

BILL ANALYSIS

S.B. 1619
By: Lucio
Economic Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In September, 2006, the United States Department of Labor published final rules on confidentiality and disclosure of state Unemployment Compensation (UC) information. These comprehensive rules set out minimum requirements for confidentiality but make clear that states may adopt more stringent confidentiality provisions than those imposed by the final regulations. The final rules were effective in October, 2006; however, states have up to two years to enact necessary conforming state laws to implement changes required or permitted by these federal regulations.

S.B. 1619 permits the Texas Workforce Commission (Commission) to conform to federal regulations by adopting rules consistent with the US Department of Labor Final Rules regarding Confidentiality and Disclosure of State Unemployment Compensation Information collected and maintained by the Texas Workforce Commission.

RULEMAKING AUTHORITY

It is the opinion of the committee that rulemaking authority in SECTION 1 refers to the potential exercise of existing rulemaking authority by the Texas Workforce Commission and rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 2 of this bill.

ANALYSIS

SECTION 1. The bill amends current law by adding that employment information obtained or otherwise secured under this section may not be published or open to public inspection as provided by Commission rule and consistent with federal law. The bill establishes that a violation of any provision of this section would be a Class A misdemeanor. The bill makes a non-substantive change.

SECTION 2. The bill defines “unemployment compensation information.” This section directs the Commission to adopt and enforce reasonable rules, which are consistent with federal law and maintain the confidentiality, custody, use, preservation, and disclosure of unemployment compensation information. The Commission rules must include safeguards to protect the confidentiality of information identifying individuals or employers or employing units, including information which could be combined with other publicly available information to identify the individual, employer, or employing unit. The bill provides that UC information is not public information for the purposes of the Texas Public Information Act (Chapter 552, Government Code). The bill provides that unless permitted by this subchapter or Commission rule, it is an offense to solicit, disclose, or otherwise inappropriately use UC information which may be used to identify any individual or past or present employer or employing unit, or information which could be combined with other publicly available information to identify any individual, or past or present employer or employing unit. The bill establishes that an offense under Subsection (d) is a Class A misdemeanor.

SECTION 3. Makes application of this Act prospective.

SECTION 4. States the effective date for this Act.

EFFECTIVE DATE

September 1, 2007.

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