

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Enrolled

Senate Bill 548

BY SENATORS ROBERTS AND TARR

[Passed March 12, 2022; in effect 90 days from passage]

FILED

2022 MAR 28 P 12:56

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB 548

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1 AN ACT to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended,
2 relating to authorizing WorkForce West Virginia to obtain information regarding
3 employment classifications and work locations from employers; and clarifying that the
4 financial information required by the reports described by §21A-10-11 include all
5 remunerations above and below the threshold wage as described by §21A-1A-28.

Be it enacted by the Legislature of West Virginia:

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

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

7 (2) Each employee's Social Security account number, name, and the gross wages paid to
8 each employee, including any remunerations below and above the threshold wage described by
9 §21A-1A-28 of this code;

10 (3) The total gross wages paid within the quarter for employment, which includes money
11 wages and the cash value of other remuneration, including any remunerations below and above
12 the threshold wage described by §21A-1A-28 of this code;

13 (4) Each employee's job title and the county in which the majority of the employee's job
14 duties are performed; and

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

16 (b) Information obtained may not be published or be open to public inspection to reveal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

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

21 (1) The United States Department of Agriculture;

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

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

27 (4) Those agencies of state government responsible for economic and community
28 development; early childhood, primary, secondary, postsecondary, and vocational education; the
29 West Virginia P-20 longitudinal data system established pursuant to §18B-1D-10 of this code; and
30 vocational rehabilitation, employment, and training, including, but not limited to, the administration
31 of the Perkins Act and the Workforce Innovation and Opportunity Act;

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

33 (6) The Division of Labor for purposes of enforcing the wage bond pursuant to the
34 provisions of §21-5-14 of this code;

35 (7) The contractors licensing board for the purpose of enforcing the contractors licensing
36 provisions pursuant to §30-42-1 *et seq.* of this code;

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

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

42 (10) The Insurance Commissioner for purposes of its Workers Compensation regulatory
43 duties.

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

47 (e) The commissioner may, before furnishing any information permitted under this section,
48 require that those who request the information shall reimburse WorkForce West Virginia for any
49 cost associated for furnishing the information.

50 (f) The commissioner may refuse to provide any information requested under this section
51 if the agency or organization making the request does not certify that it will comply with the state
52 and federal law protecting the confidentiality of the information.

53 (g) A person who violates the confidentiality provisions of this section is guilty of a
54 misdemeanor and, upon conviction thereof, shall be fined not less than \$20 nor more than \$200
55 or confined in a county or regional jail not longer than 90 days, or both.

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

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

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

Mark R. Chapman
.....
Chairman, Senate Committee

Dean J. Young
.....
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Joe L. Brini
.....
Clerk of the Senate

Steve Harris
.....
Clerk of the House of Delegates

Cy P. Bus
.....
President of the Senate

Ken Handley
.....
Speaker of the House of Delegates

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *28th*
Day of *March* 2022.

James O. Eastman
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2022

Time 1:50 pm