

SB 333-A5
(LC 1688)
5/3/17 (BLS/ps)

Requested by SENATE COMMITTEE ON FINANCE AND REVENUE

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 333**

1 On page 1 of the printed A-engrossed bill, line 3, delete the first “and”
2 and insert a comma and after “285B.630” insert “and 657.665”.

3 On page 3, line 13, delete the boldfaced material.

4 On page 5, line 4, delete “from the Employment Department”.

5 After line 30, insert:

6 **“SECTION 5.** ORS 657.665 is amended to read:

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

11 “(a) Is confidential and for the exclusive use and information of the Di-
12 rector of the Employment Department in administering the unemployment
13 insurance, employment service and labor market information programs in
14 Oregon.

15 “(b) May not be used in any court action or in any proceeding pending
16 in the court unless the director or the state is a party to the action or pro-
17 ceeding or unless the proceeding concerns the establishment, enforcement or
18 modification of a support obligation and support services are being provided
19 by the Division of Child Support or the district attorney pursuant to ORS
20 25.080.

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

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

2 “(a) To any claimant or legal representative, at a hearing before an ad-
3 ministrative law judge, to the extent necessary for the proper presentation
4 of an unemployment insurance claim.

5 “(b) Upon request to the United States Secretary of Labor. The Employ-
6 ment Department shall disclose the information in a form and containing the
7 information that the United States Secretary of Labor may require. The in-
8 formation disclosed is confidential and may not be used for any other pur-
9 pose.

10 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request
11 to any agency of the United States charged with the administration of public
12 works or assistance through public employment. Under this paragraph, the
13 Employment Department shall disclose the name, address, ordinary occupa-
14 tion and employment status of each recipient of unemployment insurance
15 benefits and a statement of the recipient’s right to further benefits under this
16 chapter. The information disclosed is confidential and may not be used for
17 any other purpose.

18 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Rail-
19 road Retirement Board. Under this paragraph, the Employment Department
20 shall disclose unemployment insurance records. The information disclosed is
21 confidential and may not be used for any other purpose. The costs of dis-
22 closing information under this paragraph shall be paid by the board.

23 “(e) Pursuant to section 303(d) of the Social Security Act, upon request
24 to officers and employees of the United States Department of Agriculture and
25 to officers or employees of any state Supplemental Nutrition Assistance
26 Program agency for the purpose of determining an individual’s eligibility for
27 or the amount of supplemental nutrition assistance. The information dis-
28 closed is confidential and may not be used for any other purpose. The costs
29 of disclosing information under this paragraph shall be paid by the United
30 States Department of Agriculture.

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

9 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to
10 agencies participating in the income and eligibility verification system for
11 the purpose of verifying an individual’s eligibility for benefits, or the amount
12 of benefits, under unemployment insurance, temporary assistance for needy
13 families, Medicaid, the Supplemental Nutrition Assistance Program, Supple-
14 mental Security Income, child support enforcement or Social Security pro-
15 grams. The information disclosed is confidential and may not be used for any
16 other purpose. The costs of disclosing information under this paragraph shall
17 be paid by the requesting agency.

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

24 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and
25 employees of the United States Department of Housing and Urban Develop-
26 ment and to representatives of a public housing agency for the purpose of
27 determining an individual’s eligibility for benefits, or the amount of benefits,
28 under a housing assistance program of the United States Department of
29 Housing and Urban Development. The information disclosed is confidential
30 and may not be used for any other purpose. The costs of disclosing informa-

1 tion under this paragraph shall be paid by the United States Department of
2 Housing and Urban Development or the public housing agency.

3 “(j) Pursuant to regulations of the United States Secretary of Health and
4 Human Services issued under section 3304(a)(16)(A) of the Federal Unem-
5 ployment Tax Act, and except as required by section 303 of the Social Secu-
6 rity Act, to the state, a political subdivision or a federally recognized Indian
7 tribe that has signed an agreement with the Department of Human Services
8 to administer Part A of Title IV of the Social Security Act for the purpose
9 of determining an individual’s eligibility for assistance, or the amount of
10 assistance, under a program funded under Part A of Title IV of the Social
11 Security Act. The information disclosed is confidential and may not be used
12 for any other purpose.

13 “(k) Upon request, to the United States Attorney’s Office. Under this
14 paragraph, the Employment Department may disclose an individual’s em-
15 ployment and wage information in response to a federal grand jury subpoena
16 or for the purpose of collecting civil and criminal judgments, including
17 restitution and special assessment fees. The information disclosed is confi-
18 dential and may not be used for any other purpose. The costs of disclosing
19 information under this paragraph shall be paid by the United States
20 Attorney’s Office.

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

23 “(a) To agencies of this state, federal agencies and local government
24 agencies to the extent necessary to properly carry out governmental plan-
25 ning, performance measurement, program analysis, socioeconomic analysis
26 and policy analysis functions performed under applicable law. The informa-
27 tion disclosed is confidential and may not be disclosed by the agencies in any
28 manner that would identify individuals, claimants, employees or employing
29 units. If the information disclosed under this paragraph is not prepared for
30 the use of the Employment Department, the costs of disclosing the informa-

1 tion shall be paid by the agency requesting the information.

2 “(b) As part of a geographic information system. Points on a map may be
3 used to represent economic data, including the location, employment size
4 class and industrial classification of businesses in Oregon. Information pre-
5 sented as part of a geographic information system may not give specific de-
6 tails regarding a business’s address, actual employment or proprietary
7 information. If the information disclosed under this paragraph is not pre-
8 pared for the use of the Employment Department, the costs of disclosing the
9 information shall be paid by the party requesting the information.

10 “(c) In accordance with ORS 657.673.

11 “(4) The Employment Department may:

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

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

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

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

29 “(e) Disclose the names and addresses of employing units to the Bureau
30 of Labor and Industries for the purpose of disseminating information to em-

1 plying units. The names and addresses disclosed are confidential and may
2 not be used for any other purpose. If the information disclosed under this
3 paragraph is not prepared for the use of the Employment Department, the
4 costs of disclosing the information shall be paid by the bureau.

5 “(f) Disclose information to the Commissioner of the Bureau of Labor and
6 Industries for the purpose of performing duties under ORS 279C.800 to
7 279C.870, 658.005 to 658.245 or 658.405 to 658.503 or ORS chapter 652, 653 or
8 659A. The information disclosed may include the names and addresses of
9 employers and employees and payroll data of employers and employees. The
10 information disclosed is confidential and may not be used for any other
11 purpose. If the information disclosed under this paragraph is not prepared
12 for the use of the Employment Department, the costs of disclosing the in-
13 formation shall be paid by the bureau.

14 “(g) Disclose information required under ORS 657.660 (3) and (4) to the
15 Public Employees Retirement System for the purpose of determining the el-
16 igibility of members of the retirement system for disability retirement al-
17 lowances under ORS chapter 238. The information disclosed is confidential
18 and may not be used for any other purpose. The costs of disclosing informa-
19 tion under this paragraph shall be paid by the Public Employees Retirement
20 System.

21 “(h) Disclose to the Oregon Business Development Commission **and the**
22 **Oregon Business Development Department** information required by the
23 commission **and the department** in performing [*its duty*] **their duties** under
24 ORS 285A.050 **and 285B.630** to verify changes in employment levels following
25 direct employer participation in [*Oregon Business Development*] department
26 programs or indirect participation through municipalities under ORS
27 285B.410 to 285B.482. The information disclosed to the commission may in-
28 clude an employer’s employment level, total subject wages payroll and whole
29 hours worked. The information disclosed is confidential and may not be used
30 for any other purpose. The commission **and the department** may not dis-

1 close the information in any manner that would identify an employing unit
2 or employee except to the extent necessary to carry out the commission's
3 [*duty*] **and the department's duties** under ORS 285A.050 **and 285B.630**. If
4 the information disclosed under this paragraph is not prepared for the use
5 of the Employment Department, the costs of disclosing the information shall
6 be paid by the commission **or the Oregon Business Development De-**
7 **partment.**

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

22 “(j) Disclose information to the Department of Consumer and Business
23 Services for the purpose of performing its duties under ORS chapters 654 and
24 656. The information disclosed may include the name, address, number of
25 employees and industrial classification code of an employer and payroll data
26 of employers and employees. The information disclosed is confidential and
27 may not be disclosed by the Department of Consumer and Business Services
28 in any manner that would identify an employing unit or employee except to
29 the extent necessary to carry out the department's duties under ORS chap-
30 ters 654 and 656, including administrative hearings and court proceedings in

1 which the Department of Consumer and Business Services is a party. If the
2 information disclosed under this paragraph is not prepared for the use of the
3 Employment Department, the costs of disclosing the information shall be
4 paid by the Department of Consumer and Business Services.

5 “(k) Disclose information to the Construction Contractors Board for the
6 purpose of performing its duties under ORS chapter 701. The information
7 disclosed to the board may include the names and addresses of employers and
8 status of their compliance with this chapter. If the information disclosed
9 under this paragraph is not prepared for the use of the Employment De-
10 partment, the costs of disclosing the information shall be paid by the board.

11 “(L) Disclose information to the State Fire Marshal to assist the State
12 Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The in-
13 formation disclosed may include the name, address, telephone number and
14 industrial classification code of an employer. The information disclosed is
15 confidential and may not be disclosed by the State Fire Marshal in any
16 manner that would identify an employing unit except to the extent necessary
17 to carry out duties under ORS 453.307 to 453.414. If the information disclosed
18 under this paragraph is not prepared for the use of the Employment De-
19 partment, the costs of disclosing the information shall be paid by the office
20 of the State Fire Marshal.

21 “(m) Disclose information to the Higher Education Coordinating Com-
22 mission for the purpose of performing the commission’s duties under ORS
23 chapter 348 and Title IV of the Higher Education Act of 1965. The informa-
24 tion disclosed may include the names and addresses of employers and em-
25 ployees and payroll data of employers and employees. The information
26 disclosed is confidential and may not be disclosed by the commission in any
27 manner that would identify an employing unit or employee except to the
28 extent necessary to carry out the commission’s duties under ORS chapter 348
29 or Title IV of the Higher Education Act of 1965. If the information disclosed
30 under this paragraph is not prepared for the use of the Employment De-

1 partment, the costs of disclosing the information shall be paid by the com-
2 mission.

3 “(n) Disclose information to the Department of Transportation to assist
4 the Department of Transportation in carrying out the duties of the Depart-
5 ment of Transportation relating to collection of delinquent and liquidated
6 debts, including taxes, under ORS 184.610 to 184.656, 184.670 to 184.733 and
7 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information
8 disclosed may include the names and addresses of employers and employees
9 and payroll data of employers and employees. The information disclosed is
10 confidential and may not be disclosed by the Department of Transportation
11 in any manner that would identify an employing unit or employee except to
12 the extent necessary to carry out the Department of Transportation’s duties
13 relating to collection of delinquent and liquidated debts or in auditing or
14 reviewing any report or return required or permitted to be filed under the
15 revenue and tax laws administered by the Department of Transportation. The
16 Department of Transportation may not disclose any information received to
17 any private collection agency or for any other purpose. If the information
18 disclosed under this paragraph is not prepared for the use of the Employment
19 Department, the costs of disclosing the information shall be paid by the De-
20 partment of Transportation.

21 “(o) Disclose information to the Department of Human Services and the
22 Oregon Health Authority to assist the Department of Human Services and
23 the Oregon Health Authority in the collection of debts that the Department
24 of Human Services and the Oregon Health Authority are authorized by law
25 to collect. The information disclosed may include the names, addresses and
26 payroll data of employers and employees. The information disclosed is con-
27 fidential and may not be disclosed by the Department of Human Services or
28 the Oregon Health Authority in a manner that would identify an employing
29 unit or employee except to the extent necessary for the collection of debts
30 as described in this paragraph. The Department of Human Services and the

1 Oregon Health Authority may not disclose information received under this
2 paragraph to a private collection agency or use the information for a purpose
3 other than the collection of debts as described in this paragraph. If the in-
4 formation disclosed under this paragraph is not prepared for the use of the
5 Employment Department, the costs of disclosing the information shall be
6 paid by the Department of Human Services or the Oregon Health Authority.

7 “(p) Disclose to the Alcohol and Drug Policy Commission information
8 required by the commission in evaluating and measuring the performance of
9 alcohol and drug prevention and treatment programs under ORS 430.242 or
10 the impact of the programs on employment. The information disclosed to the
11 commission may include total subject wages payroll and whole hours worked.
12 The information disclosed under this paragraph is confidential and may not
13 be used for any other purpose. The commission may not disclose the infor-
14 mation in any manner that would identify an employing unit or employee
15 except to the extent necessary to carry out the commission’s duties under
16 ORS 430.242. If the information disclosed under this paragraph is not pre-
17 pared for the use of the Employment Department, the costs of disclosing the
18 information shall be paid by the commission.

19 “(q) Disclose to any person establishment level information secured pur-
20 suant to this chapter from federal, state and local government employing
21 units. If the information disclosed under this paragraph is not prepared for
22 the use of the Employment Department, the costs of disclosing the informa-
23 tion shall be paid by the party requesting the information.

24 “(r) Disclose to any person the industrial classification code assigned to
25 an employing unit. If the information disclosed under this paragraph is not
26 prepared for the use of the Employment Department, the costs of disclosing
27 the information shall be paid by the party requesting the information.

28 “(5) The Employment Department may make public all decisions of the
29 Employment Appeals Board.

30 “(6) Any officer appointed by or any employee of the Director of the

1 Employment Department who discloses confidential information, except with
2 the authority of the director, pursuant to rules or as otherwise required by
3 law, may be disqualified from holding any appointment or employment with
4 the Employment Department.

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

16 In line 31, delete “5” and insert “6”.

17 In line 34, delete “6” and insert “7” and delete “5” and insert “6”.

18 In line 35, delete “7” and insert “8”.

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