

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO SENATE BILL 219

By COMMITTEE ON TRANSPORTATION

May 25

1 On page 4 of the printed bill, after line 22, insert:

2 **“SECTION 2. If Senate Bill 197 becomes law, section 1 of this 2007 Act (amending ORS**
3 **657.665) is repealed and ORS 657.665, as amended by section 1, chapter 89, Oregon Laws 2007**
4 **(Enrolled Senate Bill 197), is amended to read:**

5 “657.665. (1) Except as provided in subsections (2) to (4) of this section, all information in the
6 records of the Employment Department pertaining to the administration of the unemployment in-
7 surance, employment service and labor market information programs:

8 “(a) Is confidential and for the exclusive use and information of the Director of the Employment
9 Department in administering the unemployment insurance, employment service and labor market
10 information programs in Oregon.

11 “(b) May not be used in any court action or in any proceeding pending in the court unless the
12 director or the state is a party to the action or proceeding or unless the proceeding concerns the
13 establishment, enforcement or modification of a support obligation and support services are being
14 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

15 “(c) Is exempt from disclosure under ORS 192.410 to 192.505.

16 “(2) The Employment Department shall disclose information:

17 “(a) To any claimant or legal representative, at a hearing before an administrative law judge,
18 to the extent necessary for the proper presentation of an unemployment insurance claim.

19 “(b) Upon request to the United States Secretary of Labor. The Employment Department shall
20 disclose the information in a form and containing the information that the United States Secretary
21 of Labor may require. The information disclosed is confidential and may not be used for any other
22 purpose.

23 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the
24 United States charged with the administration of public works or assistance through public em-
25 ployment. Under this paragraph, the Employment Department shall disclose the name, address, or-
26 dinary occupation and employment status of each recipient of unemployment insurance benefits and
27 a statement of the recipient’s right to further benefits under this chapter. The information disclosed
28 is confidential and may not be used for any other purpose.

29 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.
30 Under this paragraph, the Employment Department shall disclose unemployment insurance records.
31 The information disclosed is confidential and may not be used for any other purpose. The costs of
32 disclosing information under this paragraph shall be paid by the board.

33 “(e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
34 of the United States Department of Agriculture and to officers or employees of any state food stamp
35 agency for the purpose of determining an individual’s eligibility for or the amount of food stamps.

1 The information disclosed is confidential and may not be used for any other purpose. The costs of
2 disclosing information under this paragraph shall be paid by the United States Department of Agri-
3 culture.

4 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child
5 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-
6 curity Act for the purposes of establishing child support obligations, locating individuals owing child
7 support obligations and collecting child support obligations from those individuals. The information
8 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-
9 mation under this paragraph shall be paid by the child support enforcement agency.

10 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in
11 the income and eligibility verification system for the purpose of verifying an individual’s eligibility
12 for benefits, or the amount of benefits, under unemployment insurance, Temporary Assistance for
13 Needy Families, Medicaid, food stamps, Supplemental Security Income, child support enforcement
14 or Social Security programs. The information disclosed is confidential and may not be used for any
15 other purpose. The costs of disclosing information under this paragraph shall be paid by the re-
16 questing agency.

17 “(h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Fed-
18 eral Unemployment Tax Act, to the United States Department of Health and Human Services Na-
19 tional Directory of New Hires. The information disclosed is confidential and may not be used for
20 any other purpose. The costs of disclosing information under this paragraph shall be paid by the
21 United States Department of Health and Human Services.

22 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United
23 States Department of Housing and Urban Development and to representatives of a public housing
24 agency for the purpose of determining an individual’s eligibility for benefits, or the amount of ben-
25 efits, under a housing assistance program of the United States Department of Housing and Urban
26 Development. The information disclosed is confidential and may not be used for any other purpose.
27 The costs of disclosing information under this paragraph shall be paid by the United States De-
28 partment of Housing and Urban Development or the public housing agency.

29 “(j) Pursuant to regulations of the United States Secretary of Health and Human Services issued
30 under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by sec-
31 tion 303 of the Social Security Act, to the state, a political subdivision or a federally recognized
32 Indian tribe that has signed an agreement with the Department of Human Services to administer
33 Part A of Title IV of the Social Security Act for the purpose of determining an individual’s eligibility
34 for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the
35 Social Security Act. The information disclosed is confidential and may not be used for any other
36 purpose.

37 “(k) Upon request, to the United States Attorney’s Office. Under this paragraph, the Employ-
38 ment Department may disclose an individual’s employment and wage information in response to a
39 federal grand jury subpoena or for the purpose of collecting civil and criminal judgments, including
40 restitution and special assessment fees. The information disclosed is confidential and may not be
41 used for any other purpose. The costs of disclosing information under this paragraph shall be paid
42 by the United States Attorney’s Office.

43 “(3) The Employment Department may disclose information secured from employing units:

44 “(a) To agencies of this state, federal agencies and local government agencies to the extent
45 necessary to properly carry out governmental planning, performance measurement, program analy-

1 sis, socioeconomic analysis and policy analysis functions performed under applicable law. The in-
2 formation disclosed is confidential and may not be disclosed by the agencies in any manner that
3 would identify individuals, claimants, employees or employing units. If the information disclosed
4 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
5 closing the information shall be paid by the agency requesting the information.

6 “(b) As part of a geographic information system. Points on a map may be used to represent
7 economic data, including the location, employment size class and industrial classification of busi-
8 nesses in Oregon. Information presented as part of a geographic information system may not give
9 specific details regarding a business’s address, actual employment or proprietary information. If the
10 information disclosed under this paragraph is not prepared for the use of the Employment Depart-
11 ment, the costs of disclosing the information shall be paid by the party requesting the information.

12 “(c) In accordance with ORS 657.673.

13 “(4) The Employment Department may:

14 “(a) Disclose information to public employees in the performance of their duties under state or
15 federal laws relating to the payment of unemployment insurance benefits, the provision of employ-
16 ment services and the provision of labor market information.

17 “(b) At the discretion of the Director of the Employment Department and subject to an intera-
18 gency agreement, disclose information to public officials in the performance of their official duties
19 administering or enforcing laws within their authority and to the agents or contractors of public
20 officials. The public official shall agree to assume responsibility for misuse of the information by
21 the official’s agent or contractor.

22 “(c) Disclose information pursuant to an informed consent, received from an employer or claim-
23 ant, to disclose the information.

24 “(d) Disclose information to partners under the federal Workforce Investment Act of 1998 for the
25 purpose of administering state workforce programs under the Act. The information disclosed is
26 confidential and may not be used for any other purpose. The costs of disclosing information under
27 this paragraph shall be paid by the requesting partner.

28 “(e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries
29 for the purpose of disseminating information to employing units. The names and addresses disclosed
30 are confidential and may not be used for any other purpose. If the information disclosed under this
31 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
32 information shall be paid by the bureau.

33 “(f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the
34 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to
35 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-
36 dresses of employers and employees and payroll data of employers and employees. The information
37 disclosed is confidential and may not be used for any other purpose. If the information disclosed
38 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
39 closing the information shall be paid by the bureau.

40 “(g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-
41 tirement System for the purpose of determining the eligibility of members of the retirement system
42 for disability retirement allowances under ORS chapter 238. The information disclosed is confiden-
43 tial and may not be used for any other purpose. The costs of disclosing information under this par-
44 agraph shall be paid by the Public Employees Retirement System.

45 “(h) Disclose to the Oregon Economic and Community Development Commission information

1 required by the commission in performing its duty under ORS 285A.050 to verify changes in em-
2 ployment levels following direct employer participation in Economic and Community Development
3 Department programs or indirect participation through municipalities under ORS 285B.410 to
4 285B.482 and regional boards and partnerships under ORS 285B.230 to 285B.269. The information
5 disclosed to the commission may include an employer's employment level, total subject wages payroll
6 and whole hours worked. The information disclosed is confidential and may not be used for any
7 other purpose. The commission may not disclose the information in any manner that would identify
8 an employing unit or employee except to the extent necessary to carry out the commission's duty
9 under ORS 285A.050. If the information disclosed under this paragraph is not prepared for the use
10 of the Employment Department, the costs of disclosing the information shall be paid by the com-
11 mission.

12 "(i) Disclose information to the Department of Revenue for the purpose of performing its duties
13 under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may
14 include the names and addresses of employers and employees and payroll data of employers and
15 employees. The information disclosed is confidential and may not be disclosed by the Department
16 of Revenue in any manner that would identify an employing unit or employee except to the extent
17 necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any
18 report or return required or permitted to be filed under the revenue and tax laws administered by
19 the department. The Department of Revenue may not disclose any information received to any pri-
20 vate collection agency or for any other purpose. If the information disclosed under this paragraph
21 is not prepared for the use of the Employment Department, the costs of disclosing the information
22 shall be paid by the Department of Revenue.

23 "(j) Disclose information to the Department of Consumer and Business Services for the purpose
24 of performing its duties under ORS chapters 654 and 656. The information disclosed may include the
25 name, address, number of employees and industrial classification code of an employer and payroll
26 data of employers and employees. The information disclosed is confidential and may not be disclosed
27 by the Department of Consumer and Business Services in any manner that would identify an em-
28 ploying unit or employee except to the extent necessary to carry out the department's duties under
29 ORS chapters 654 and 656, including administrative hearings and court proceedings in which the
30 Department of Consumer and Business Services is a party. If the information disclosed under this
31 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
32 information shall be paid by the Department of Consumer and Business Services.

33 "(k) Disclose information to the Construction Contractors Board for the purpose of performing
34 its duties under ORS chapter 701. The information disclosed to the board may include the names and
35 addresses of employers and status of their compliance with this chapter. If the information disclosed
36 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
37 closing the information shall be paid by the board.

38 "(L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying
39 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,
40 telephone number and industrial classification code of an employer. The information disclosed is
41 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify
42 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.
43 If the information disclosed under this paragraph is not prepared for the use of the Employment
44 Department, the costs of disclosing the information shall be paid by the office of the State Fire
45 Marshal.

1 “(m) Disclose information to the Oregon Student Assistance Commission for the purpose of per-
2 forming the commission’s duties under ORS chapter 348 and Title IV of the Higher Education Act
3 of 1965. The information disclosed may include the names and addresses of employers and employees
4 and payroll data of employers and employees. The information disclosed is confidential and may not
5 be disclosed by the commission in any manner that would identify an employing unit or employee
6 except to the extent necessary to carry out the commission’s duties under ORS chapter 348 or Title
7 IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not
8 prepared for the use of the Employment Department, the costs of disclosing the information shall
9 be paid by the commission.

10 “(n) **Disclose information to the Department of Transportation to assist the Department**
11 **of Transportation in carrying out the duties of the Department of Transportation relating**
12 **to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.666,**
13 **184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information**
14 **disclosed may include the names and addresses of employers and employees and payroll data**
15 **of employers and employees. The information disclosed is confidential and may not be dis-**
16 **closed by the Department of Transportation in any manner that would identify an employing**
17 **unit or employee except to the extent necessary to carry out the Department of Transpor-**
18 **tation’s duties relating to collection of delinquent and liquidated debts or in auditing or re-**
19 **viewing any report or return required or permitted to be filed under the revenue and tax**
20 **laws administered by the Department of Transportation. The Department of Transportation**
21 **may not disclose any information received to any private collection agency or for any other**
22 **purpose. If the information disclosed under this paragraph is not prepared for the use of the**
23 **Employment Department, the costs of disclosing the information shall be paid by the De-**
24 **partment of Transportation.**

25 “[n] (o) Disclose to any person establishment level information secured pursuant to this chap-
26 ter from federal, state and local government employing units. If the information disclosed under this
27 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
28 information shall be paid by the party requesting the information.

29 “[o] (p) Disclose to any person the industrial classification code assigned to an employing unit.
30 If the information disclosed under this paragraph is not prepared for the use of the Employment
31 Department, the costs of disclosing the information shall be paid by the party requesting the infor-
32 mation.

33 “(5) Any officer appointed by or any employee of the Director of the Employment Department
34 who discloses confidential information, except with the authority of the director, pursuant to rules
35 or as otherwise required by law, may be disqualified from holding any appointment or employment
36 with the Employment Department.

37 “(6) Any person or any officer or employee of an entity to whom information is disclosed by the
38 Employment Department under this section who divulges or uses the information for any purpose
39 other than that specified in the provision of law or agreement authorizing the use or disclosure may
40 be disqualified from performing any service under contract or disqualified from holding any ap-
41 pointment or employment with the state agency that engaged or employed that person, officer or
42 employee. The Employment Department may immediately cancel or modify any information sharing
43 agreement with an entity when a person or an officer or employee of that entity discloses confi-
44 dential information, other than as specified in law or agreement.”.