

SB 661

WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2012



ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 661

(SENATORS PLYMALE, BROWNING AND
STOLLINGS, ORIGINAL SPONSORS)

[PASSED MARCH 10, 2012; TO TAKE EFFECT JULY 1, 2012.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2012 APR -2 PM 4: 56

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(SENATORS PLYMALE, BROWNING AND STOLLINGS, *original sponsors*)

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Executive Director or Commissioner of Workforce West Virginia to provide data to certain governmental entities; changing the threshold of certain levels of compensation to be reported for certain data purposes by employers to the Executive Director or the Commissioner of Workforce West Virginia; and changing a designated recipient of the data to attain consistency with prior amendments to code.

Be it enacted by the Legislature of West Virginia:

That §21A-10-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. GENERAL PROVISIONS.

§21A-10-11. Reporting requirements and required information; use of information; libel and slander actions prohibited.

- 1 (a) Each employer, including labor organizations as
- 2 defined in subsection (i) of this section, shall, quarterly,

3 submit certified reports on or before the last day of the
4 month next following the calendar quarter, on forms to be
5 prescribed by the commissioner. The reports shall contain:

6 (1) The employer's assigned unemployment compensation
7 registration number, the employer's name and the address at
8 which the employer's payroll records are maintained;

9 (2) Each employee's Social Security account number,
10 name and the gross wages paid to each employee, which shall
11 include the first \$12,000 of remuneration and all amounts in
12 excess of that amount, notwithstanding subdivision (1),
13 subsection (b), section twenty-eight, article one-a of this
14 chapter;

15 (3) The total gross wages paid within the quarter for
16 employment, which includes money wages and the cash
17 value of other remuneration, and shall include the first
18 \$12,000 of remuneration paid to each employee and all
19 amounts in excess of that amount, notwithstanding subdivi-
20 sion (1), subsection (b), section twenty-eight, article one-a of
21 this chapter; and

22 (4) Other information that is reasonably connected with
23 the administration of this chapter.

24 (b) Information obtained may not be published or be
25 open to public inspection to reveal the identity of the
26 employing unit or the individual.

27 (c) Notwithstanding the provisions of subsection (b) of
28 this section, the commissioner may provide information
29 obtained to the following governmental entities for purposes
30 consistent with state and federal laws:

31 (1) The United States Department of Agriculture;

32 (2) The state agency responsible for enforcement of the
33 Medicaid program under Title XIX of the Social Security
34 Act;

35 (3) The United States Department of Health and Human
36 Services or any state or federal program operating and

37 approved under Title I, Title II, Title X, Title XIV or Title
38 XVI of the Social Security Act;

39 (4) Those agencies of state government responsible for
40 economic and community development; early childhood,
41 primary, secondary, postsecondary and vocational education;
42 the West Virginia P-20 longitudinal data system established
43 pursuant to section ten, article one-d, chapter eighteen-b of
44 this code; and vocational rehabilitation, employment and
45 training, including, but not limited to, the administration of
46 the Perkins Act and the Workforce Investment Act;

47 (5) The Tax Division, but only for the purposes of
48 collection and enforcement;

49 (6) The Division of Labor for purposes of enforcing the
50 wage bond and the contractor licensing provisions of chapter
51 twenty-one of this code;

52 (7) Any agency of this or any other state, or any federal
53 agency, charged with the administration of an unemploy-
54 ment compensation law or the maintenance of a system of
55 public employment offices;

56 (8) Any claimant for benefits or any other interested
57 party to the extent necessary for the proper presentation or
58 defense of a claim; and

59 (9) The Insurance Commissioner for purposes of its
60 workers compensation regulatory duties.

61 (d) The agencies or organizations which receive informa-
62 tion under subsection (c) of this section shall agree that the
63 information shall remain confidential as not to reveal the
64 identity of the employing unit or the individual consistent
65 with the provisions of this chapter.

66 (e) The commissioner may, before furnishing any infor-
67 mation permitted under this section, require that those who
68 request the information shall reimburse the Bureau of
69 Employment Programs for any cost associated for furnishing
70 the information.

71 (f) The commissioner may refuse to provide any informa-
72 tion requested under this section if the agency or organiza-
73 tion making the request does not certify that it will comply
74 with the state and federal law protecting the confidentiality
75 of the information.

76 (g) A person who violates the confidentiality provisions
77 of this section is guilty of a misdemeanor and, upon convic-
78 tion thereof, shall be fined not less than \$20 nor more than
79 \$200 or confined in a county or regional jail not longer than
80 ninety days, or both.

81 (h) An action for slander or libel, either criminal or civil,
82 may not be predicated upon information furnished by any
83 employer or any employee to the commissioner in connection
84 with the administration of any of the provisions of this
85 chapter.

86 (i) For purposes of subsection (a) of this section, the term
87 "labor organization" means any organization of any kind, or
88 any agency or employee representation committee or plan, in
89 which employees participate and which exists for the
90 purpose, in whole or in part, of dealing with employers
91 concerning grievances, labor disputes, wages, rates of pay,
92 hours of employment or conditions of work. It includes any
93 entity, also known as a hiring hall, which is used by the
94 organization and an employer to carry out requirements
95 described in 29 U. S. C. §158(f)(3) of an agreement between
96 the organization and the employer.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

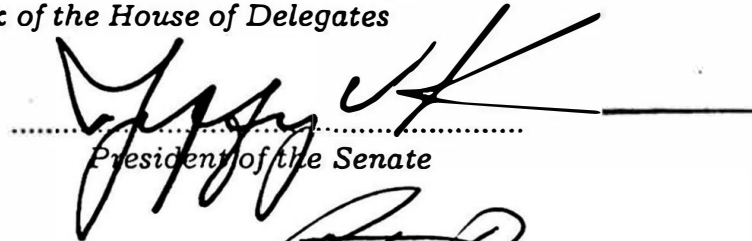

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Chairman House Committee

Originated in the Senate.

To take effect July 1, 2012.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

The within *is approved* this the *2nd*
Day of *April*, 2012.


.....
Governor

FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 4:20 pm