49 Provided, further, that where the office of temporary and disability
50 assistance requests employee information for the purpose of evaluating
51 the effects on earnings of participation in employment, training or
52 other programs designed to promote self-sufficiency authorized pursuant
53 to the social services law, the office of temporary and disability
54 assistance shall [only] be furnished with the quarterly gross wages
55 [(excluding any reference to the name), THE INFORMATION PROVIDED BY THE
56 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE DEPARTMENT FOR THE

1 PURPOSES OF MATCHING TO THE DEPARTMENT'S RECORDS, INCLUDING THE NAME,
2 AND THE social security number or [any] other information which could be
3 used to identify [any employee or] EMPLOYEES, AND the name [or identifi-
4 cation number of any employer) paid to] OR FEDERAL EMPLOYER IDENTIFICA-
5 TION NUMBERS OF EMPLOYERS FOR SUCH employees who are former applicants
6 for or recipients OR FORMER RECIPIENTS of public assistance and care and
7 who are so certified to the commissioner by the commissioner of the
8 office of temporary and disability assistance. Provided, further, that
9 with respect to employee information, the department of health shall
10 only be furnished with the information required pursuant to the
11 provisions of paragraph (f) of subdivision two and subdivision two-a of
12 section two thousand five hundred eleven of the public health law and
13 subdivision eight of section three hundred sixty-six-a and paragraphs
14 (b) and (d) of subdivision two of section three hundred sixty-nine-ee of
15 the social services law, with respect to those individuals whose eligi-
16 bility under the child health insurance plan, medical assistance
17 program, and family health plus program is to be determined pursuant to
18 such provisions and with respect to those members of any such individ-
19 ual's household whose income affects such individual's eligibility and
20 who are so certified to the commissioner or by the department of health.
21 Provided, further, that wage reporting information shall be furnished to
22 the office of vocational and educational services for individuals with
23 disabilities of the education department, the commission for the blind
24 and visually handicapped and any other state vocational rehabilitation
25 agency only if such office, commission or agency, as applicable, certi-
26 fies to the commissioner that such information is necessary to obtain
27 reimbursement from the federal social security administration for
28 expenditures made on behalf of disabled individuals who have achieved
29 self-sufficiency. Reports and returns shall be preserved for three years
30 and thereafter until the commissioner orders them to be destroyed.

31 S 4. Subparagraph (B) of paragraph 2 of subsection (1) of section 697
32 of the tax law, as amended by chapter 214 of the laws of 1998, is
33 amended to read as follows:

34 (B) For purposes of this subsection, the term "employment security
35 [and public assistance work] program purposes" means the unemployment
36 insurance programs administered by the commissioner of labor pursuant to
37 the labor law and those employment and training programs with respect to
38 which the department of labor has administrative, reporting, monitoring,
39 or evaluating responsibilities.

40 S 5. Section 697 of the tax law is amended by adding a new subsection
41 (p) to read as follows:

42 (P) EXCHANGE OF WAGE REPORTING INFORMATION WITH THE OFFICE OF TEMPO-
43 RARY AND DISABILITY ASSISTANCE.--NOTWITHSTANDING ANY PROVISION OF LAW TO
44 THE CONTRARY, THE DEPARTMENT SHALL FURNISH TO THE OFFICE OF TEMPORARY
45 AND DISABILITY ASSISTANCE, OR OTHER INDIVIDUALS DESIGNATED BY THE
46 COMMISSIONER OF SUCH OFFICE WHO ARE ENGAGED IN PURPOSES DEEMED APPROPRI-
47 ATE BY THE COMMISSIONER OF SUCH OFFICE CONSISTENT WITH THE PROVISIONS OF
48 THE SOCIAL SERVICES LAW AND THE FEDERAL SOCIAL SECURITY ACT, THE NAME,
49 THE WAGES OF INDIVIDUALS, THE INFORMATION PROVIDED BY THE OFFICE OF
50 TEMPORARY AND DISABILITY ASSISTANCE TO THE DEPARTMENT FOR THE PURPOSES
51 OF MATCHING TO THE DEPARTMENT'S RECORDS, THE SOCIAL SECURITY NUMBER OR
52 OTHER INFORMATION WHICH COULD BE USED TO IDENTIFY EMPLOYEES, AND THE
53 NAME AND FEDERAL EMPLOYER IDENTIFICATION NUMBER OF EMPLOYERS CONTAINED
54 WITHIN WITHHOLDING TAX INFORMATION REQUIRED FROM EMPLOYERS PURSUANT TO
55 PART V OF THIS ARTICLE FOR THE PURPOSE OF EVALUATING THE EFFECTS OF

1 PARTICIPATION IN EMPLOYMENT, TRAINING OR OTHER PROGRAMS DESIGNED TO
2 PROMOTE SELF-SUFFICIENCY ON EARNINGS.

3 S 6. Paragraphs (a), (b), (c), and (c) and (d) of subdivision 1 of
4 section 23 of the social services law, paragraph (a) as amended by
5 section 1 of part V of chapter 57 of the laws of 2009, paragraphs (b),
6 (c) and (d) as amended by chapter 304 of the laws of 1990 and paragraph
7 (c) as added by chapter 818 of the laws of 1990, are amended to read as
8 follows:

9 (a) to social services districts:

10 (i) with respect to applicants for [and], recipients OF AND FORMER
11 RECIPIENTS of public assistance and care or other benefits pursuant to
12 this chapter for which such districts are responsible, PROVIDED, HOWEV-
13 ER, THAT THIS INFORMATION REGARDING FORMER RECIPIENTS SHALL NOT BE USED
14 TO RECOVER PUBLIC ASSISTANCE PREVIOUSLY PROVIDED TO SUCH RECIPIENTS AND
15 SHALL ONLY BE AVAILABLE TO SOCIAL SERVICES DISTRICTS FOR A PERIOD OF
16 THREE YEARS SIX MONTHS AFTER THE CLOSURE OF THE RECIPIENT'S PUBLIC
17 ASSISTANCE CASE AND ONLY FOR THE PURPOSE OF EVALUATING SUCH FORMER
18 RECIPIENT'S ELIGIBILITY FOR TRANSITIONAL BENEFITS AND FOR THE PURPOSE OF
19 EVALUATING THE EFFECTIVENESS OF PUBLIC ASSISTANCE PROGRAMS AND EMPLOY-
20 MENT PERFORMANCE WHEN RECIPIENTS LEAVE PUBLIC ASSISTANCE;

21 (ii) with respect to any person legally responsible for the support of
22 such applicants and recipients;

23 (iii) with respect to any person legally responsible for the support
24 of a recipient of services under section one hundred eleven-g of this
25 chapter or to any agent of any entity that is under contract with the
26 child support program pursuant to title six-A of article three of this
27 chapter; [and]

28 (iv) with respect to the parents, the stepparents, the child and the
29 siblings of the child who were living in the same household as a child
30 who is in the custody, care and custody or custody and guardianship of a
31 local social services district or of the office of children and family
32 services during the month that the court proceedings leading to the
33 child's removal from the household were initiated, or the written
34 instrument transferring care and custody of the child pursuant to the
35 provisions of section three hundred fifty-eight-a of this chapter or
36 section three hundred eighty-four-a of this chapter was signed, provided
37 however, that such social services district shall only use the informa-
38 tion obtained pursuant to this subdivision for the purpose of determin-
39 ing the eligibility of such child for federal payments for foster care
40 and adoption assistance pursuant to the provisions of title IV-E of the
41 federal social security act[,];

42 (b) to a public agency responsible for the administration of public
43 assistance and care in any geographically contiguous state with which
44 the department has an agreement with respect to wage information pursu-
45 ant to paragraph (h) of subdivision three of section twenty of this
46 article[,];

47 (c) to social services districts with respect to participants in
48 employment [or], training [programs] OR OTHER PROGRAMS DESIGNED TO
49 PROMOTE SELF-SUFFICIENCY authorized pursuant to this chapter who are
50 current recipients of public assistance and care or who are former
51 recipients of public assistance and care, [(except that with regard to
52 former recipients, information which relates to a particular former
53 recipient shall be provided with client identifying data deleted)] for
54 the purpose of evaluating the effect of participation in such programs
55 on such current and former recipients[, and];

1 [(c)] (D) to the federal parent locator service, maintained by the
2 federal department of health and human services, as required by section
3 one hundred twenty-four of the federal family support act of nineteen
4 hundred eighty-eight, for the purpose of enabling the [department]
5 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE to fulfill obligations and
6 responsibilities otherwise incumbent upon the state department of
7 labor[.]; AND

8 [(d)] (E) to the federal social security administration or public
9 agency of another state with which the [department] OFFICE OF TEMPORARY
10 AND DISABILITY ASSISTANCE has an agreement with respect to wage informa-
11 tion pursuant to paragraph (i) of subdivision three of section twenty of
12 this article.

13 S 7. Subdivision 3 of section 23 of the social services law, as
14 amended by section 2 of part V of chapter 57 of the laws of 2009, is
15 amended to read as follows:

16 3. Information obtained by the office of temporary and disability
17 assistance from the wage reporting system operated by the state depart-
18 ment of taxation and finance shall be considered confidential and shall
19 not be disclosed to persons or agencies other than those considered
20 entitled to such information when such disclosure is necessary for the
21 proper administration of [programs of] public assistance and care [or
22 for the proper administration] PROGRAMS, of the child support program
23 pursuant to title six-A of article three of this chapter, or of eligi-
24 bility assessments of children for federal payments for foster care and
25 adoption assistance pursuant to the provisions of title IV-E of the
26 federal social security act. For the purpose of this subdivision, any
27 disclosure made pursuant to subdivision one of this section shall be
28 considered necessary for the proper administration of [programs of]
29 public assistance and care PROGRAMS, INCLUDING ASSESSMENTS OF THE EFFEC-
30 TIVENESS THEREOF, OF THE CHILD SUPPORT PROGRAM PURSUANT TO TITLE SIX-A
31 OF ARTICLE THREE OF THIS CHAPTER, or of eligibility assessments of chil-
32 dren for federal payments for foster care and adoption assistance pursu-
33 ant to the provisions of title IV-E of the federal social security act;
34 and the federal parent locator service shall be considered an agency
35 entitled to such information as is necessary for the proper adminis-
36 tration of the child support program pursuant to title six-A of article
37 three of this chapter.

38 S 8. The social services law is amended by adding a new section 24 to
39 read as follows:

40 S 24. REPORTING OF PUBLIC ASSISTANCE RECIPIENT OUTCOMES USING WAGE
41 REPORTING DATA. USING INFORMATION OBTAINED FROM THE WAGE REPORTING
42 SYSTEM FOR NEW YORK STATE AND FOR EACH SOCIAL SERVICES DISTRICT, THE
43 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL POST ON ITS WEBSITE
44 ON A QUARTERLY BASIS:

45 1. THE PERCENTAGE AND NUMBER OF PUBLIC ASSISTANCE RECIPIENTS EIGHTEEN
46 YEARS OF AGE AND OLDER WITH EARNINGS DURING THE QUARTER, AND THE AVERAGE
47 AMOUNT OF THE EARNINGS;

48 2. THE PERCENTAGE AND NUMBER OF PERSONS EIGHTEEN YEARS OF AGE AND
49 OLDER LEAVING PUBLIC ASSISTANCE WHO HAD EARNINGS DURING THE QUARTER OF
50 EXIT, AND THE AVERAGE AMOUNT OF THE EARNINGS;

51 3. THE PERCENTAGE AND NUMBER OF PUBLIC ASSISTANCE RECIPIENTS WITHOUT
52 EARNINGS IN A QUARTER WHO HAVE EARNINGS IN THE SUBSEQUENT QUARTER, AND
53 THE AVERAGE AMOUNT OF THE EARNINGS;

54 4. FOR PERSONS ENTERING EMPLOYMENT, THE PERCENTAGE OF PERSONS WITH
55 EARNINGS IN EACH OF THE FOUR QUARTERS FOLLOWING JOB ENTRY AND THE AVER-

1 AGE CHANGE IN EARNINGS, WITH SUCH RATES REPORTED SEPARATELY FOR THOSE
2 LEAVING AND REMAINING ON PUBLIC ASSISTANCE; AND

3 5. THE PERCENTAGE OF PUBLIC ASSISTANCE RECIPIENTS LEAVING ASSISTANCE
4 FOR EMPLOYMENT WHO RECEIVE FOOD STAMP BENEFITS IN EACH OF THE FOUR QUAR-
5 TERS FOLLOWING EXIT.

6 S 9. The office of temporary and disability assistance shall add a
7 provision to its common application (LDSS 2921), at the time of its next
8 revision, advising applicants that the office of temporary and disabili-
9 ty assistance may obtain information from the wage reporting system
10 operated by the state department of taxation and finance regarding
11 applicants for, recipients of and former recipients of public assistance
12 and care, provided, however, that this information regarding former
13 recipients obtained using personal identifying information shall not be
14 used to recover public assistance previously provided to such recipients
15 and shall only be available to the office of temporary and disability
16 assistance and to the social services districts for a period of three
17 years six months after the closure of the recipient's public assistance
18 case and only for the purpose of evaluating such former recipient's
19 eligibility for transitional benefits and for the purpose of evaluating
20 the effectiveness of public assistance programs and employment perform-
21 ance when recipients leave public assistance.

22 S 10. In addition to quarterly reporting, the office of temporary and
23 disability assistance shall submit to the legislature and the governor a
24 final report of public assistance recipient outcomes using the wage
25 reporting data no later than January 1, 2013. Such report shall be made
26 available to the public on the website maintained by the office of
27 temporary and disability assistance.

28 S 11. This act shall take effect immediately and shall be deemed to
29 have been in full force and effect on and after April 1, 2009.