



LAWS OF ALASKA

1988

Source

CCS SB 274

Chapter No.

40

AN ACT

Relating to access to employment security records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 14, 1988
Actual Effective Date: August 12, 1988

AN ACT

Relating to access to employment security records.

* Section 1. PURPOSE OF AS 23.20.110(i). The state is experiencing high unemployment with substantial economic problems for its residents. Since the Department of Labor is responsible for promoting the welfare of wage earners of the state and advancing their opportunities for profitable employment, the department needs access to data on residency of employees hired by employers in order to publicly encourage employers to voluntarily consider the availability of qualified job seekers in the state.

* Sec. 2. AS 23.20.110(a) is amended to read:

(a) Except as provided in (h) and (i) of this section, the [THE] department shall hold information obtained from an employing unit or individual in the course of administering this chapter and determinations as to the benefit rights of an individual confidential and may not disclose them or open them to public inspection in a manner which reveals the identity of the individual or employing unit. A claimant or the legal representative of the claimant is entitled to information from the records of the department to the extent necessary for the proper presentation of the claim in a proceeding under this chapter. Subject to restrictions which the department prescribes by regulation, the information may be made available to an agency of this state or another state or federal agency charged with the administration of an unemployment compensation law or the maintenance of a system of public

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1 employment offices, or, for the purposes of the Federal Unemployment
2 Tax Act, to the Internal Revenue Service of the United States, or, for
3 tax purposes, to the Department of Revenue. Information obtained in
4 connection with the administration of the employment service may be
5 made available to persons or agencies for purposes appropriate to the
6 operation of a public employment service.

7 * Sec. 3. AS 23.20.110 is amended by adding new subsections to read:

8 (h) The department shall make information obtained from an
9 employing unit or an individual available on request to an adminis-
10 trator of a joint administered defined pension benefit plan estab-
11 lished under 29 U.S.C. 1001 - 1461 (Employee Retirement Income Securi-
12 ty Act) to assist the administrator in verifying whether a person
13 receiving a retirement benefit from the plan has been employed in the
14 last six months. To the extent the information is available to the
15 department, the department shall provide the administrator with the
16 name and address of the person's current employer and the person's
17 current occupation. The administrator shall keep information received
18 under this subsection confidential. However, the administrator may
19 reveal the information if it is relevant to a legal proceeding in
20 which the administrator or the plan is a party. The department may
21 require the plan to reimburse the department for the cost of furnish-
22 ing the information.

23 (i) The department shall publicly disclose information obtained
24 from an employing unit or an individual as provided in this subsection
25 to encourage employers to voluntarily consider the availability of
26 qualified job seekers who are residents of the state. The department
27 shall issue a report that discloses the names of all public and pri-
28 vate employers who employ at least 20 employees. The report must
29 address the employment record of each employer subject to thi

1 subsection and must contain the results of the department's analysis
2 of the employers' practices of hiring persons who are not residents of
3 the state. The department may not use the results of the analysis to
4 limit or deny services or benefits or to discriminate against an
5 employer. The department may not disclose information under this
6 subsection that would individually identify an employee.

7 (j) Notwithstanding (h) or (i) of this section, the department
8 may not release information to an administrator under (h) of this
9 section or on an employer's hiring practices under (i) of this section
10 if the United States Secretary of Labor rules that release of the
11 information would be grounds to find that the state is in substantial
12 noncompliance with 42 U.S.C. 503(a).