

House Bill 2060

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Employment Department to disclose employment-related information to Department of Human Services and Oregon Health Authority to assist in collection of certain debts.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the disclosure of employment-related information; amending ORS 657.665; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 657.665 is amended to read:

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

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

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

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

17 (2) The Employment Department shall disclose information:

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

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

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

30 (d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Under this paragraph, the Employment Department shall disclose unemployment insurance records.
2 The information disclosed is confidential and may not be used for any other purpose. The costs of
3 disclosing information under this paragraph shall be paid by the board.

4 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
5 of the United States Department of Agriculture and to officers or employees of any state Supple-
6 mental Nutrition Assistance Program agency for the purpose of determining an individual's eligibil-
7 ity for or the amount of supplemental nutrition assistance. The information disclosed is confidential
8 and may not be used for any other purpose. The costs of disclosing information under this paragraph
9 shall be paid by the United States Department of Agriculture.

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

16 (g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in
17 the income and eligibility verification system for the purpose of verifying an individual's eligibility
18 for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for
19 needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security
20 Income, child support enforcement or Social Security programs. The information disclosed is confi-
21 dential and may not be used for any other purpose. The costs of disclosing information under this
22 paragraph shall be paid by the requesting agency.

23 (h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal
24 Unemployment Tax Act, to the United States Department of Health and Human Services National
25 Directory of New Hires. The information disclosed is confidential and may not be used for any other
26 purpose. The costs of disclosing information under this paragraph shall be paid by the United States
27 Department of Health and Human Services.

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

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

43 (k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment
44 Department may disclose an individual's employment and wage information in response to a federal
45 grand jury subpoena or for the purpose of collecting civil and criminal judgments, including

1 restitution and special assessment fees. The information disclosed is confidential and may not be
2 used for any other purpose. The costs of disclosing information under this paragraph shall be paid
3 by the United States Attorney's Office.

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

5 (a) To agencies of this state, federal agencies and local government agencies to the extent nec-
6 essary to properly carry out governmental planning, performance measurement, program analysis,
7 socioeconomic analysis and policy analysis functions performed under applicable law. The informa-
8 tion disclosed is confidential and may not be disclosed by the agencies in any manner that would
9 identify individuals, claimants, employees or employing units. If the information disclosed under this
10 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
11 information shall be paid by the agency requesting the information.

12 (b) As part of a geographic information system. Points on a map may be used to represent eco-
13 nomic data, including the location, employment size class and industrial classification of businesses
14 in Oregon. Information presented as part of a geographic information system may not give specific
15 details regarding a business's address, actual employment or proprietary information. If the infor-
16 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
17 the costs of disclosing the information shall be paid by the party requesting the information.

18 (c) In accordance with ORS 657.673.

19 (4) The Employment Department may:

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

23 (b) At the discretion of the Director of the Employment Department and subject to an intera-
24 gency agreement, disclose information to public officials in the performance of their official duties
25 administering or enforcing laws within their authority and to the agents or contractors of public
26 officials. The public official shall agree to assume responsibility for misuse of the information by
27 the official's agent or contractor.

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

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

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

39 (f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the
40 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to
41 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-
42 dresses of employers and employees and payroll data of employers and employees. The information
43 disclosed is confidential and may not be used for any other purpose. If the information disclosed
44 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
45 closing the information shall be paid by the bureau.

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

6 (h) Disclose to the Oregon Business Development Commission information required by the com-
7 mission in performing its duty under ORS 285A.050 to verify changes in employment levels following
8 direct employer participation in Oregon Business Development Department programs or indirect
9 participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to
10 the commission may include an employer's employment level, total subject wages payroll and whole
11 hours worked. The information disclosed is confidential and may not be used for any other purpose.
12 The commission may not disclose the information in any manner that would identify an employing
13 unit or employee except to the extent necessary to carry out the commission's duty under ORS
14 285A.050. If the information disclosed under this paragraph is not prepared for the use of the Em-
15 ployment Department, the costs of disclosing the information shall be paid by the commission.

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

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

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

42 (L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying
43 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,
44 telephone number and industrial classification code of an employer. The information disclosed is
45 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify

1 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.
2 If the information disclosed under this paragraph is not prepared for the use of the Employment
3 Department, the costs of disclosing the information shall be paid by the office of the State Fire
4 Marshal.

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

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

28 **(o) Disclose information to the Department of Human Services and the Oregon Health**
29 **Authority to assist the Department of Human Services and the Oregon Health Authority in**
30 **the collection of debts that the Department of Human Services and the Oregon Health Au-**
31 **thority are authorized by law to collect. The information disclosed may include the names,**
32 **addresses and payroll data of employers and employees. The information disclosed is confi-**
33 **dential and may not be disclosed by the Department of Human Services or the Oregon Health**
34 **Authority in a manner that would identify an employing unit or employee except to the ex-**
35 **tent necessary for the collection of debts as described in this paragraph. The Department**
36 **of Human Services and the Oregon Health Authority may not disclose information received**
37 **under this paragraph to a private collection agency or use the information for a purpose**
38 **other than the collection of debts as described in this paragraph. If the information disclosed**
39 **under this paragraph is not prepared for the use of the Employment Department, the costs**
40 **of disclosing the information shall be paid by the Department of Human Services or the**
41 **Oregon Health Authority.**

42 [(o)] (p) Disclose to any person establishment level information secured pursuant to this chapter
43 from federal, state and local government employing units. If the information disclosed under this
44 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
45 information shall be paid by the party requesting the information.

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

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

9 (6) Any person or any officer or employee of an entity to whom information is disclosed by the
10 Employment Department under this section who divulges or uses the information for any purpose
11 other than that specified in the provision of law or agreement authorizing the use or disclosure may
12 be disqualified from performing any service under contract or disqualified from holding any ap-
13 pointment or employment with the state agency that engaged or employed that person, officer or
14 employee. The Employment Department may immediately cancel or modify any information sharing
15 agreement with an entity when a person or an officer or employee of that entity discloses confi-
16 dential information, other than as specified in law or agreement.

17 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
19 **on its passage.**