

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 428

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 disclosure of certain employment
7 security information; and providing for an effective
8 date."

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

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

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

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

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

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

10 (h) In order to encourage employers to voluntarily consider
11 the availability of qualified job seekers who are residents of the
12 state, the department may, as provided in this subsection, publicly
13 disclose information obtained from an employing unit or an individual.
14 The department may publicly disclose an employer's name and the re-
15 sults of the department's analysis of the employer's practice of
16 hiring persons who are not residents of the state. The department may
17 not use the results of the analysis to limit or deny services or
18 benefits or to discriminate against the employer in any way. The
19 department may not disclose information under this subsection which
20 would individually identify an employee.

21 (i) Notwithstanding (h) of this section, the department may not
22 publicly release information on an employer's hiring practices if the
23 United States Secretary of Labor rules that release of the information
24 would be grounds to find that the state is in substantial noncompli-
25 ance with 42 U.S.C. 503(a).

26 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).