

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 661

(By Senators Plymale, Browning and Stollings)

[Originating in the Committee on Education;
reported February 23, 2012.]

A BILL to amend and reenact §18B-2A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21A-10-11 of said code, all relating to the West Virginia Network of Educational Telecomputing; collecting, synthesizing and disseminating data from state agencies; improving communication and cooperation among state education providers; directing institutional boards of governors to cooperate in certain data-related operations; requiring certain reports and providing certain privacy protections; setting forth certain penalties for noncompliance; authorizing the Commissioner of WorkForce West Virginia to share data with certain education providers; and making certain technical corrections.

Be it enacted by the Legislature of West Virginia:

That §18B-2A-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §21A-10-11 of said code be amended and reenacted, all to read as follows:

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-3. Supervision of governing boards; promulgation of rules.

1 (a) The governing boards are subject to the supervision
2 of the commission or the council, as appropriate, except in
3 those instances where specific statutory exceptions are
4 granted by law to the governing boards of Marshall Univer-
5 sity and West Virginia University.

6 (b) The governing boards of all state institutions of
7 higher education are subject to the provisions of law that
8 relate to the administration of personnel matters including,
9 specifically, articles seven, eight, nine and nine-a of this
10 chapter and to rules promulgated and adopted in accordance
11 with these provisions.

12 (c) The Chancellor for Higher Education and the Chan-
13 cellor for Community and Technical College Education,
14 under the supervision of their respective boards, are respon-
15 sible for the coordination of policies, purposes and rules of

16 the governing boards and shall provide for and facilitate
17 sufficient interaction among the governing boards and
18 between the governing boards and the State Board of
19 Education to meet the goals and objectives provided in the
20 compacts and in section one-a, article one and article one-d
21 of this chapter.

22 (d) The governing boards and the State Board of Educa-
23 tion shall provide all information requested by the commis-
24 sion and the council, whether the request is made separately
25 or jointly, in an appropriate format and in a timely manner.

26 (1) Each governing board shall cooperate with the West
27 Virginia Network for Educational Telecomputing (WVNET)
28 in designing appropriate interfaces with the databases of
29 institutions under its jurisdiction and shall grant WVNET
30 direct access to these databases.

31 (2) WVNET, on behalf of the commission and/or council,
32 shall generate reports from the data accessed for the pur-
33 poses set forth in sections eight and ten, article one-d of this
34 chapter.

35 (3) All data accessed or received from an institution shall
36 be treated in a manner consistent with the privacy
37 protections outlined in section ten, article one-d of this
38 chapter.

39 (4) The commission may revoke the eligibility of a state
40 institution to participate in any state financial aid program
41 set forth in chapter eighteen-c of this code for failure to
42 comply promptly and in an appropriate manner with the
43 provisions of this section.

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

ARTICLE 10. GENERAL PROVISIONS.

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

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 ~~\$8,000~~ \$12,000 of remuneration and all
12 amounts in excess of that amount, notwithstanding subdivi-

13 sion (1), subsection (b), section twenty-eight, article one-a of
14 this 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 ~~\$8,000~~ \$12,000 of remuneration paid to each employee and
19 all amounts in excess of that amount, notwithstanding
20 subdivision (1), subsection (b), section twenty-eight, article
21 one-a of 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 ~~Job Training and Partnership~~
47 Workforce Investment Act;

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

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

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

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

60 (9) The Workers' Compensation Commission for purposes
61 of collection and enforcement: *Provided*, That the Workers'
62 Compensation Commission shall provide similar information
63 to the Bureau of Employment Programs.

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

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

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

79 (g) A person who violates the confidentiality provisions
80 of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$20 nor more than
81 \$200 or confined in a county or regional jail not longer than
82 ninety days, or both.

84 (h) No action for slander or libel, either criminal or civil,
85 shall be predicated upon information furnished by any
86 employer or any employee to the commissioner in connection
87 with the administration of any of the provisions of this
88 chapter.

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