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

7911--B

2013-2014 Regular Sessions

I N A S S E M B L Y

June 7, 2013

Introduced by M. of A. ROZIC, CAMARA, HEVESI, FAHY, MOYA, ORTIZ, MILLER, SKOUFIS, BRINDISI, GOLDFEDER, ESPINAL, BRAUNSTEIN, MOSLEY, SIMOTAS, MILLMAN, JACOBS, ROBERTS, CRESPO, MONTESANO, GUNTHER, MORELLE, RODRIGUEZ, HEASTIE -- Multi-Sponsored by -- M. of A. CLARK, COOK, DenDEKKER, MAYER -- read once and referred to the Committee on Labor -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to the sharing of unemployment insurance information with public entities for certain authorized purposes

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 is amended by adding two new clauses 10 and 11 to read as follows:

(10) ANY OTHER FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY, INCLUDING THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AND ANY OF THEIR CONSTITUENT UNITS, OR THE AGENTS OR CONTRACTORS OF A GOVERNMENTAL AGENCY, WHERE SUCH INFORMATION IS TO BE USED FOR (A) EVALUATION OF PROGRAM PERFORMANCE, INCLUDING, BUT NOT LIMITED TO, LONGITUDINAL OUTCOME ANALYSIS OF PROGRAMS (INCLUDING PROGRAMS FUNDED BY PUBLIC OR PRIVATE MONEYS OR A COMBINATION THEREOF) TO THE EXTENT PERMITTED BY FEDERAL LAW; (B) FINANCIAL OR OTHER ANALYSIS REQUIRED BY FEDERAL, STATE, OR LOCAL LAW OR REGULATION; (C) PREPARATION OF REPORTS REQUIRED BY FEDERAL, STATE, OR LOCAL LAW OR REGULATION; (D) OPERATION OF PUBLIC PROGRAMS BY SUCH AGENCIES, THEIR AGENTS, CONTRACTORS AND SUBCONTRACTORS, WHENEVER THE COMMISSIONER DETERMINES THAT SUCH INFORMATION SHARING IS FOR THE PURPOSE OF IMPROVING THE QUALITY OR DELIVERY OF PROGRAM SERVICES OR TO CREATE OPERATIONAL EFFICIENCIES; OR (E) ESTABLISHMENT OF COMMON

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

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CASE MANAGEMENT SYSTEMS BETWEEN FEDERAL, STATE, OR LOCAL AGENCIES DELIVERING OR SUPPORTING WORKFORCE SERVICES FOR A SHARED CUSTOMER BASE, WHEREVER SUCH COMMON CASE MANAGEMENT SYSTEM IS FOR THE PURPOSE OF FOSTERING WORKFORCE PARTNERSHIPS, PROGRAM COORDINATION, INTER-AGENCY COLLABORATION, IMPROVING PROGRAM SERVICES, OR CREATING OPERATIONAL EFFICIENCIES. ANY REDISCLOSURE OF INFORMATION OBTAINED BY SUCH AGENCIES, THEIR AGENTS, OR THEIR CONTRACTORS UNDER THIS CLAUSE SHALL BE LIMITED TO TABULATION AND PUBLICATION OF SUCH INFORMATION IN AN AGGREGATED STATISTICAL FORM, EXCEPT WHEN AN AGENCY, ITS AGENT, ITS CONTRACTOR OR OTHER AGENCY MUST EXCHANGE SUCH INFORMATION FOR AN AUTHORIZED PURPOSE AS PROVIDED FOR IN THE WRITTEN AGREEMENT REQUIRED BY 20 CFR PART 603. NO INDIVIDUAL IDENTIFYING INFORMATION OBTAINED PURSUANT TO PARAGRAPH D OF SUBDIVISION ONE OF THIS SECTION SHALL BE REDISCLOSED IN THE COURSE OF THE TABULATION OR PUBLICATION. AS USED IN THIS CLAUSE, THE TERM "AGGREGATED STATISTICAL FORM" SHALL MEAN, IN THE CASE OF INFORMATION REGARDING INDIVIDUALS, A DATA SET THAT INCLUDES INFORMATION ABOUT NO 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. WHEN THE COMMISSIONER APPROVES A REQUESTED DISCLOSURE OF INFORMATION FOR THE PURPOSES OF A LONGITUDINAL STUDY, THE COMMISSIONER SHALL ALLOW SUCH INFORMATION TO BE USED FOR A SPECIFIED PERIOD OF TIME AS PROVIDED FOR IN THE WRITTEN AGREEMENT REQUIRED BY 20 CFR PART 603. SUCH AGREEMENT MAY ONLY PROVIDE FOR INFORMATION TO BE USED FOR A PERIOD OF UP TO TEN YEARS BUT MAY BE RENEWED FOR ADDITIONAL PERIODS OF TIME.

(11) (A) PURSUANT TO CLAUSE TEN OF THIS SUBPARAGRAPH, THE COMMISSIONER SHALL ELECTRONICALLY POST IN A PLACE ACCESSIBLE BY THE GENERAL PUBLIC (I) THE MINIMUM CONDITIONS FOR GRANTING A REQUEST FROM GOVERNMENTAL AGENCIES FOR DISCLOSURE OF INFORMATION, (II) A STANDARD APPLICATION FOR SUBMITTING REQUESTS FOR DISCLOSURE OF UNEMPLOYMENT INSURANCE INFORMATION IN INDIVIDUALLY IDENTIFIABLE FORM IN ACCORDANCE WITH PARAGRAPH D OF SUBDIVISION ONE OF THIS SECTION, IN DE-IDENTIFIED UNIT LEVEL FORM, OR AGGREGATED STATISTICAL FORM, (III) THE TIMEFRAME FOR INFORMATION REQUEST DETERMINATIONS BY THE COMMISSIONER, SUCH THAT WITHIN TWENTY BUSINESS DAYS OF RECEIVING A REQUEST, THE COMMISSIONER SHALL EITHER APPROVE OR DENY THE REQUEST OR ASK FOR ADDITIONAL INFORMATION; WITHIN TWENTY BUSINESS DAYS OF RECEIVING A REQUEST FOR ADDITIONAL INFORMATION, THE REQUESTING AGENCY SHALL RESPOND TO THE COMMISSIONER, AND; WITHIN THIRTY CALENDAR DAYS OF RECEIVING THE ADDITIONAL INFORMATION, THE COMMISSIONER SHALL PROVIDE A FINAL APPROVAL OR DENIAL OF THE REQUEST, AND (IV) CONTACT INFORMATION FOR ASSISTANCE WITH REQUESTS FOR DISCLOSURE OF INFORMATION.

(B) ANY APPROVAL OR DENIAL PURSUANT TO CLAUSE TEN OF THIS SUBPARAGRAPH SHALL BE IN WRITING. DENIALS SHALL IDENTIFY THE REASON OR CATEGORY OF REASON FOR THE DENIAL.

(C) THE COMMISSIONER SHALL ISSUE GUIDELINES REGARDING THE DEVELOPMENT OF AGREEMENTS WITH RESPECT TO DISCLOSURES APPROVED PURSUANT TO CLAUSE TEN OF THIS SUBPARAGRAPH, AND SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE PROCESS AND TIMEFRAME FOR DEVELOPING SUCH AGREEMENTS AND THE TERMS THEREIN CONSISTENT WITH 20 CFR PART 603 AND OTHER FEDERAL REGULATIONS.

S 2. Subdivision 3 of section 537 of the labor law is amended by adding a new paragraph i to read as follows:

I. PAYMENT TO THE DEPARTMENT FOR DISCLOSURE OF REQUESTED UNEMPLOYMENT INSURANCE INFORMATION. (1) 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 ARTICLE. 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.

(2) COSTS PAID UNDER THIS PARAGRAPH SHALL BE INCOME OF THE STATE UNEMPLOYMENT INSURANCE PROGRAM AND SHALL ONLY BE USED AS PERMITTED UNDER THE PROVISIONS OF APPLICABLE FEDERAL REGULATIONS OR GUIDELINES GOVERNING THE ASSESSMENT AND EXPENDITURE OF SUCH COSTS.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.