

2016 -- S 2831

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LC005060  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY --  
CONFIDENTIAL INFORMATION

Introduced By: Senators P Fogarty, and Lombardo

Date Introduced: March 23, 2016

Referred To: Senate Judiciary

(Corrections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-42-38 of the General Laws in Chapter 28-42 entitled  
2 "Employment Security - General Provisions" is hereby amended to read as follows:

3 **28-42-38. Records and reports -- Confidentiality of information.** -- (a) Every  
4 employer and every employing unit employing any person in employment in this state shall keep  
5 true and accurate employment records of all persons employed by him or her, and of the weekly  
6 hours worked for him or her by each, and of the weekly wages paid by him or her to each person;  
7 and every employer and employing unit shall keep records containing any other information that  
8 the director may prescribe. Those records shall at all times be available within this state and shall  
9 be open to inspection by the director or his or her authorized representatives at any reasonable  
10 time and as often as the director shall deem necessary.

11 (b) The director may require from any employer, or employing unit, employing any  
12 person in this state, any reports covering persons employed by him or her, on employment,  
13 wages, hours, unemployment, and related matters which the director deems necessary to the  
14 effective administration of chapters 42 -- 44 of this title.

15 (c) (1) Information obtained, or information contained in other records of the department  
16 obtained from any individual pursuant to the administration of those chapters, shall be held  
17 confidential by the director and shall not be published or be open to public inspection in any  
18 manner revealing the individual's or employing unit's identity, but any claimant at a hearing

1 provided for in those chapters shall be supplied with information from those records of the extent  
2 necessary for the proper presentation of his or her claim. Any department employee guilty of  
3 violating this provision shall be subject to the penalties provided in chapters 42 -- 44 of this title;  
4 provided, that nothing contained in this subsection shall be construed to prevent:

5 (i) The director, or any qualified attorney whom the director has designated to represent  
6 him or her in any court of this state, or the attorney general, from making any record, report, or  
7 other information referred to in this section, available in any proceeding before any court of this  
8 state in any action to which the director is a party;

9 (ii) The director from making any record, report, or other information referred to in this  
10 section, available to any agency of this state or any agency of a political subdivision of this state  
11 charged with the administration of public assistance within this state, or any of its political  
12 subdivisions;

13 (iii) The director from making any record, report, or other information referred to in this  
14 section available to the railroad retirement board or to employees of the Internal Revenue Service  
15 in the performance of their public duties, and the director shall furnish, at the expense of the  
16 railroad retirement board or the Internal Revenue Service, copies of those records, reports, or  
17 other information referred to in this section;

18 (iv) The director from making available upon request and on a reimbursable basis, any  
19 record, report, or other information referred to in this section to the federal Department of Health  
20 and Human Services in accordance with the provisions of United States P.L. 100-485, Family  
21 Support Act of 1988, or to the federal Department of Housing and Urban Development and to  
22 authorized representatives of public housing agencies in accordance with the Stewart B.  
23 McKinney Homeless Assistance Act, 42 U.S.C. § 11301 et seq.;

24 (v) The director from making available to the Division of Taxation upon request of the  
25 tax administrator any record, report, or other information referred to in Title 28, Chapter 42 for  
26 the purposes of compiling the annual unified economic development budget report and  
27 performing the requirements under subsection 42-142-3(e); enforcing the provisions of Title 28,  
28 Chapter 42; and/or performing any of its obligations under Title 44. The information received by  
29 the Division of Taxation from the department of labor and training pursuant hereto pertaining to  
30 an individual employer shall be held confidential and shall not be open to public inspection.  
31 Nothing herein shall prohibit the disclosure of statistics and/or statistical data that do not disclose  
32 the identity of individual employers and/or the contents of specific returns.

33 (vi) The director from making, and the director shall make, reports in the form and  
34 containing any information that the federal Social Security Administration may from time to time

1 require, and complying with any provisions that the federal Social Security Administration may  
2 from time to time find necessary to assure the correctness and verification of those reports. The  
3 director shall make available, upon request, to any agency of the United States charged with the  
4 administration of public works or assistance through public employment, the name, address,  
5 ordinary occupation, and employment status of each recipient of unemployment compensation  
6 and a statement of that recipient's rights to further compensation under that law;

7 (vii) The director from conducting any investigations he or she deems relevant in  
8 connection with these provisions;

9 (viii) The director from conducting any investigations he or she deems relevant in  
10 connection with the performance of his or her duties pursuant to the administration of the  
11 chapters 29, 32, 33, 34, 36, 37 and 41 of this title, or from making any record, report, or other  
12 information referred to in this section available to the Workers' Compensation Fraud Prevention  
13 Unit for use in the performance of its duties under § 42-16.1-12; or

14 (ix) The director from forwarding, and the director shall forward to the jury  
15 commissioner, the names and addresses of all individuals who are receiving unemployment  
16 compensation on a yearly basis in accordance with § 9-9-1(e).

17 (x) The director from providing data on unemployment insurance recipients or any other  
18 data contained in departmental records that is obtained from an individual pursuant to the  
19 administration of chapter 42-44 of this title, to the department's designated research partners for  
20 the purpose of its workforce data quality and workforce innovation fund initiatives. The provision  
21 of these records will be done in accordance with an approved data-sharing agreement between the  
22 department and its designated research partners that protects the security and confidentiality of  
23 these records and through procedures established by protocols, rules and/or regulations as  
24 determined necessary by the director and appropriately established or promulgated.

25 (xi) The director from making available upon request and on a reimbursable basis to the  
26 department of corrections any record, report or other information referred to in chapter 42 of title  
27 28 relating to wages, earnings, professional licenses, work or vocational skills or training, and  
28 work history of offenders under the department of corrections' supervision for the purpose of case  
29 management and post-release supervision. The information received by the department of  
30 corrections from the department of labor and training pursuant to this subsection shall be held  
31 confidential and shall not be open to public inspection. Nothing in this subsection shall prohibit  
32 the disclosure of statistics and/or statistical data that does not disclose the identity of individuals,  
33 nor shall it prevent information referred to in this subsection from being available in any  
34 proceeding before any court of this state in an action in which an offender's conditions of

1 [probation or obligation to pay restitution and/or costs and fines are the subject of the court](#)  
2 [proceedings.](#)

3 (2) The director may publish in statistical form the results of any investigations without  
4 disclosing the identity of the individuals involved.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would allow the department of labor and training to release confidential  
2 information concerning wages, earnings, professional licensing, work or vocational skills or  
3 training and work history of criminal offenders to the department of corrections for the purpose of  
4 case management and post-release supervision.

5           This act would take effect upon passage.

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