

Senate Bill No. 661

(By Senators Plymale, Browning and Stollings)

[Introduced February 20, 2012; referred to the Committee on
Education.]

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; and authorizing the Commissioner of Workforce
20 West Virginia to share data with certain education providers.

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

22 That §18B-2A-3 of the Code of West Virginia, 1931, as amended,
23 be amended and reenacted; and that §21A-10-11 of said code be

1 amended and reenacted, all to read as follows:

2 **CHAPTER 18B. HIGHER EDUCATION.**

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

4 **§18B-2A-3. Supervision of governing boards; promulgation of rules.**

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

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

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

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

5 (1) Each governing board shall cooperate with the West
6 Virginia Network for Educational Telecomputing (WVNET) in designing
7 appropriate interfaces with the databases of institutions under its
8 jurisdiction and shall grant WVNET direct access to these
9 databases.

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

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

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

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

22 **ARTICLE 10. GENERAL PROVISIONS.**

23 **§21A-10-11. Reporting requirements and required information; use**

1 **of information; libel and slander actions**
2 **prohibited.**

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

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

11 (2) Each employee's social security account number, name and
12 the gross wages paid to each employee, which shall include the
13 first \$8,000 of remuneration and all amounts in excess of that
14 amount, notwithstanding subdivision (1), subsection (b), section
15 twenty-eight, article one-a of this chapter;

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

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

1 (b) Information obtained may not be published or be open to
2 public inspection to reveal the identity of the employing unit or
3 the individual.

4 (c) Notwithstanding the provisions of subsection (b) of this
5 section, the commissioner may provide information obtained to the
6 following governmental entities for purposes consistent with state
7 and federal laws:

8 (1) The United States Department of Agriculture;

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

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

15 (4) Those agencies of state government responsible for
16 economic and community development; early childhood, primary,
17 secondary, post-secondary and vocational education; the West
18 Virginia P-20 longitudinal data system established pursuant to
19 section ten, article one-d, chapter eighteen-b of this code; and
20 vocational rehabilitation, employment and training, including, but
21 not limited to, the administration of the Perkins Act and the Job
22 Training and Partnership Act;

23 (5) The Tax Division, but only for the purposes of collection

1 and enforcement;

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

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

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

12 (9) The Workers' Compensation Commission for purposes of
13 collection and enforcement: *Provided, That the Workers'*
14 *Compensation Commission shall provide similar information to the*
15 *Bureau of Employment Programs.*

16 (d) The agencies or organizations which receive information
17 under subsection (c) of this section shall agree that the
18 information shall remain confidential as not to reveal the identity
19 of the employing unit or the individual consistent with the
20 provisions of this chapter.

21 (e) The commissioner may, before furnishing any information
22 permitted under this section, require that those who request the
23 information shall reimburse the Bureau of Employment Programs for

1 any cost associated for furnishing the information.

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

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

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

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

1 between the organization and the employer.

NOTE: The purpose of this bill is to improve communication and cooperation among state education providers through data sharing with the state's P-20 longitudinal data system; require state institutions of higher education to give WVNET direct access to campus data; and authorize the Commissioner of WorkForce West Virginia to share data with state agencies responsible for early childhood and primary education and the P-20 longitudinal data system.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.