

SB

274

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 274 (L&C)
PUBLISH DATE: _____

*Rec'd 1/20/88
Forwarded = (Rules)
R/S*

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An act relating to access to
employment security records."
Sponsor: Fahrenkamp
Requestor: Senate Labor and Commerce

Agency Affected: Labor
BRU: Employment Security
Components: Unemployment Insurance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Joe Sitton, Director
Division: Employment Security Division

Phone: 465-2712
Date: 1/15/88

Approved by Commissioner: Jim Sampson
Agency: Labor

Date: 1/15/88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION : HCS for CSSB 274 (L&C)

PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
 Title: " An Act relating to access to
employment security records." BRU: Employment Security
 Sponsor: Fahrenkamp Components: Unemployment Insurance
 Requestor: House Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Joe Sitton, Director Phone: 465-2712
 Division: Employment Security Division Date: 03/02/88

Approved by Commissioner: Jim Sampson Date: 03/02/88
 Agency: Department of Labor

MAR 11 1988

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ics)

LEGISLATIVE FINANCE

SENATE COMMITTEE REPORT

FURTHER:

5/4/87

DATE TURNED INTO OFFICE 5/15/87

Mr. President:

FINANCE Committee considered SB 274

access to employment security records.

and recommended:

replace with CS FOR _____) same title
 or adopt _____ CS FOR SB 274 (LTC)) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

[Signature]
[Signature]

OTHER RECOMMENDATIONS

[Signature] (No Rec)
[Signature] (No Rec)
[Signature] (No Rec)

D3 No Rec
Chairman signature and recommendation

Committee Backup Attached

No 314

8

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

REQUEST: _____

Bill Version: CS SB274 LFC
Publish Date: 5-4-87

Revision Date: _____

Agency Affected: Labor

Title: "An Act relating to access to employment security records."

BRU: Employment Security

Sponsor: Fahrenkamp

Components: Unemployment Insurance

Requestor: Senate Labor and Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a sexp rate page if necessary)

Prepared by: ^{NB} Joe Sitton, Director
Division: Employment Security Division

Phone: 465-2712
Date: 5/1/87

Approved by Commissioner: ^{NB} Jim Sampson
Agency: Labor

Date: 5/1/87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

Original sponsor: Fahrenkamp

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

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).

CSSB 274 An act relating to access to employment security records by Senator Bettye Fahrenkamp

Senate Finance Committee 5/13/87

Background

Under certain private pension plans established under the Employee Retirement Income Security Act, the administrator of the plan may discontinue benefits if a recipient returns to employment in the same line of work for more than 39 hours per month. However, the administrators often have great difficulty in demonstrating a recipient is no longer eligible to draw retirement benefits.

This bill would allow the Employment Security Division to provide to administrators the name and address of a person's current employer and the current occupation if known.

Without this legislation, there will continue to be instances when younger workers, who have not yet retired, will be displaced by supposedly retired older workers and the benefit fund drawn down unnecessarily.

Sectional Analysis

Section 1. AS 23.20.110 Information obtained by department

Subsection (a) is amended to refer to the exception in new subsection (h).

Section 2. AS 23.20.110

Adds a new subsection (h) to allow the department to make available upon request to an employee pension benefit plan, the name, address, and if available, the person's current occupation. The information must be kept confidential by the plan, unless it is relevant to a legal proceeding in which the plan is a party. The department may also require the requesting party for reimbursement of the cost of furnishing the information.

Section 3.

Adds a new section that directs the department not to release information of the U.S. Secretary of Labor rules that the release of the information would be grounds to find that the state is in noncompliance with federal requirements. The consequences would be a loss of funding.

Provided by Senator Fahrenkamp's office.

Bill No. Committee Substitute for
Senate Bill 274 (L&C)
Title "An Act relating to access to
employment security records."

Date May 13, 1987

Contact: Joe Sitton
465-2712

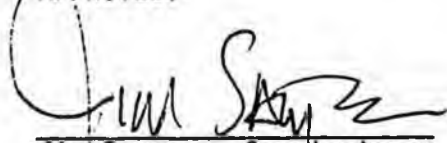
Eileen Plate
465-2700

Committee Substitute for Senate Bill 274 (L&C) allows the Employment Security Division to provide to an Administrator of a joint administered pension plan information verifying an individual's employment and occupation. The plan administrator is required to keep such information confidential, unless it is relevant to a legal proceeding in which the administrator or plan is a party. This bill will help pension plans implement and enforce ERISA's return to work regulations, which provide that trustees can disallow pension benefits to participants in a plan should they return to work in the industry in the geographical area covered by the plan and work over 39 hours in a calendar month. This bill is supported by both management and labor trustees who serve on pension plans in Alaska.

The Department's concerns with this legislation have been addressed in the Labor and Commerce Committee Substitute for Senate Bill 274, which states that should the release of this information cause the department to be out of conformity, such information cannot be released. The importance of this is that should the U.S. Department of Labor rule that Alaska is out of conformity, all funding for our Employment Service and Unemployment Insurance programs could be withheld. Section 3 of the bill, therefore, safeguards against this.

The Department of Labor supports this bill.

APPROVED:


Jim Sampson, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

May 11, 1987

Senator Bettye Fahrenkamp
State Capitol
Room 125
Juneau, Alaska 99811

Re: Senate Bill No. 274

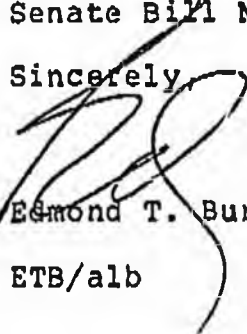
Dear Senator Fahrenkamp: .

I hope serious consideration will be given to Senate Bill No. 274.

As you know, all multi-employer pension plans are designed to provide benefits upon retirement. Most have a suspension of benefits provision should participants return to active employment after retirement. Unfortunately, it is almost administratively impossible to equitably enforce this provision as there is no "efficient" mechanism to determine if a person has returned to work. Plan sponsors have only social security, word of mouth, or statements from participants. Senate Bill No. 274 would help plan sponsors to efficiently and equitably administer the return to work provisions of multi-employer pension plans.

We, therefore, hope serious consideration is given to Senate Bill No. 274 by both the Senate and House.

Sincerely,



Edmond T. Burgan

ETB/alb

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: CSSB 274 (L&C)

Publish Date: _____

REQUEST: _____

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Requestor: Senate Labor and Commerce

Agency Affected: Labor

BRU: Employment Security

Components: Unemployment Insurance

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TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: J. Joe Sitton, Director Phone: 465-2712
 Division: Employment Security Division Date: 5/4/87

Approved by Commissioner: Jim Sampson Date: 5/4/87
 Agency: Labor

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

RECEIVED
MAY 12 1987

LEGISLATIVE FINANCE

page ____ of ____

Update

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-1-87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)
4/23/87

DATE TURNED INTO OFFICE _____

Mr. President:

LABOR & COMMERCE Committee considered SB 274

access to employment security records.

and recommended:

replace with CS SB274 (LTC) same title
 attached amendment(s) and new title

do pass

do not pass

es. coming

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

George Tabunlang

OTHER RECOMMENDATIONS

Paul Foley (No Rec.)
Mike Spindler (No Rec.)

Tom Kelly
Chairman signature and recommendation

Committee Backup Attached

1 IN THE SENATE

BY FAHRENKAMP

2

SENATE BILL NO. 274

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

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11 ment shall hold information obtained from an employing unit or indi-
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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.

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4 Retirement Income Security Act) to assist the plan in verifying
5 whether a person receiving a retirement benefit from the plan has been
6 employed in the last six months. To the extent the information is
7 available to the department, the department shall provide the plan
8 with the name and address of the person's current employer and the
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11 information if it is relevant to a legal proceeding in which the plan
12 is a party. The department may require the plan to reimburse the
13 department for the cost of furnishing the information.