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.]
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 defined in subsection (i) of this section, shall, quarterly,
submit certified reports on or before the last day of the
month next following the calendar quarter, on forms to be
prescribed by the commissioner. The reports shall contain:

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

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

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

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

(b) Information obtained may not be published or be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

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

(1) The United States Department of Agriculture;

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

(3) The United States Department of Health and Human
Services or any state or federal program operating and
approved under Title I, Title II, Title X, Title XIV or Title XVI of the Social Security Act;

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

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

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

(7) Any agency of this or any other state, or any federal agency, charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices;

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

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

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

(e) The commissioner may, before furnishing any information permitted under this section, require that those who request the information shall reimburse the Bureau of Employment Programs for any cost associated for furnishing the information.
(f) The commissioner may refuse to provide any information requested under this section if the agency or organization making the request does not certify that it will comply with the state and federal law protecting the confidentiality of the information.

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

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

(i) For purposes of subsection (a) of this section, the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work. It includes any entity, also known as a hiring hall, which is used by the organization and an employer to carry out requirements described in 29 U. S. C. §158(f)(3) of an agreement between the organization and the employer.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Originated in the Senate.

To take effect July 1, 2012.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 4:20 pm