

Senate Bill 219

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits Employment Department to provide confidential information to Department of Transportation for purposes relating to collection of debts, including taxes, by Department of Transportation.

A BILL FOR AN ACT

1
2 Relating to confidential information secured by Employment Department; amending ORS 657.665.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 657.665 is amended to read:

5 657.665. (1) Information secured from employing units, employees or other individuals pursuant
6 to this chapter:

7 (a) Shall be confidential and for the exclusive use and information of the Director of the Em-
8 ployment Department in the discharge of duties and shall not be open to the public (other than to
9 public employees in the performance of their public duties under state or federal laws for the pay-
10 ment of unemployment insurance benefits and to public employees in the performance of their public
11 duties under the recognized compensation and retirement, relief or welfare laws of this state), except
12 to the extent necessary for the presentation of a claim and except as required by the regulations
13 of the United States Secretary of Health and Human Services pursuant to section 3304(a) of the
14 Federal Unemployment Tax Act, as amended, and except as required by section 303 of the Social
15 Security Act, as amended.

16 (b) Shall not be used in any court in any action or proceeding pending therein unless the di-
17 rector or the state is a party to such action or proceedings or the proceedings concern the estab-
18 lishment, enforcement or modification of a support obligation and support services are being
19 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

20 (2) However, any claimant or legal representative, at a hearing before an administrative law
21 judge, shall be supplied with information from such records to the extent necessary for the proper
22 presentation of a claim.

23 (3) Notwithstanding subsection (1) of this section, information secured from employing units
24 pursuant to this chapter may be released:

25 (a) To agencies of this state, federal agencies and local government agencies to the extent nec-
26 essary to properly carry out governmental planning, performance measurement, program analysis,
27 socioeconomic analysis and policy analysis functions performed under applicable law. Information
28 provided such agencies shall be confidential and shall not be released by such agencies in any
29 manner that would be identifiable as to individuals, claimants, employees or employing units. Costs
30 of furnishing information pursuant to this subsection not prepared for the use of the Employment

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Department shall be borne by the parties requesting the information; and

2 (b) In accordance with ORS 657.673.

3 (4) Nothing in this section shall prevent the Employment Department from providing names and
4 addresses of employing units to the Bureau of Labor and Industries for the purpose of disseminating
5 information to employing units. The names and addresses provided shall be confidential and shall
6 not be used for any other purposes. Costs of furnishing information pursuant to this subsection not
7 prepared for the use of the Employment Department shall be borne by the bureau.

8 (5) Nothing in this section shall prevent the Employment Department from providing to the
9 Commissioner of the Bureau of Labor and Industries, for the purpose of performing duties under
10 ORS 279C.800 to 279C.870, the names, addresses and industrial codes of [*employer*] **employing** units,
11 the number of employees each unit employs during a given time period and the firm number assigned
12 to [*employer*] **employing** units by the Employment Department. Information so provided shall be
13 confidential and shall not be released by the commissioner in any manner that would identify such
14 employing units except to the extent necessary to carry out the purposes of this subsection and as
15 provided in subsection (1)(b) of this section. Costs of furnishing information pursuant to this sub-
16 section not prepared for the use of the Employment Department shall be borne by the bureau.

17 (6) Nothing in this section shall prevent the Employment Department from providing information
18 required under ORS 657.660 (3) and (4) to the Public Employees Retirement System for the purpose
19 of determining the eligibility of members of the retirement system for disability retirement allow-
20 ances under ORS chapter 238. The information provided shall be confidential and shall not be used
21 for any other purposes. Costs of furnishing information pursuant to this subsection shall be borne
22 by the Public Employees Retirement System.

23 (7) Nothing in this section shall prevent the Employment Department from providing to the
24 Oregon Economic and Community Development Commission information required by the commission
25 in performing its duty under ORS 285A.050 to verify changes in employment levels following direct
26 employer participation in Economic and Community Development Department programs or indirect
27 participation through municipalities under ORS 285B.410 to 285B.482 and regional boards and part-
28 nerships under ORS 285B.230 to 285B.269. Information provided to the commission may include an
29 employer's employment level, total subject wages payroll and whole hours worked. The information
30 may not be used for any other purpose and must be held confidential. The commission may not re-
31 lease the information in any manner that would identify the employing unit or any employee except
32 to the extent necessary to carry out its duties under ORS 285A.050. Costs of furnishing information
33 under this subsection that is not prepared for the use of the Employment Department shall be borne
34 by the commission.

35 (8) Any officer or employee of the Director of the Employment Department, who, except with
36 authority of the director or pursuant to regulations, or as otherwise required by law, shall disclose
37 confidential information under this section, thereafter may be disqualified from holding any ap-
38 pointment or employment by the director.

39 (9) Nothing in this section shall prevent the Employment Department from providing information
40 to the Department of Revenue for the purpose of performing its duties under ORS 293.250, or the
41 revenue and tax laws of this state. Information provided may include names and addresses of em-
42 ployers and employees and payroll data of employers and employees. Information so provided shall
43 be confidential and shall not be released by the Director of the Department of Revenue in any
44 manner that would identify such employing unit or employee except to the extent necessary to carry
45 out its duties under ORS 293.250 or in auditing or reviewing any report or return required or per-

mitted to be filed under the revenue and tax laws administered by the department. However, the Director of the Department of Revenue shall not disclose any information received to any private collection agency or for any other purpose. Costs of furnishing information pursuant to this subsection not prepared for the use of the Employment Department shall be borne by the Department of Revenue.

(10) Nothing in this section shall prevent the Employment Department from providing information to the Department of Consumer and Business Services for the purpose of performing its duties under ORS chapters 654 and 656. Information provided may include but is not limited to the name, address, number of employees and industrial classification code of an employer and payroll data of employers and employees. Information provided shall be confidential and may not be released by the Department of Consumer and Business Services in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS chapters 654 and 656, including administrative hearings and court proceedings in which the Department of Consumer and Business Services is a party. Costs of furnishing information pursuant to this subsection that is not prepared for the use of the Employment Department shall be borne by the Department of Consumer and Business Services.

(11) Nothing in this section shall prevent the Employment Department from providing information to the Construction Contractors Board for the purpose of performing its duties under ORS chapter 701. Information provided to the board may include names and addresses of employers and status of their compliance with this chapter.

(12) Nothing in this section shall prevent the Employment Department from providing information to the State Fire Marshal to assist the State Fire Marshal in carrying out duties, functions and powers under ORS 453.307 to 453.414. Information so provided shall be the employer or agent name, address, telephone number and standard industrial classification. Information so provided shall be confidential and shall not be released by the State Fire Marshal in any manner that would identify such employing units except to the extent necessary to carry out duties under ORS 453.307 to 453.414. Costs of furnishing information pursuant to this subsection not prepared for the use of the Employment Department shall be borne by the office of the State Fire Marshal.

(13) Nothing in this section shall prevent the Employment Department from providing information to the Oregon Student Assistance Commission for the purposes of performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act of 1965, as amended. Information provided may include names and addresses of employers and employees and payroll data of employers and employees. Information so provided shall be confidential and shall not be released by the Oregon Student Assistance Commission in any manner that would identify such employing unit or employee except to the extent necessary to carry out duties under ORS chapter 348 or Title IV of the Higher Education Act of 1965, as amended. Costs of furnishing information pursuant to this subsection not prepared for the use of the Employment Department shall be borne by the Oregon Student Assistance Commission.

(14)(a) Nothing in this section shall prevent the Employment Department from providing information to the Department of Transportation to assist the Department of Transportation in carrying out the duties of the Department of Transportation relating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.666, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code.

(b) Information provided may include names and addresses of employers and employees and payroll data. Information provided is confidential and may not be released by the De-

1 **partment of Transportation in any manner that would identify any employing unit or em-**
2 **ployee except to the extent necessary to carry out the Department of Transportation's duties**
3 **or in auditing or reviewing any report or return required or permitted to be filed under the**
4 **revenue and tax laws administered by the Department of Transportation.**

5 **(c) Notwithstanding the exception described in paragraph (b) of this subsection, the De-**
6 **partment of Transportation may not disclose any information received to any private col-**
7 **lection agency.**

8 **(d) If the information provided pursuant to this subsection is not prepared for the use**
9 **of the Employment Department, costs of furnishing the information shall be paid by the**
10 **Department of Transportation.**

11 *[(14)]* **(15)** Any person or officer or employee of an entity to whom information is disclosed or
12 given by the Employment Department pursuant to this section, who divulges or uses such informa-
13 tion for any purpose other than that specified in the provision of law or agreement authorizing the
14 use or disclosure, may be disqualified from holding any appointment or employment, or performing
15 any service under contract, with the state agency employing that person or officer.

16 *[(15)]* **(16)** Notwithstanding subsection (1) of this section, the industrial classification code as-
17 signed to an employing unit may be released to state agencies, federal agencies and local govern-
18 ment agencies to the extent necessary to carry out governmental functions performed under
19 applicable law. Except as provided in ORS 190.270, information provided to such agencies is confi-
20 dential and may not be released by the agencies in any manner that would allow identification of
21 an employing unit. Costs of furnishing information that is not prepared for the use of the Employ-
22 ment Department shall be paid by the party requesting the information under this subsection.

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