

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0617.01 Jery Payne x2157

HOUSE BILL 12-1259

HOUSE SPONSORSHIP

Miklosi,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE RIGHT OF A PERSON, INCLUDING A VETERAN, TO
102 WAIVE CONFIDENTIALITY REQUIREMENTS PROTECTING
103 PERSONAL WORK INFORMATION OBTAINED BY THE DEPARTMENT
104 OF LABOR AND EMPLOYMENT FOR UNEMPLOYMENT BENEFIT
105 CLAIMS TO PERMIT THE DEPARTMENT TO FORWARD CERTAIN
106 INFORMATION TO POTENTIAL EMPLOYERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill authorizes a veteran or a person to waive confidentially requirements applicable to the person's personal information, obtained by the division of employment and training in the department of labor and employment from the veteran's or person's claim for unemployment benefits, to enable the division to forward this information about the person to potential employers. The division is directed to offer this waiver to applicants for unemployment benefits.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 determines that the Colorado government needs to do a better job of
4 helping its approximately forty-nine thousand unemployed veterans find
5 good employment opportunities. Approximately two hundred training
6 organizations help veterans find employment opportunities. Connecting
7 these organizations with unemployed veterans would help these returning
8 veterans find good jobs. The department of labor and employment,
9 however, is not allowed under current law to communicate the names to
10 these training organizations because of privacy concerns.

11 (2) The general assembly hereby declares that allowing job
12 applicants to waive these restrictions helps get these training
13 organizations in contact with unemployed veterans while allowing the
14 veterans to control their privacy. Therefore, this legislation is needed to
15 establish the waivers allowing these training organizations to contact
16 veterans.

17 **SECTION 2.** In Colorado Revised Statutes, 8-72-107, **amend** (1)
18 as follows:

19 **8-72-107. Records and reports - fee - violation - penalty.**

20 (1) (a) Each employing unit shall keep AND RETAIN FOR AT LEAST FIVE
21 YEARS true and accurate work records containing ~~such~~ information as the
22 division may prescribe ~~Such records shall be retained for a period of not~~

1 ~~less than five years, and~~ REQUIRES. THE EMPLOYING UNIT shall ~~be~~ MAKE
2 THE RECORDS open to inspection and ~~be subject to being copied~~ COPYING
3 by the division or its authorized representatives at any reasonable time
4 and as often as ~~may be~~ necessary. The division or any referee may require
5 from ~~any~~ AN employing unit any sworn or unsworn reports ~~with respect~~
6 ~~to~~ CONCERNING persons employed by it ~~which~~ THAT it or the referee
7 deems necessary ~~for the effective administration of~~ TO ADMINISTER
8 articles 70 to 82 of this title.

9 (b) EXCEPT TO THE EXTENT NECESSARY FOR THE PROPER
10 PRESENTATION OF A CLAIM, information ~~thus obtained, or~~ REQUIRED BY
11 PARAGRAPH (a) OF THIS SUBSECTION (1), INFORMATION obtained from ~~any~~
12 AN individual ~~pursuant to the administration of~~ UNDER articles 70 to 82
13 of this title, ~~except to the extent necessary for the proper presentation of~~
14 ~~a claim, or~~ AND withholding tax or unemployment insurance account
15 numbers, if ~~such~~ THE numbers are obtained from the department of
16 revenue pursuant to section 39-21-113, C.R.S., ~~shall be held~~ ARE
17 confidential ~~and shall not be published or be~~ AND ARE NOT open to public
18 inspection (other than to public employees in the performance of their
19 public duties, to an agent of a state or local child support enforcement
20 agency pursuant to section 8-72-109 (9), or to an agent of the division
21 designated as such in writing for the purpose of accomplishing certain of
22 the division's functions) in any manner revealing the individual's or
23 employing unit's identity. Any interested party or ~~such~~ THE party's
24 authorized representative, in preparation for and prior to any hearing on
25 a claim governed by articles 70 to 82 of this title, ~~shall be~~ IS entitled to
26 examine and, upon the payment of a reasonable fee to the division, obtain
27 a copy of any materials contained in ~~such~~ THE records to the extent

1 necessary for proper presentation of the party's position at the hearing.

2 (c) Notwithstanding ~~said provisions~~ PARAGRAPH (b) of this
3 subsection (1), ~~any~~ AN applicant for work ~~shall be~~ IS entitled to examine
4 and copy, or obtain a copy from the division upon payment of the costs
5 of duplication, any letters of reference or other similar documents
6 pertaining to the applicant that ~~are in possession of the division~~ Any
7 POSSESSES. AN employee, ~~or~~ member of the division, or ~~any~~ referee who
8 violates ~~any provision of this article~~ is guilty of a misdemeanor and, upon
9 conviction thereof, shall be punished by a fine of not less than twenty
10 dollars nor more than two hundred dollars, ~~or~~ by imprisonment in the
11 county jail for not more than ninety days, or by both. ~~such fine and~~
12 ~~imprisonment.~~

13 (d) (I) AN APPLICANT, INCLUDING A VETERAN, MAY WAIVE THE
14 CONFIDENTIALITY REQUIREMENT OF PARAGRAPH (b) OF THIS SUBSECTION
15 (1) TO ALLOW THE DIVISION TO FORWARD ANY OF THE FOLLOWING
16 INFORMATION ABOUT THE APPLICANT TO POTENTIAL EMPLOYERS:

- 17 (A) NAME;
- 18 (B) ADDRESS;
- 19 (C) TELEPHONE NUMBER; OR
- 20 (D) E-MAIL ADDRESS.

21 (II) THE DIVISION SHALL OFFER EACH APPLICANT, INCLUDING A
22 VETERAN, THE OPPORTUNITY TO ACCEPT THE WAIVER FOR ANY OF THIS
23 INFORMATION. IF THE APPLICANT WAIVES THE CONFIDENTIALLY
24 REQUIREMENT FOR ANY OF THE INFORMATION, THE DEPARTMENT MAY
25 TRANSMIT THE WAIVED INFORMATION TO BONA FIDE EMPLOYERS SEEKING
26 EMPLOYEES.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2012 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.