

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

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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:

1 Section 1. Subparagraph (ii) of paragraph g of subdivision 3 of
2 section 537 of the labor law is amended by adding two new clauses 10 and
3 11 to read as follows:
4 (10) ANY OTHER FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY, INCLUDING
5 THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AND
6 ANY OF THEIR CONSTITUENT UNITS, OR THE AGENTS OR CONTRACTORS OF A
7 GOVERNMENTAL AGENCY, WHERE SUCH INFORMATION IS TO BE USED FOR (A) EVALU-
8 ATION OF PROGRAM PERFORMANCE, INCLUDING, BUT NOT LIMITED TO, LONGITUDI-
9 NAL OUTCOME ANALYSIS OF PROGRAMS (INCLUDING PROGRAMS FUNDED BY PUBLIC OR
10 PRIVATE MONEYS OR A COMBINATION THEREOF) TO THE EXTENT PERMITTED BY
11 FEDERAL LAW; (B) FINANCIAL OR OTHER ANALYSIS REQUIRED BY FEDERAL, STATE,
12 OR LOCAL LAW OR REGULATION; (C) PREPARATION OF REPORTS REQUIRED BY
13 FEDERAL, STATE, OR LOCAL LAW OR REGULATION; (D) OPERATION OF PUBLIC
14 PROGRAMS BY SUCH AGENCIES, THEIR AGENTS, CONTRACTORS AND SUBCONTRACTORS,
15 WHENEVER THE COMMISSIONER DETERMINES THAT SUCH INFORMATION SHARING IS
16 FOR THE PURPOSE OF IMPROVING THE QUALITY OR DELIVERY OF PROGRAM SERVICES
17 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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1 CASE MANAGEMENT SYSTEMS BETWEEN FEDERAL, STATE, OR LOCAL AGENCIES DELIV-
2 ERING OR SUPPORTING WORKFORCE SERVICES FOR A SHARED CUSTOMER BASE, WHER-
3 EVER SUCH COMMON CASE MANAGEMENT SYSTEM IS FOR THE PURPOSE OF FOSTERING
4 WORKFORCE PARTNERSHIPS, PROGRAM COORDINATION, INTER-AGENCY COLLAB-
5 ORATION, IMPROVING PROGRAM SERVICES, OR CREATING OPERATIONAL EFFICIEN-
6 CIES. ANY REDISCLOSURE OF INFORMATION OBTAINED BY SUCH AGENCIES, THEIR
7 AGENTS, OR THEIR CONTRACTORS UNDER THIS CLAUSE SHALL BE LIMITED TO TABU-
8 LATION AND PUBLICATION OF SUCH INFORMATION IN AN AGGREGATED STATISTICAL
9 FORM, EXCEPT WHEN AN AGENCY, ITS AGENT, ITS CONTRACTOR OR OTHER AGENCY
10 MUST EXCHANGE SUCH INFORMATION FOR AN AUTHORIZED PURPOSE AS PROVIDED FOR
11 IN THE WRITTEN AGREEMENT REQUIRED BY 20 CFR PART 603. NO INDIVIDUAL
12 IDENTIFYING INFORMATION OBTAINED PURSUANT TO PARAGRAPH D OF SUBDIVISION
13 ONE OF THIS SECTION SHALL BE REDISCLOSED IN THE COURSE OF THE TABULATION
14 OR PUBLICATION. AS USED IN THIS CLAUSE, THE TERM "AGGREGATED STATISTICAL
15 FORM" SHALL MEAN, IN THE CASE OF INFORMATION REGARDING INDIVIDUALS, A
16 DATA SET THAT INCLUDES INFORMATION ABOUT NO FEWER THAN TEN INDIVIDUALS,
17 AND, IN THE CASE OF EMPLOYER INFORMATION, A DATA SET THAT INCLUDES
18 INFORMATION ABOUT NO FEWER THAN THREE EMPLOYERS, OF WHICH NO ONE EMPLOY-
19 ER COMPRISES MORE THAN EIGHTY PERCENT OF THE AGGREGATED DATA SET. WHEN
20 THE COMMISSIONER APPROVES A REQUESTED DISCLOSURE OF INFORMATION FOR THE
21 PURPOSES OF A LONGITUDINAL STUDY, THE COMMISSIONER SHALL ALLOW SUCH
22 INFORMATION TO BE USED FOR A SPECIFIED PERIOD OF TIME AS PROVIDED FOR IN
23 THE WRITTEN AGREEMENT REQUIRED BY 20 CFR PART 603. SUCH AGREEMENT MAY
24 ONLY PROVIDE FOR INFORMATION TO BE USED FOR A PERIOD OF UP TO TEN YEARS
25 BUT MAY BE RENEWED FOR ADDITIONAL PERIODS OF TIME.

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

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

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

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

54 I. PAYMENT TO THE DEPARTMENT FOR DISCLOSURE OF REQUESTED UNEMPLOYMENT
55 INSURANCE INFORMATION. (1) EXCEPT AS PERMITTED UNDER APPLICABLE FEDERAL
56 LAW OR REGULATION, OR AS OTHERWISE AUTHORIZED BY AGREEMENT BETWEEN THE

1 DEPARTMENT AND THE UNITED STATES DEPARTMENT OF LABOR, FEDERAL UNEMPLOY-
2 MENT INSURANCE GRANT FUNDS SHALL NOT BE USED TO PAY FOR ANY OF THE COSTS
3 INCURRED BY THE DEPARTMENT IN PROCESSING AND HANDLING A REQUEST FOR
4 DISCLOSURE OF UNEMPLOYMENT INFORMATION MADE UNDER THIS ARTICLE. SUCH
5 COSTS SHALL BE CALCULATED, COLLECTED, AND ADMINISTERED BY THE DEPARTMENT
6 CONSISTENT WITH APPLICABLE FEDERAL RULES AND GUIDELINES AND SHALL BE
7 PAID IN ADVANCE OF DISCLOSURE TO THE DEPARTMENT BY THE ENTITY REQUESTING
8 THE INFORMATION OR BY ANOTHER PARTY ACTING ON BEHALF OF SUCH ENTITY.
9 WHERE THE RECIPIENT IS A PUBLIC OFFICIAL, THE DEPARTMENT MAY ACCEPT
10 PAYMENT OF COSTS BY WAY OF REIMBURSEMENT.

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

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