

Original sponsor: Fahrenkamp

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 274 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access to employment security
7 records."

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

9 * Section 1. AS 23.20.110(a) is amended to read:

10 (a) Except as provided in (h) of this section, the [THE] depart-
11 ment shall hold information obtained from an employing unit or indi-
12 vidual in the course of administering this chapter and determinations
13 as to the benefit rights of an individual confidential and may not
14 disclose them or open them to public inspection in a manner which
15 reveals the identity of the individual or employing unit. A claimant
16 or the legal representative of the claimant is entitled to information,
17 from the records of the department to the extent necessary for the
18 proper presentation of the claim in a proceeding under this chapter.
19 Subject to restrictions which the department prescribes by regulation,
20 the information may be made available to an agency of this state or
21 another state or federal agency charged with the administration of an
22 unemployment compensation law or the maintenance of a system of public
23 employment offices, or, for the purposes of the Federal Unemployment
24 Tax Act, to the Internal Revenue Service of the United States, or, for
25 tax purposes, to the Department of Revenue. Information obtained in
26 connection with the administration of the employment service may be
27 made available to persons or agencies for purposes appropriate to the
28 operation of a public employment service.

29 * Sec. 2. AS 23.20.110 is amended by adding a new subsection to read:

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

16 * Sec. 3. Notwithstanding AS 23.20.110(h), added by sec. 2 of this Act,
17 the department may not release information to an administrator if the
18 United States Secretary of Labor rules that release of the information
19 would be grounds to find that the state is in substantial noncompliance
20 with 42 U.S.C. 503(a).