

MAR 16 1989

HOUSE FILE 637
BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

Place On Calendar
Sen. BUS + Labor Rel.
Do pass 4-5-89 (p.1196)

(SUCCESSOR TO HSB 166)

Passed House, Date 3-29-89 (p.1100) Passed Senate, Date 4-11-89 (p.1318)
Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 2
Approved 5-4-89 (p.2496)

A BILL FOR

1 An Act relating to the access of confidential information
2 collected by the department of employment services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 637

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1 Section 1. Section 96.11, subsection 7, Code 1989, is
2 amended to read as follows:

3 7. RECORDS, AND REPORTS, AND CONFIDENTIALITY.

4 a. Each An employing unit shall keep true and accurate
5 work records, containing such information as required by the
6 division of-job-service-may-prescribe. Such The records shall
7 be open to inspection and ~~be subject to being copied~~ copying
8 ~~by the division or its~~ an authorized representatives
9 representative of the division at any reasonable time and as
10 often as necessary. ~~The commissioner or a duly~~ An authorized
11 representative of the division may require from any an
12 employing unit any a sworn or unsworn reports report, with
13 respect to persons individuals employed by the employing unit,
14 which the ~~commissioner~~ division deems necessary for the
15 effective administration of this chapter.

16 b. (1) The division shall hold confidential the
17 information obtained from an employing unit or individual in
18 the course of administering this chapter and the initial
19 determinations determination made by ~~the division's~~ a
20 representative of the division under section 96.6, subsection
21 2, as to the benefit rights of an individual. The division
22 shall not disclose or open this information for public
23 inspection in a manner that reveals the identity of the
24 ~~individual or~~ employing unit or the individual, except as
25 provided in subparagraph (3) ~~of this paragraph and~~ or
26 paragraph "c" of this subsection.

27 (2) A report or statement, whether written or verbal, made
28 by a person to a representative of the division or to a
29 another person administering this law is a privileged
30 communication. A person is not liable for slander or libel on
31 account of the report or statement unless the report or
32 statement is made with malice.

33 (3) Information obtained from an employing unit or
34 individual in the course of administering this chapter and an
35 initial determinations determination made by ~~the division's~~ a

1 representative of the division under section 96.6, subsection
2 2, as to benefit rights of an individual shall not be used in
3 any action or proceeding, except in a contested case
4 proceeding or judicial review under chapter 17A. However, the
5 division shall make information, which is obtained from an
6 employing unit or individual in the course of administering
7 this chapter and which relates to the employment and wage
8 history of the individual, available to a county attorney for
9 the county attorney's use in the performance of duties under
10 section 331.756, subsection 5. Information in the division's
11 possession that which may affect a claim for benefits or a
12 change in an employer's rating account shall be made available
13 to the affected interested parties or their legal
14 representatives. The information may be used by the affected
15 interested parties in a proceeding under this chapter to the
16 extent necessary for the proper presentation or defense of a
17 claim.

18 c. Subject to conditions as the division by rule
19 prescribes, information obtained from an employing unit or
20 individual in the course of administering this chapter and an
21 initial determinations determination made by ~~the division's~~ a
22 representative of the division under section 96.6, subsection
23 2, as to benefit rights of an individual may be made available
24 for purposes consistent with the purposes of this chapter to
25 any of the following:

- 26 (1) An agency of this or any other state, or a federal
27 agency responsible for the administration of an unemployment
28 compensation law or the maintenance of a system of public
29 employment offices.
- 30 (2) The ~~bureau of~~ internal revenue service of the United
31 States department of the treasury.
- 32 (3) The Iowa department of revenue and finance.
- 33 (4) The social security administration of the United
34 States department of health and human services.
- 35 (5) An agency of this or any other state or a federal

1 agency responsible for the administration of public works or
2 he administration of public assistance to unemployed workers
3 individuals.

4 (6) Colleges, universities, and public agencies of this
5 state for use in connection with research of a public nature,
6 provided the division does not reveal the identity of any
7 individual or an employing unit or individual.

8 (7) An employee of the department of employment services,
9 a member of the general assembly, or a member of the United
10 States congress in connection with the employee's or member's
11 official duties.

12 (8) A political subdivision, government governmental
13 entity, or nonprofit organization having an interest in the
14 administration of job training programs established pursuant
15 to the federal Job Training Partnership Act.

16 (9) The United States department of housing and urban
17 development and representatives of a public housing agency.

18 ~~Information released by the division shall only be used for~~
19 ~~purposes consistent with the purposes of this chapter.~~

20 d. Upon request of an agency of this or another state or
21 of the federal government which administers or operates a
22 program of public assistance or child support enforcement
23 under either ~~federal law or~~ the law of this or another state
24 or federal law, or which is charged with a duty or
25 responsibility under ~~any such~~ the program, and if ~~that the~~
26 agency is required by law to impose safeguards for the
27 confidentiality of information at least as effective as
28 required under this ~~section~~ subsection, then the division
29 shall provide to the requesting agency, with respect to any
30 named individual specified without regard to paragraph "g",
31 any of the following information:

32 (1) Whether the individual is receiving, or has received
33 benefits, or has made an application for unemployment
34 compensation benefits under this chapter.

35 (2) The period, if any, for which unemployment

1 ~~compensation was~~ benefits were payable and the weekly ~~rate of~~
2 ~~compensation paid~~ benefit amount.

3 (3) The individual's most recent address.

4 (4) Whether the individual has refused an offer of
5 employment, and, if so, the date of the refusal and a
6 description of the employment refused, including duties,
7 conditions of employment, and the rate of pay.

8 (5) Wage ~~The individual's wage~~ information. Paragraph "g"
9 ~~does not apply to information released under this paragraph.~~

10 e. The division may require an agency that which is
11 provided information under this section subsection to
12 reimburse the division for the costs of furnishing the
13 information.

14 f. An employee of the division, an administrative law
15 judge, or a member of the appeal board who violates this
16 section subsection is guilty, upon conviction, of a serious
17 misdemeanor.

18 g. Information subject to the confidentiality of this
19 section subsection shall not be made available directly
20 released to any authorized agency prior to notification in
21 writing unless an attempt is made to provide written
22 notification to the individual involved, except in.
23 Information released in accordance with criminal
24 investigations by a law enforcement agency of this state,
25 another state, or the federal government is exempt from this
26 requirement.

27 Sec. 2. Section 96.19, Code 1989, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 45. "Public housing agency" means any
30 agency described in section 3(b)(6) of the United States
31 Housing Act of 1937, as amended through January 1, 1989.

32 EXPLANATION

33 This bill requires the department of employment services to
34 disclose certain confidential information to the United States
35 department of housing and urban development and other

1 representatives of public housing agencies. The bill provides
2 that information released in accordance with criminal
3 investigations is exempted from the requirement of providing
4 written notification to obtain information subject to the
5 confidentiality provisions of this section.

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HSB 166

LABOR & INDUSTRIAL RELATIONS

read

HOUSE FILE 637

BY (PROPOSED COMMITTEE ON
LABOR AND INDUSTRIAL
RELATIONS BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the access of confidential information
2 collected by the department of employment services.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 amended to read as follows:

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4 a. Each An employing unit shall keep true and accurate
5 work records, containing such information as required by the
6 division of-job-service-may-prescribe. Such The records shall
7 be open to inspection and be-subject-to-being-copied copying
8 by the-division-or-its an authorized representatives
9 representative of the division at any reasonable time and as
10 often as necessary. The-commissioner-or-a-duty An authorized
11 representative of the division may require from any an
12 employing unit any a sworn or unsworn reports report, with
13 respect to persons individuals employed by the employing unit,
14 which the commissioner division deems necessary for the
15 effective administration of this chapter.

16 b. (1) The division shall hold confidential the
17 information obtained from an employing unit or individual in
18 the course of administering this chapter and the initial
19 determinations determination made by the-division's a
20 representative of the division under section 96.6, subsection
21 2, as to the benefit rights of an individual. The division
22 shall not disclose or open this information for public
23 inspection in a manner that reveals the identity of the
24 individual-or employing unit or the individual, except as
25 provided in subparagraph (3) of-this-paragraph-and or
26 paragraph "c" of-this-subsection.

27 (2) A report or statement, whether written or verbal, made
28 by a person to a representative of the division or to a
29 another person administering this law is a privileged
30 communication. A person is not liable for slander or libel on
31 account of the report or statement unless the report or
32 statement is made with malice.

33 (3) Information obtained from an employing unit or
34 individual in the course of administering this chapter and an
35 initial determinations determination made by the-division's a

1 representative of the division under section 96.6, subsection
2 2, as to benefit rights of an individual shall not be used in
3 any action or proceeding, except in a contested case
4 proceeding or judicial review under chapter 17A. However, the
5 division shall make information, which is obtained from an
6 employing unit or individual in the course of administering
7 this chapter and which relates to the employment and wage
8 history of the individual, available to a county attorney for
9 the county attorney's use in the performance of duties under
10 section 331.756, subsection 5. Information in the division's
11 possession ~~that~~ which may affect a claim for benefits or a
12 change in an employer's rating account shall be made available
13 to the affected interested parties ~~or-their-legal~~
14 representatives. The information may be used by the affected
15 interested parties in a proceeding under this chapter to the
16 extent necessary for the proper presentation or defense of a
17 claim.

18 c. Subject to conditions as the division by rule
19 prescribes, information obtained from an employing unit or
20 individual in the course of administering this chapter and an
21 initial determinations determination made by ~~the-division's~~ a
22 representative of the division under section 96.6, subsection
23 2, as to benefit rights of an individual may be made available
24 for purposes consistent with the purposes of this chapter to
25 any of the following:

26 (1) An agency of this or any other state, or a federal
27 agency responsible for the administration of an unemployment
28 compensation law or the maintenance of a system of public
29 employment offices.

30 (2) The ~~bureau-of~~ internal revenue service of the United
31 States department of the treasury.

32 (3) The Iowa department of revenue and finance.

33 (4) The social security administration of the United
34 States department of health and human services.

35 (5) An agency of this or any other state or a federal

1 agency responsible for the administration of public works or
2 the administration of public assistance to unemployed workers
3 individuals.

4 (6) Colleges, universities, and public agencies of this
5 state for use in connection with research of a public nature,
6 provided the division does not reveal the identity of any
7 ~~individual~~ or an employing unit or individual.

8 (7) An employee of the department of ~~employment-services,~~
9 a member of the general assembly, or a member of the United
10 States congress in connection with the employee's or member's
11 official duties.

12 (8) A political subdivision, government governmental
13 entity, or nonprofit organization having an interest in the
14 administration of job training programs established pursuant
15 to the federal Job Training Partnership Act.

16 (9) The United States department of housing and urban
17 development and representatives of a public housing agency.

18 ~~Information-released-by-the-division-shall-only-be-used-for~~
19 ~~purposes-consistent-with-the-purposes-of-this-chapter.~~

20 d. Upon request of an agency of this or another state or
21 of the federal government which administers or operates a
22 program of public assistance or child support enforcement
23 under either ~~federal-law-or~~ the law of this or another state
24 or federal law, or which is charged with a duty or
25 responsibility under ~~any-such~~ the program, and if that the
26 agency is required by law to impose safeguards for the
27 confidentiality of information at least as effective as
28 required under this section subsection, then the division
29 shall provide to the requesting agency, with respect to any
30 named individual specified without regard to paragraph "g",
31 any of the following information:

32 (1) Whether the individual is receiving, or has received
33 benefits, or has made an application for unemployment
34 compensation benefits under this chapter.

35 (2) The period, if any, for which unemployment

1 compensation-was benefits were payable and the weekly rate-of
2 compensation-paid benefit amount.

3 (3) The individual's most recent address.

4 (4) Whether the individual has refused an offer of
5 employment, and, if so, the date of the refusal and a
6 description of the employment refused, including duties,
7 conditions of employment, and the rate of pay.

8 (5) Wage The individual's wage information. Paragraph-"g"
9 ~~does-not-apply-to-information-released-under-this-paragraph.~~

10 e. The division may require an agency that which is
11 provided information under this section subsection to
12 reimburse the division for the costs of furnishing the
13 information.

14 f. An employee of the division, an administrative law
15 judge, or a member of the appeal board who violates this
16 section subsection is guilty, upon conviction, of a serious
17 misdemeanor.

18 g. Information subject to the confidentiality of this
19 section subsection shall not be made-available directly
20 released to any authorized agency prior-to-notification-in
21 writing unless an attempt is made to provide written
22 notification to the individual involved, -except-in.
23 Information released in accordance with criminal
24 investigations by a law enforcement agency of this state,
25 another state, or the federal government is exempt from this
26 requirement.

27 EXPLANATION

28 This bill requires the department of employment services to
29 disclose certain confidential information to the United States
30 department of housing and urban development and other
31 representatives of public housing agencies. The bill provides
32 that information released in accordance with criminal
33 investigations is exempted from the requirement of providing
34 written notification to obtain information subject to the
35 confidentiality provisions of this section.

HOUSE FILE 637

AN ACT

RELATING TO THE ACCESS OF CONFIDENTIAL INFORMATION COLLECTED
BY THE DEPARTMENT OF EMPLOYMENT SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 96.11, subsection 7, Code 1989, is amended to read as follows:

7. RECORDS, AND REPORTS, AND CONFIDENTIALITY.

a. Each An employing unit shall keep true and accurate work records, containing such information as required by the division ~~of-job-service-may-prescribe~~. Such The records shall be open to inspection and ~~be-subject-to-being-copied~~ copying by ~~the-division-or-its~~ an authorized representatives representative of the division at any reasonable time and as often as necessary. ~~The-commissioner-or-a-duty~~ An authorized representative of the division may require from any an employing unit any a sworn or unsworn reports report, with respect to persons individuals employed by the employing unit, which the ~~commissioner~~ division deems necessary for the effective administration of this chapter.

b. (1) The division shall hold confidential the information obtained from an employing unit or individual in the course of administering this chapter and the initial ~~determinations~~ determination made by ~~the-division's~~ a representative of the division under section 96.6, subsection 2, as to the benefit rights of an individual. The division shall not disclose or open this information for public inspection in a manner that reveals the identity of the ~~individual-or~~ employing unit or the individual, except as provided in subparagraph (3) ~~of-this-paragraph-and~~ or paragraph "c" ~~of-this-subsection~~.

(2) A report or statement, whether written or verbal, made by a person to a representative of the division or to a another person administering this law is a privileged communication. A person is not liable for slander or libel on account of the report or statement unless the report or statement is made with malice.

(3) Information obtained from an employing unit or individual in the course of administering this chapter and an initial ~~determinations~~ determination made by ~~the-division's~~ a representative of the division under section 96.6, subsection 2, as to benefit rights of an individual shall not be used in any action or proceeding, except in a contested case proceeding or judicial review under chapter 17A. However, the division shall make information, which is obtained from an employing unit or individual in the course of administering this chapter and which relates to the employment and wage history of the individual, available to a county attorney for the county attorney's use in the performance of duties under section 331.756, subsection 5. Information in the division's possession that which may affect a claim for benefits or a change in an employer's rating account shall be made available to the affected interested parties or their legal representatives. The information may be used by the affected interested parties in a proceeding under this chapter to the extent necessary for the proper presentation or defense of a claim.

c. Subject to conditions as the division by rule prescribes, information obtained from an employing unit or individual in the course of administering this chapter and an initial ~~determinations~~ determination made by ~~the-division's~~ a representative of the division under section 96.6, subsection 2, as to benefit rights of an individual may be made available for purposes consistent with the purposes of this chapter to any of the following:

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(1) An agency of this or any other state, or a federal agency responsible for the administration of an unemployment compensation law or the maintenance of a system of public employment offices.

(2) The bureau of internal revenue service of the United States department of the treasury.

(3) The Iowa department of revenue and finance.

(4) The social security administration of the United States department of health and human services.

(5) An agency of this or any other state or a federal agency responsible for the administration of public works or the administration of public assistance to unemployed workers individuals.

(6) Colleges, universities, and public agencies of this state for use in connection with research of a public nature, provided the division does not reveal the identity of any individual or an employing unit or individual.

(7) An employee of the department of employment services, a member of the general assembly, or a member of the United States congress in connection with the employee's or member's official duties.

(8) A political subdivision, government governmental entity, or nonprofit organization having an interest in the administration of job training programs established pursuant to the federal Job Training Partnership Act.

(9) The United States department of housing and urban development and representatives of a public housing agency.

Information released by the division shall only be used for purposes consistent with the purposes of this chapter.

d. Upon request of an agency of this or another state or of the federal government which administers or operates a program of public assistance or child support enforcement under either federal law or the law of this or another state or federal law, or which is charged with a duty or responsibility under any such the program, and if that the

agency is required by law to impose safeguards for the confidentiality of information at least as effective as required under this section subsection, then the division shall provide to the requesting agency, with respect to any named individual specified without regard to paragraph "g", any of the following information:

(1) Whether the individual is receiving, or has received benefits, or has made an application for unemployment compensation benefits under this chapter.

(2) The period, if any, for which unemployment compensation was benefits were payable and the weekly rate of compensation-paid benefit amount.

(3) The individual's most recent address.

(4) Whether the individual has refused an offer of employment, and, if so, the date of the refusal and a description of the employment refused, including duties, conditions of employment, and the rate of pay.

(5) Wage The individual's wage information. Paragraph "g" does not apply to information released under this paragraph.

e. The division may require an agency that which is provided information under this section subsection to reimburse the division for the costs of furnishing the information.

f. An employee of the division, an administrative law judge, or a member of the appeal board who violates this section subsection is guilty, upon conviction, of a serious misdemeanor.

g. Information subject to the confidentiality of this section subsection shall not be made available directly released to any authorized agency prior to notification in writing unless an attempt is made to provide written notification to the individual involved, except in, information released in accordance with criminal investigations by a law enforcement agency of this state, another state, or the federal government is exempt from this requirement.

Sec. 2. Section 96.19, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 45. "Public housing agency" means any agency described in section 3(b)(6) of the United States Housing Act of 1937, as amended through January 1, 1989.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 637, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 4, 1989

TERRY E. BRANSTAD
Governor

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