

2014 -- S 2589

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY

Introduced By: Senators Lynch, and Gallo

Date Introduced: March 04, 2014

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17 confidential by the director and shall not be published or be open to public inspection in any  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  
19 provided for in those chapters shall be supplied with information from those records of the extent

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

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

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

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

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

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

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

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

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

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

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

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

24 (xi) The director from making available to the department of corrections any record,  
25 report or other information referred to in title 28, chapter 42 for the purpose of case management  
26 and post-release supervision for offenders under the department of corrections supervision. The  
27 information received by the department of corrections from the department of labor and training  
28 pursuant hereto shall be held confidential and shall not be open to public inspection. Nothing  
29 herein shall prohibit the disclosure of statistics and/or statistical data that do not disclose the  
30 identity of individuals.

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY

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1           This act would permit the director of the department of labor and training to release  
2 information to the department of corrections.

3           This act would take effect upon passage.

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