

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 661**

5 (SENATORS PLYMALE, BROWNING AND STOLLINGS, *original sponsors*)

6 _____
7 [Passed March 10, 2012; to take effect July 1, 2012.]
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10 AN ACT to amend and reenact §21A-10-11 of the Code of West
11 Virginia, 1931, as amended, relating to authorizing the
12 Executive Director or Commissioner of Workforce West Virginia
13 to provide data to certain governmental entities; changing the
14 threshold of certain levels of compensation to be reported for
15 certain data purposes by employers to the Executive Director
16 or the Commissioner of Workforce West Virginia; and changing
17 a designated recipient of the data to attain consistency with
18 prior amendments to code.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §21A-10-11 of the Code of West Virginia, 1931, as
21 amended, be amended and reenacted to read as follows:

22 **ARTICLE 10. GENERAL PROVISIONS.**

23 **§21A-10-11. Reporting requirements and required information; use**
24 **of information; libel and slander actions**
25 **prohibited.**

1 (a) Each employer, including labor organizations as defined in
2 subsection (i) of this section, shall, quarterly, submit certified
3 reports on or before the last day of the month next following the
4 calendar quarter, on forms to be prescribed by the commissioner.
5 The reports shall contain:

6 (1) The employer's assigned unemployment compensation
7 registration number, the employer's name and the address at which
8 the employer's payroll records are maintained;

9 (2) Each employee's Social Security account number, name and
10 the gross wages paid to each employee, which shall include the
11 first \$12,000 of remuneration and all amounts in excess of that
12 amount, notwithstanding subdivision (1), subsection (b), section
13 twenty-eight, article one-a of this chapter;

14 (3) The total gross wages paid within the quarter for
15 employment, which includes money wages and the cash value of other
16 remuneration, and shall include the first \$12,000 of remuneration
17 paid to each employee and all amounts in excess of that amount,
18 notwithstanding subdivision (1), subsection (b), section twenty-
19 eight, article one-a of this chapter; and

20 (4) Other information that is reasonably connected with the
21 administration of this chapter.

22 (b) Information obtained may not be published or be open to
23 public inspection to reveal the identity of the employing unit or
24 the individual.

25 (c) Notwithstanding the provisions of subsection (b) of this
26 section, the commissioner may provide information obtained to the

1 following governmental entities for purposes consistent with state
2 and federal laws:

3 (1) The United States Department of Agriculture;

4 (2) The state agency responsible for enforcement of the
5 Medicaid program under Title XIX of the Social Security Act;

6 (3) The United States Department of Health and Human Services
7 or any state or federal program operating and approved under Title
8 I, Title II, Title X, Title XIV or Title XVI of the Social Security
9 Act;

10 (4) Those agencies of state government responsible for
11 economic and community development; early childhood, primary,
12 secondary, postsecondary and vocational education; the West
13 Virginia P-20 longitudinal data system established pursuant to
14 section ten, article one-d, chapter eighteen-b of this code; and
15 vocational rehabilitation, employment and training, including, but
16 not limited to, the administration of the Perkins Act and the
17 Workforce Investment Act;

18 (5) The Tax Division, but only for the purposes of collection
19 and enforcement;

20 (6) The Division of Labor for purposes of enforcing the wage
21 bond and the contractor licensing provisions of chapter twenty-one
22 of this code;

23 (7) Any agency of this or any other state, or any federal
24 agency, charged with the administration of an unemployment
25 compensation law or the maintenance of a system of public
26 employment offices;

1 (8) Any claimant for benefits or any other interested party to
2 the extent necessary for the proper presentation or defense of a
3 claim; and

4 (9) The Insurance Commissioner for purposes of its workers'
5 compensation regulatory duties.

6 (d) The agencies or organizations which receive information
7 under subsection (c) of this section shall agree that the
8 information shall remain confidential as not to reveal the identity
9 of the employing unit or the individual consistent with the
10 provisions of this chapter.

11 (e) The commissioner may, before furnishing any information
12 permitted under this section, require that those who request the
13 information shall reimburse the Bureau of Employment Programs for
14 any cost associated for furnishing the information.

15 (f) The commissioner may refuse to provide any information
16 requested under this section if the agency or organization making
17 the request does not certify that it will comply with the state and
18 federal law protecting the confidentiality of the information.

19 (g) A person who violates the confidentiality provisions of
20 this section is guilty of a misdemeanor and, upon conviction
21 thereof, shall be fined not less than \$20 nor more than \$200 or
22 confined in a county or regional jail not longer than ninety days,
23 or both.

24 (h) An action for slander or libel, either criminal or civil,
25 may not be predicated upon information furnished by any employer or
26 any employee to the commissioner in connection with the

1 administration of any of the provisions of this chapter.

2 (i) For purposes of subsection (a) of this section, the term
3 "labor organization" means any organization of any kind, or any
4 agency or employee representation committee or plan, in which
5 employees participate and which exists for the purpose, in whole or
6 in part, of dealing with employers concerning grievances, labor
7 disputes, wages, rates of pay, hours of employment or conditions of
8 work. It includes any entity, also known as a hiring hall, which
9 is used by the organization and an employer to carry out
10 requirements described in 29 U. S. C. §158(f)(3) of an agreement
11 between the organization and the employer.