

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 548

BY SENATORS ROBERTS AND TARR

[Introduced February 01, 2022; referred
to the Committee on the Workforce]

1 A BILL 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.

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, which shall include the first \$12,000 of remuneration and all amounts in excess
9 of that amount, notwithstanding §21-1A-28(b)(1) 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, and shall include the first \$12,000 of
12 remuneration paid to each employee and all amounts in excess of that amount, notwithstanding
13 §21-1A-28(b)(1) of this code;

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

16 ~~(4)~~ (5) Other information that is reasonably connected with the administration of this
17 chapter.

18 (b) Information obtained may not be published or be open to public inspection to reveal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

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

23 (1) The United States Department of Agriculture;

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

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

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

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

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

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

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

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

44 (10) The Insurance Commissioner for purposes of its Workers Compensation regulatory
45 duties.

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

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

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

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

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

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