

3966

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

Introduced by Sen. ROBACH -- (at request of the Department of Labor) --
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 unemploy-
ment insurance information with public entities for certain authorized
purposes; and to amend the tax law, in relation to the national and
state directory of new hires

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

1 Section 1. The section heading of section 537 of the labor law, as
2 amended by chapter 346 of the laws of 1948, is amended to read as
3 follows:
4 [Disclosures prohibited] DISCLOSURE OF UNEMPLOYMENT INSURANCE INFORMA-
5 TION.
6 S 2. Subdivision 1 of section 537 of the labor law, as amended by
7 chapter 551 of the laws of 2008, is amended to read as follows:
8 1. a. Unemployment insurance information. (i) Unemployment insurance
9 information is information contained in the records of the department
10 pertaining to the administration of [this article, including information
11 obtained by the department from employers and employees pursuant to this
12 article] THE STATE UNEMPLOYMENT INSURANCE PROGRAM. The term includes
13 wage reporting information obtained by the department from the state
14 department of taxation and finance pursuant to subdivision four of
15 section one hundred seventy-one-a and paragraph four of subsection (a)
16 of section six hundred seventy-four of the tax law. It further includes
17 information in the state directory of new hires that has been disclosed
18 to the department for use in the unemployment insurance program. Such
19 information does not include the personnel or general fiscal information
20 of the department or information in the public domain.
21 (ii) For purposes of this paragraph, the term public domain means: (A)
22 information about the department and the unemployment insurance appeal

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

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board; (B) information about applicable state and federal law, rules and regulations pertaining to unemployment insurance, including interpretations thereof and statements of general policy and interpretations of general applicability but excluding investigative manuals and procedures pertaining to unemployment insurance; and (C) any agreements relating to the administration of this article. Notwithstanding the foregoing, nothing in this subdivision shall be construed to limit, restrict, or abrogate the department's right to deny access to any records pursuant to the provisions of the public officers law.

b. Use of unemployment insurance information. Unemployment insurance information shall be for the exclusive use and information of the commissioner in the discharge of his or her duties under this chapter and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the commissioner is a party to such action or proceeding, or such action or proceeding involves information provided pursuant to [paragraph g of] subdivision three of this section, notwithstanding any other provisions of law. Such information insofar as it is material to the making and determination of a claim for benefits or to adjudicating a claim for benefits shall be available to the parties affected [and, in the commissioner's discretion, may be made available to the parties affected in connection with effecting placement].

c. Disclosure of unemployment insurance information to an individual or employer. (i) The department may disclose unemployment insurance information about an individual to such individual or unemployment insurance information about an employer to such employer.

(II) As a condition to making such disclosure, the department shall require [a written] authorization to disclose such information from the individual or employer in a form acceptable to the department together with such proof of identity or authorization to act on behalf of the individual or employer as the commissioner shall deem appropriate.

(III) Notwithstanding the foregoing, except as may otherwise be authorized under paragraph b of this subdivision, this paragraph shall not be construed to authorize the department to disclose information acquired from an employer [under this article] PURSUANT TO ITS ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM to an individual or information acquired from an [employee under this article] INDIVIDUAL PURSUANT TO ITS ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM to an employer.

[(ii) Nothing in this subdivision shall be construed to prohibit the disclosure of the wage reporting information obtained by the department from the department of taxation and finance pursuant to subdivision four of section one hundred seventy-one-a and paragraph four of subsection (a) of section six hundred seventy-four of the tax law pertaining to an individual to such individual or pertaining to an employer to such employer.]

d. Disclosure OF UNEMPLOYMENT INSURANCE INFORMATION upon informed consent TO AGENTS OR THIRD PARTIES ON BEHALF OF AN INDIVIDUAL OR EMPLOYER. (i) [The] NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE department may disclose unemployment insurance information about an individual or an employer to an agent of such individual or employer, or to a third party, on the basis of informed consent received from such individual or employer. [An informed consent from an individual shall not be construed to authorize the department to disclose information acquired from an employer under this article to an agent or third party identified in an individual's informed consent nor to authorize the

1 department to disclose information acquired from an individual under
2 this article to the agent or third party identified in the employer's
3 informed consent. Nothing in this subdivision shall be construed to
4 prohibit the disclosure of the wage reporting information obtained by
5 the department from the department of taxation and finance pursuant to
6 subdivision four of section one hundred seventy-one-a and paragraph four
7 of subsection (a) of section six hundred seventy-four of the tax law
8 pertaining to an individual to the agent or third party identified in
9 the individual's informed consent or pertaining to an employer to the
10 agent or third party identified in the employer's consent] TO WHOM THE
11 INFORMATION PERTAINS, IN A FORM ACCEPTABLE TO THE COMMISSIONER.

12 (ii) [Informed consent shall consist of a written release from the
13 individual or employer to whom the information pertains.] Where [a writ-
14 ten release] SUCH INFORMED CONSENT is impossible or impracticable to
15 obtain, the department may accept an informed consent from a represen-
16 tative acceptable to the department, including but not limited to, a
17 conservator, guardian, or executor or administrator of a decedent's
18 estate, together with such documentation as the department deems neces-
19 sary, including, but not limited to, orders of appointment or letters of
20 administration, to establish the right of the representative to act on
21 the individual's behalf. An informed consent must include a statement:

22 (A) specifically identifying the information that is to be disclosed;
23 (B) acknowledging that department files will be accessed to obtain the
24 information;

25 (C) identifying the specific purpose or purposes for which the infor-
26 mation is sought, subject to the limitations on such purpose or purposes
27 set forth in subparagraph (iii) of this paragraph, and indicating that
28 information obtained under the [release] CONSENT will only be used for
29 that purpose or purposes; and

30 (D) identifying all the parties who may receive the information
31 disclosed pursuant to the consent.

32 (iii) The purpose specified in the [release] CONSENT must be limited
33 to providing a service or benefit to the individual signing the
34 [release] CONSENT that such individual expects to receive as a result of
35 signing the [release] CONSENT or for the purpose of carrying out admin-
36 istration or evaluation of a public program to which the [release]
37 CONSENT pertains.

38 [e. Funding for disclosure of requested unemployment insurance infor-
39 mation. Except as permitted under applicable federal law or regulation,
40 or as otherwise authorized by agreement between the department and the
41 United States Department of Labor, federal unemployment insurance grant
42 funds shall not be used to pay for any of the costs incurred by the
43 department in processing and handling a request for disclosure of unem-
44 ployment information made under this article.]

45 (IV) A PROPERLY EXECUTED POWER OF ATTORNEY FORM DEVELOPED BY THE
46 DEPARTMENT TO AUTHORIZE AN INDIVIDUAL TO ACT AS AN EMPLOYER REPRESEN-
47 TATIVE IN MATTERS RELATED TO ADMINISTRATION OF THE UNEMPLOYMENT INSUR-
48 ANCE PROGRAM SHALL CONSTITUTE INFORMED CONSENT FOR PURPOSES OF THIS
49 SECTION.

50 (V) A LETTER OR OTHER WRITTEN COMMUNICATION FROM AN ELECTED OFFICIAL
51 RECEIVED ON OFFICIAL LETTERHEAD OR TRANSMITTED THROUGH AN OFFICIAL ELEC-
52 TRONIC MAIL ADDRESS IN CONNECTION WITH PROVIDING SERVICES TO A CONSTITU-
53 ENT SHALL CONSTITUTE INFORMED CONSENT FOR PURPOSES OF THIS SECTION.

54 (VI) A LETTER OR OTHER WRITTEN COMMUNICATION FROM AN ATTORNEY PROVIDED
55 ON FIRM LETTERHEAD IN WHICH THE ATTORNEY ASSERTS HE OR SHE IS REPRESENT-
56 ING AN EMPLOYER OR INDIVIDUAL IN A MATTER RELATED TO THE DEPARTMENT'S

1 IMPLEMENTATION OF THE UNEMPLOYMENT INSURANCE PROGRAM SHALL CONSTITUTE
2 INFORMED CONSENT FOR THE EMPLOYER OR INDIVIDUAL FOR PURPOSES OF THIS
3 SECTION. FOR ALL OTHER MATTERS, THE ATTORNEY WILL NEED TO PROVIDE
4 INFORMED CONSENT AS DISCUSSED IN PARAGRAPH D OF THIS SUBDIVISION.

5 S 3. Subdivision 2 of section 537 of the labor law is renumbered
6 subdivision 8 and a new subdivision 2 is added to read as follows:

7 2. THE COMMISSIONER SHALL REPORT FULLY AND COMPLETELY TO THE APPROPRI-
8 ATE AGENCY OF THE UNITED STATES ON THE EFFECT AND ADMINISTRATION OF THE
9 UNEMPLOYMENT INSURANCE PROGRAM IN THE MANNER PRESCRIBED BY SUCH AGENCY.
10 THE COMMISSIONER SHALL ALSO MAKE UNEMPLOYMENT INSURANCE INFORMATION
11 AVAILABLE, UPON REQUEST, TO ANY FEDERAL, STATE OR LOCAL AGENCY ENTITLED
12 TO SUCH INFORMATION UNDER THE SOCIAL SECURITY ACT OR ANY OTHER FEDERAL
13 LAW IN THE MANNER PRESCRIBED BY SUCH FEDERAL LAW OR ITS IMPLEMENTING
14 REGULATIONS AND 20 CFR PART 603. NOTHING IN THIS SUBDIVISION SHALL
15 PROHIBIT THE DEPARTMENT FROM DISCLOSING TO THE STATE DIRECTORY OF NEW
16 HIRES WAGE AND UNEMPLOYMENT COMPENSATION INFORMATION AS MAY BE NECESSARY
17 TO ALLOW SUCH STATE DIRECTORY TO COMPLY WITH SECTION ONE HUNDRED SEVEN-
18 TY-ONE-H OF THE TAX LAW. THE DEPARTMENT SHALL BE REIMBURSED FOR THE COST
19 OF PROVIDING SUCH INFORMATION CONSISTENT WITH FEDERAL LAW AND REGU-
20 LATION.

21 S 4. Subdivision 3 of section 537 of the labor law, as amended by
22 chapter 442 of the laws of 1994, the opening paragraph and paragraph a
23 as amended and paragraph g as added by chapter 6 of the laws of 2007,
24 paragraph b and clauses 1, 4 and 5 of subparagraph (ii) of paragraph g
25 as amended and clauses 6, 7, 8 and 9 of subparagraph (ii) of paragraph g
26 and paragraph h as added by chapter 551 of the laws of 2008, paragraphs
27 c and d as added by chapter 398 of the laws of 1997, paragraph e as
28 amended by chapter 601 of the laws of 2007 and paragraph f as added by
29 chapter 724 of the laws of 2006, is amended to read as follows:

30 3. Exceptions TO NON-DISCLOSURE PROVISIONS. [The] A. NOTWITHSTANDING
31 SUBDIVISIONS ONE AND TWO OF THIS SECTION, UPON WRITTEN REQUEST AND AT
32 HIS OR HER SOLE DISCRETION, THE commissioner may[, however,] disclose
33 [the] UNEMPLOYMENT INSURANCE information [described in subdivisions one
34 and four of this section under the following circumstances:

35 a. Federal law. The commissioner shall report fully and completely to
36 the appropriate agency of the United States on the effect and adminis-
37 tration of this article in the manner prescribed by such agency, and
38 further he or she shall make information available, upon request, to any
39 federal, state or local agency entitled to such information under the
40 social security act or any other federal law in the manner prescribed by
41 such federal law or its implementing regulations.

42 b. Chief administrator of the courts; commissioners of jurors; county
43 clerks.] FOR THE PURPOSES SET FORTH IN PARAGRAPH B OF THIS SUBDIVISION,
44 SUBJECT TO THE FOLLOWING: (I) SUCH DISCLOSURE SHALL ONLY BE MADE PURSU-
45 ANT TO THE TERMS OF A WRITTEN AGREEMENT BETWEEN THE DEPARTMENT AND THE
46 ENTITY TO WHICH THE UNEMPLOYMENT INSURANCE INFORMATION IS BEING
47 DISCLOSED, THE TERMS OF WHICH SHALL, AT A MINIMUM, BE CONSISTENT WITH 20
48 CFR PART 603 AND ANY OTHER APPLICABLE FEDERAL AND STATE LAWS AND REGU-
49 LATIONS. THE TERMS OF SUCH AGREEMENT SHALL INCLUDE, BUT NOT BE LIMITED
50 TO, PROVISIONS REQUIRING THAT UNEMPLOYMENT INSURANCE INFORMATION SHALL
51 BE DISCLOSED ONLY AFTER THE REQUESTING AGENCY HAS DEMONSTRATED, TO THE
52 COMMISSIONER'S SATISFACTION, THAT THE INFORMATION SHALL BE USED ONLY FOR
53 THOSE PURPOSES FOR WHICH IT WAS PROVIDED TO THE REQUESTING ENTITY, SHALL
54 BE KEPT CONFIDENTIAL EXCEPT FOR SUCH PURPOSES, SHALL NOT BE DISCLOSED TO
55 ANY THIRD PARTIES IN INDIVIDUALLY IDENTIFIABLE FORM UNLESS PERMISSION TO
56 DO SO IS EXPRESSLY AUTHORIZED BY SUCH AGREEMENT, THAT THE REQUESTING

1 AGENCY HAS SECURITY SAFEGUARDS IN PLACE TO ENSURE ITS APPROPRIATE USE BY
2 THE ENTITY AND TO PREVENT THE UNAUTHORIZED DISCLOSURE OF SUCH INFORMA-
3 TION, AND THAT THE ENTITY WILL MONITOR COMPLIANCE WITH SUCH SECURITY
4 SAFEGUARDS TO THE COMMISSIONER'S SATISFACTION; (II) SUCH DISCLOSURE
5 SHALL ONLY BE MADE SUBJECT TO THE PROVISIONS REGARDING REIMBURSEMENT OF
6 COSTS ASSOCIATED WITH SUCH DISCLOSURE TO THE UNEMPLOYMENT INSURANCE
7 PROGRAM PURSUANT TO THE PROVISIONS OF SUBDIVISION SIX OF THIS SECTION;
8 (III) DISCLOSURE OF UNEMPLOYMENT INSURANCE INFORMATION TO THE AGENTS,
9 CONTRACTORS, AND SUBCONTRACTORS OF ANY ENTITY PERMITTED TO RECEIVE SUCH
10 INFORMATION UNDER THIS SUBDIVISION SHALL BE GRANTED SOLELY AT THE
11 DISCRETION OF THE COMMISSIONER ONLY AFTER THE ENTITY TO WHOM THE INFOR-
12 MATION IS BEING DISCLOSED IN THE FIRST INSTANCE HAS DEMONSTRATED TO THE
13 COMMISSIONER'S SATISFACTION THAT SUCH AGENTS, CONTRACTORS, AND SUBCON-
14 TRACTORS WILL, BY SEPARATE WRITTEN AGREEMENT BETWEEN THE ENTITY AND SUCH
15 AGENTS, CONTRACTORS, OR SUBCONTRACTORS, BE SUBJECT TO ALL LIMITATIONS ON
16 USE AND DISCLOSURE OF THE INFORMATION SET FORTH IN THE AGREEMENT REFER-
17 ENCED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THAT THE ENTITY WILL
18 MONITOR COMPLIANCE BY SUCH AGENCY, CONTRACTORS, AND SUBCONTRACTORS WITH
19 ALL SECURITY SAFEGUARDS SET FORTH IN SUCH AGREEMENT.

20 B. SUBJECT TO THE REQUIREMENTS SET FORTH IN PARAGRAPH A OF THIS SUBDI-
21 VISION, THE COMMISSIONER MAY DISCLOSE UNEMPLOYMENT INSURANCE INFORMATION
22 TO THE FOLLOWING PUBLIC OFFICIALS/ENTITIES FOR THE FOLLOWING PURPOSES,
23 TO THE EXTENT THAT SUCH PURPOSES FALL WITHIN THE SCOPE OF THE PUBLIC
24 OFFICIAL/ENTITY'S DUTIES: (I) The commissioner shall provide lists of
25 [the names of] persons receiving unemployment insurance benefits to the
26 chief administrator of the courts[,] appointed pursuant to section two
27 hundred ten of the judiciary law[. The lists shall be provided] for the
28 sole purpose of integration OF SUCH LISTS into lists of prospective
29 jurors as provided by section five hundred six of the judiciary law,
30 PROVIDED HOWEVER, THAT FOR PURPOSES OF THIS SUBPARAGRAPH, UNEMPLOYMENT
31 INSURANCE INFORMATION DISCLOSED PURSUANT TO THIS SUBPARAGRAPH SHALL BE
32 LIMITED TO LISTS OF THE NAMES AND ADDRESSES OF PERSONS RESIDING IN THE
33 STATE AND RECEIVING UNEMPLOYMENT INSURANCE BENEFITS AND ANY OTHER INFOR-
34 MATION DEEMED NECESSARY BY THE COMMISSIONER. The chief administrator of
35 the courts shall upon request provide information from the lists to the
36 commissioner of jurors in each county or, in a county within a city
37 having a population of one million or more, the county clerk of said
38 county, solely for the purpose of compiling lists of prospective jurors
39 for the appropriate county. [The lists of persons receiving unemployment
40 insurance benefits shall be provided only pursuant to a cooperative
41 agreement between the chief administrator of the courts and the commis-
42 sioner that is consistent with all federal regulations or requirements
43 governing such disclosures and guarantees that all necessary steps shall
44 be taken by the chief administrator of the courts, the commissioners of
45 jurors and the county clerks to insure that the lists are kept confiden-
46 tial and that there is no unauthorized use or disclosure of such lists.
47 Furthermore, the lists will be provided only if the chief administrator
48 of the courts determines that the lists are needed for integration into
49 lists of prospective jurors in one or more counties.

50 c.] (II) Nothing herein shall be construed to prohibit the delivery of
51 unemployment benefit information contained in the department's records
52 to the secretary of health and human services of the United States or
53 the state agency responsible for collecting such information, in accord-
54 ance with regulations promulgated by such secretary, as necessary for
55 the purposes of the national directory of new hires as established under
56 section four hundred fifty-three A of the social security act, as added

1 by section three hundred thirteen of the personal responsibility and
2 work opportunity reconciliation act of 1996, P.L. 104-193.

3 [d. (i)] (III)(A) Nothing herein shall be construed to prohibit the
4 disclosure quarterly, to the secretary of health and human services of
5 the United States or the state agency responsible for collecting such
6 information, claim information contained in the department's records, as
7 required by section four hundred fifty-three A of the social security
8 act (establishing the national directory) as amended by section three
9 hundred thirteen of the personal responsibility and work opportunity
10 reconciliation act of 1996, P.L. 104-193. Such claim information is to
11 be used only for the purposes of section four hundred fifty-three A of
12 the social security act in carrying out child support enforcement
13 programs. Costs of furnishing such claim information shall be reimbursed
14 consistent with federal law and regulations.

15 [(ii)] (B) For the purpose of this paragraph the term "claim informa-
16 tion" means information regarding whether an individual is receiving,
17 has received, or has made application for, unemployment insurance bene-
18 fits, the amount of such benefits being received or to be received and
19 the individual's most recent address contained in the department's
20 records.

21 [e. Nothing herein shall be construed to prohibit the disclosure of
22 claim information as defined in subparagraph (ii) of paragraph d of this
23 subdivision to] (IV) TO the ["]state directory of new hires,["] as
24 established under section one hundred seventy-one-h of the tax law as
25 amended, and to the state office of temporary and disability assistance
26 for disseminating to support collection units designated by social
27 services districts or their duly authorized agents for all purposes
28 designated by the personal responsibility and worker opportunity recon-
29 ciliation act of 1996, public law 104-193. [The cost of providing such
30 claim information shall be reimbursed consistent with federal law and
31 regulations.

32 f. United States census bureau. Upon request to the commissioner, such
33 information may be disclosed to] (V) TO the United States census bureau
34 for statistical analyses related to population and employment measure-
35 ments and trends. The confidentiality of such information shall be
36 protected by [subdivisions one and two of] this section and title thir-
37 teen of the United States Code [and subject to the terms of a written
38 agreement between the United States census bureau and the commissioner].

39 [g. Federal, state and local agencies. (i) Upon request to the commis-
40 sioner, such information may be disclosed to certain federal, state and
41 local agencies. The commissioner may require written agreements with
42 requesting agencies in a form determined by the commissioner and
43 consistent with 20 CFR 603 and other federal regulations. The informa-
44 tion that may be disclosed pursuant to this paragraph shall be disclosed
45 only after the requesting agency has demonstrated, to the commissioner's
46 satisfaction, that the information shall be kept confidential, except
47 for those purposes for which it was provided to the requesting agency,
48 and that the requesting agency has security safeguards in place to
49 prevent the unauthorized disclosure of such information.

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

53 (1)] (VI) TO any federal, state or local agency in the investigation
54 OR PROSECUTION of fraud relating to public programs, [or] misuse of
55 public funds[;], OR INVESTIGATION OR PROSECUTION OF IDENTITY THEFT IN
56 CONNECTION WITH THE OPERATION OF PUBLIC PROGRAMS; IN RESPONSE TO A JUDI-

1 CIAL ORDER OR GRAND JURY SUBPOENA; TO ANY STATE OR LOCAL GOVERNMENTAL
2 ENTITY FOR THE PURPOSE OF PUBLIC PROTECTION, INCLUDING BUT NOT LIMITED
3 TO, DISCLOSURE TO LAW ENFORCEMENT AGENCIES IN CONNECTION WITH THE INVES-
4 TIGATION OR PROSECUTION OF ALLEGED CRIMINAL CONDUCT; AND TO PUBLIC SAFE-
5 TY AGENCIES IN CONNECTION WITH EMERGENCY MANAGEMENT OR RESPONSE.

6 [(2)] (VII) TO any state or United States territorial workforce agen-
7 cy, local workforce investment board and its agents, and one-stop oper-
8 ating partner receiving funds under the workforce investment act of 1998
9 for program performance purposes and other legitimate programmatic
10 purposes authorized by the commissioner[;].

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

14 (4) state and local economic development agencies, or their agents,
15 where such information is necessary to carry out the statutory functions
16 of such agencies, shall receive a quarterly census of employment and
17 wage information compiled by the department, provided that such disclo-
18 sure shall not violate federal law. Any redisclosure of information
19 obtained by such agencies under this clause shall be limited to tabu-
20 lation and publication of such information in an aggregated statistical
21 form. No individual identifying information obtained pursuant to this
22 clause shall be redisclosed in the course of the tabulation or publica-
23 tion. As used in this clause, the term "aggregated statistical form"
24 shall mean, in the case of information regarding individuals, a data set
25 that includes information about not fewer than ten individuals, and, in
26 the case of employer information, a data set that includes information
27 about no fewer than three employers, of which no one employer comprises
28 more than eighty percent of the aggregated data set; and] OTHER THAN
29 FUNDING FOR THE UNEMPLOYMENT INSURANCE PROGRAM.

30 (IX) TO ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL ENTITY FOR (A) EVAL-
31 UATION OF PROGRAM PERFORMANCE, AS REQUIRED BY FEDERAL, STATE, OR LOCAL
32 LAW OR REGULATION, INCLUDING BUT NOT LIMITED TO, CUSTOMER TRACKING NEED-
33 ED FOR LONG TERM OR LONGITUDINAL OUTCOME ANALYSIS; (B) FINANCIAL OR
34 OTHER ANALYSIS REQUIRED BY FEDERAL, STATE, OR LOCAL LAW OR REGULATION;
35 (C) PREPARATION OF REPORTS REQUIRED BY FEDERAL, STATE, OR LOCAL LAW OR
36 REGULATION; (D) THE OPERATION OF PUBLIC PROGRAMS BY SUCH ENTITIES, WHEN-
37 EVER IT IS DETERMINED BY THE COMMISSIONER THAT SUCH INFORMATION SHARING
38 IS NEEDED TO IMPROVE THE QUALITY OR DELIVERY OF PROGRAM SERVICES OR TO
39 CREATE OPERATIONAL EFFICIENCIES; OR (E) ESTABLISHMENT OF A COMMON CASE
40 MANAGEMENT SYSTEM WITH OTHER STATE OR LOCAL ENTITIES DELIVERING OR
41 SUPPORTING WORKFORCE SERVICES FOR A SHARED CUSTOMER BASE, WHEREVER SUCH
42 COMMON CASE MANAGEMENT SYSTEM IS DETERMINED BY THE COMMISSIONER TO BE
43 NEEDED TO FOSTER WORKFORCE PARTNERSHIPS, PROGRAM COORDINATION, OR
44 INTER-AGENCY COLLABORATION, TO IMPROVE PROGRAM SERVICES, OR TO CREATE
45 OPERATIONAL EFFICIENCIES.

46 [(5)] (X) TO the workers' compensation board, the state insurance fund
47 and the state insurance department, for purposes of determining compli-
48 ance with the coverage of workers' compensation and disability insurance
49 and to the workers' compensation board for purposes of determining
50 eligibility for workers' compensation benefits.

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

54 (7)] (XI) TO the office of temporary and disability assistance, or
55 local social services districts, for purposes of establishing or verify-
56 ing the income and eligibility of applicants for, or recipients of,

benefits under state public assistance AND CARE programs for such benefits. Information obtained by the office of temporary and disability assistance under this [clause] SUBPARAGRAPH shall not be disclosed, except to THE DEPARTMENT OF HEALTH, THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND 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 AND CARE 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]

(XII) TO THE NEW YORK CITY COMPTROLLER FOR THE PURPOSE OF ESTABLISHING NEW YORK CITY PREVAILING WAGE RATES AS REQUIRED BY THIS CHAPTER.

(XIII) TO FEDERAL, STATE, OR LOCAL OFFICIALS, WHEN, IN THE JUDGMENT OF THE COMMISSIONER, SUCH OFFICIALS HAVE MADE A SHOWING OF NEED FOR SUCH INFORMATION BASED UPON COMPELLING CIRCUMSTANCES AFFECTING THE HEALTH AND SAFETY OF AN INDIVIDUAL.

(XIV) TO THE NEW YORK STATE COMPTROLLER, FOR PURPOSES ASSOCIATED WITH THE PERFORMANCE OF HIS OR HER STATUTORY AND CONSTITUTIONAL RESPONSIBILITIES RELATED TO THE ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM INCLUDING, BUT NOT LIMITED TO, DUTIES ASSOCIATED WITH AUDITING BENEFIT PAYMENTS AND THE OPERATION OF THE UNEMPLOYMENT INSURANCE PROGRAM AS A WHOLE.

[h. Department] (XV) TO DEPARTMENT contractors, subcontractors, or agents[. The department may disclose unemployment insurance information to its contractors, subcontractors, or agents] as the commissioner deems necessary to carry out the statutory functions of the department. Such disclosure shall be consistent with the authorized purposes described in subdivision four of this section and all applicable federal regulations, guidelines and policies.

S 5. Section 537 of the labor law is amended by adding a new subdivision 6 to read as follows:

6. PAYMENT TO THE DEPARTMENT FOR DISCLOSURE OF REQUESTED UNEMPLOYMENT INSURANCE INFORMATION. A. EXCEPT AS PERMITTED UNDER APPLICABLE FEDERAL LAW OR REGULATION, OR AS OTHERWISE AUTHORIZED BY AGREEMENT BETWEEN THE DEPARTMENT AND THE UNITED STATES DEPARTMENT OF LABOR, FEDERAL UNEMPLOYMENT INSURANCE GRANT FUNDS SHALL NOT BE USED TO PAY FOR ANY OF THE COSTS INCURRED BY THE DEPARTMENT IN PROCESSING AND HANDLING A REQUEST FOR DISCLOSURE OF UNEMPLOYMENT INFORMATION MADE UNDER THIS SECTION, INCLUDING START-UP COSTS, OR FOR ADMINISTERING SUCH REQUEST OR MONITORING COMPLIANCE WITH CONFIDENTIALITY PROVISIONS ATTACHING TO SUCH DISCLOSURE.

B. SUCH COSTS SHALL BE CALCULATED, COLLECTED AND ADMINISTERED BY THE DEPARTMENT CONSISTENT WITH APPLICABLE FEDERAL RULES AND GUIDELINES, AND SHALL BE PAID IN ADVANCE OF DISCLOSURE TO THE DEPARTMENT BY THE ENTITY REQUESTING THE INFORMATION OR BY ANOTHER PARTY ACTING ON BEHALF OF SUCH ENTITY. WHERE THE RECIPIENT IS A PUBLIC OFFICIAL, THE DEPARTMENT MAY ACCEPT PAYMENT OF COSTS BY WAY OF REIMBURSEMENT.

C. NOTWITHSTANDING THE FOREGOING, COSTS ASSOCIATED WITH THE DISCLOSURE OF UNEMPLOYMENT INSURANCE INFORMATION BY THE DEPARTMENT PURSUANT TO THE

1 TERMS OF THIS SECTION MAY BE WAIVED IF NOT MORE THAN AN INCIDENTAL
2 AMOUNT OF STAFF TIME AND NO MORE THAN NOMINAL PROCESSING COSTS ARE
3 INVOLVED IN MAKING THE DISCLOSURE OR WHERE THE DEPARTMENT HAS IN PLACE A
4 RECIPROCAL COST AGREEMENT OR ARRANGEMENT WITH THE ENTITY TO WHOM THE
5 INFORMATION IS DISCLOSED. FOR PURPOSES OF THIS PARAGRAPH, RECIPROCAL
6 MEANS THAT THE RELATIVE BENEFITS RECEIVED BY THE UNEMPLOYMENT INSURANCE
7 PROGRAM AND THE ENTITY TO WHOM THE INFORMATION IS DISCLOSED EACH RECEIVE
8 BENEFITS THAT ARE APPROXIMATELY EQUAL.

9 S 6. Subdivision 7 of section 537 of the labor law, as added by chap-
10 ter 302 of the laws of 1995, is amended to read as follows:

11 7. The department shall notify all EMPLOYERS, AND applicants to, and
12 [participants in, employment security and training programs for which
13 the department has reporting, monitoring or evaluating responsibilities]
14 RECIPIENTS OF, UNEMPLOYMENT INSURANCE BENEFITS that information obtained
15 from the department of taxation and finance AND/OR UNEMPLOYMENT INSUR-
16 ANCE INFORMATION COLLECTED IN CONNECTION WITH THE DEPARTMENT'S ADMINIS-
17 TRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM may be used to evaluate
18 program effectiveness [of up to ten years after such application or
19 participation, whichever is later] OR FOR OTHER OFFICIAL PURPOSES AS SET
20 FORTH IN THIS SECTION.

21 S 7. Paragraph (g) of subdivision 4 of section 171-h of the tax law,
22 as added by chapter 398 of the laws of 1997, is amended to read as
23 follows:

24 (g) furnish to the national directory of new hires, on a quarterly
25 basis, extracts of the reports required under paragraph six of
26 subsection (a) of section three hundred three of the federal social
27 security act to be made to the secretary of labor concerning wages and
28 unemployment compensation paid to individuals, by such dates, and in
29 such manner as the secretary of health and human services shall specify
30 by regulations. The state department of labor shall, consistent with the
31 authority contained in [paragraph e of subdivision three of] section
32 five hundred thirty-seven of the labor law, disclose to the state direc-
33 tory of new hires, such wage and unemployment compensation information
34 as may be necessary to allow such state directory to comply with the
35 provisions of this paragraph.

36 S 8. This act shall take effect immediately.