

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 661**

4 (By Senators Plymale, Browning and Stollings)

5 _____
6 [Originating in the Committee on Education;
7 reported February 23, 2012.]
8 _____

9
10 A BILL to amend and reenact §18B-2A-3 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §21A-10-11 of said
12 code, all relating to the West Virginia Network of Educational
13 Telecomputing; collecting, synthesizing and disseminating data
14 from state agencies; improving communication and cooperation
15 among state education providers; directing institutional
16 boards of governors to cooperate in certain data-related
17 operations; requiring certain reports and providing certain
18 privacy protections; setting forth certain penalties for
19 noncompliance; authorizing the Commissioner of Workforce West
20 Virginia to share data with certain education providers; and
21 making certain technical corrections.

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

23 That §18B-2A-3 of the Code of West Virginia, 1931, as amended,
24 be amended and reenacted; and that §21A-10-11 of said code be
25 amended and reenacted, all to read as follows:

26 **CHAPTER 18B. HIGHER EDUCATION.**

1 **ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.**

2 **§18B-2A-3. Supervision of governing boards; promulgation of rules.**

3 (a) The governing boards are subject to the supervision of the
4 commission or the council, as appropriate, except in those
5 instances where specific statutory exceptions are granted by law to
6 the governing boards of Marshall University and West Virginia
7 University.

8 (b) The governing boards of all state institutions of higher
9 education are subject to the provisions of law that relate to the
10 administration of personnel matters including, specifically,
11 articles seven, eight, nine and nine-a of this chapter and to rules
12 promulgated and adopted in accordance with these provisions.

13 (c) The Chancellor for Higher Education and the Chancellor for
14 Community and Technical College Education, under the supervision of
15 their respective boards, are responsible for the coordination of
16 policies, purposes and rules of the governing boards and shall
17 provide for and facilitate sufficient interaction among the
18 governing boards and between the governing boards and the State
19 Board of Education to meet the goals and objectives provided in the
20 compacts and in section one-a, article one and article one-d of
21 this chapter.

22 (d) The governing boards and the State Board of Education
23 shall provide all information requested by the commission and the
24 council, whether the request is made separately or jointly, in an
25 appropriate format and in a timely manner.

26 (1) Each governing board shall cooperate with the West

1 Virginia Network for Educational Telecomputing (WVNET) in designing
2 appropriate interfaces with the databases of institutions under its
3 jurisdiction and shall grant WVNET direct access to these
4 databases.

5 (2) WVNET, on behalf of the commission and/or council, shall
6 generate reports from the data accessed for the purposes set forth
7 in sections eight and ten, article one-d of this chapter.

8 (3) All data accessed or received from an institution shall be
9 treated in a manner consistent with the privacy protections
10 outlined in section ten, article one-d of this chapter.

11 (4) The commission may revoke the eligibility of a state
12 institution to participate in any state financial aid program set
13 forth in chapter eighteen-c of this code for failure to comply
14 promptly and in an appropriate manner with the provisions of this
15 section.

16 **CHAPTER 21A. UNEMPLOYMENT COMPENSATION.**

17 **ARTICLE 10. GENERAL PROVISIONS.**

18 **§21A-10-11. Reporting requirements and required information; use**
19 **of information; libel and slander actions**
20 **prohibited.**

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

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

4 (2) Each employee's Social Security account number, name and
5 the gross wages paid to each employee, which shall include the
6 first ~~\$8,000~~ \$12,000 of remuneration and all amounts in excess of
7 that amount, notwithstanding subdivision (1), subsection (b),
8 section twenty-eight, article one-a of this chapter;

9 (3) The total gross wages paid within the quarter for
10 employment, which includes money wages and the cash value of other
11 remuneration, and shall include the first ~~\$8,000~~ \$12,000 of
12 remuneration paid to each employee and all amounts in excess of
13 that amount, notwithstanding subdivision (1), subsection (b),
14 section twenty-eight, article one-a of this chapter; and

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

17 (b) Information obtained may not be published or be open to
18 public inspection to reveal the identity of the employing unit or
19 the individual.

20 (c) Notwithstanding the provisions of subsection (b) of this
21 section, the commissioner may provide information obtained to the
22 following governmental entities for purposes consistent with state
23 and federal laws:

24 (1) The United States Department of Agriculture;

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

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

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

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

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

18 (7) Any agency of this or any other state, or any federal
19 agency, charged with the administration of an unemployment
20 compensation law or the maintenance of a system of public
21 employment offices;

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

25 (9) The Workers' Compensation Commission for purposes of
26 collection and enforcement: *Provided, That the Workers'*

1 Compensation Commission shall provide similar information to the
2 Bureau of Employment Programs.

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

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

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

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

21 (h) No action for slander or libel, either criminal or civil,
22 shall be predicated upon information furnished by any employer or
23 any employee to the commissioner in connection with the
24 administration of any of the provisions of this chapter.

25 (i) For purposes of subsection (a) of this section, the term
26 "labor organization" means any organization of any kind, or any

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