

Original sponsor: Fahrenkamp

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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

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

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

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 may 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 may disclose a private or a public employer's name and the results of  
28 the department's analysis of the employer's practice of hiring persons  
29 who are not residents of the state. The department may not use the

1 results of the analysis to limit or deny services or benefits or to  
2 discriminate against the employer. The department may not disclose  
3 information under this subsection that would individually identify an  
4 employee.

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