

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1592

6 By: Schulz

7 COMMITTEE SUBSTITUTE

8 An Act relating to labor; amending 40 O.S. 2001,  
9 Section 4-508, as last amended by Section 15, Chapter  
10 354, O.S.L. 2007 (40 O.S. Supp. 2009, Section 4-508),  
11 which relates to disclosure of confidential  
12 information; permitting disclosure of certain  
13 information relating to the Center of International  
14 Trade at Southwestern Oklahoma State University;  
15 providing an effective date; and declaring an  
16 emergency.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 40 O.S. 2001, Section 4-508, as  
19 last amended by Section 15, Chapter 354, O.S.L. 2007 (40 O.S.  
20 Supp. 2009, Section 4-508 ), is amended to read as follows:

21 Section 4-508.

22 INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE.

23 A. Except as otherwise provided by law, information obtained  
24 from any employing unit or individual pursuant to the administration  
of the Employment Security Act of 1980, and determinations as to the  
benefit rights of any individual shall be kept confidential and

1 shall not be disclosed or be open to public inspection in any manner  
2 revealing the individual's or employing unit's identity. Any  
3 claimant or employer or agent of such person as authorized in  
4 writing shall be supplied with information from the records of the  
5 Oklahoma Employment Security Commission, to the extent necessary for  
6 the proper presentation of the claim or complaint in any proceeding  
7 under the Employment Security Act of 1980, with respect thereto.

8       B. Upon receipt of written request by any employer who  
9 maintains a Supplemental Unemployment Benefit (SUB) Plan, the  
10 Commission or its designated representative may release to such  
11 employer information regarding weekly benefit amounts paid its  
12 workers during a specified temporary layoff period, provided such  
13 Supplemental Unemployment Benefit (SUB) Plan requires benefit  
14 payment information before Supplemental Unemployment Benefits can be  
15 paid to such workers. Any information disclosed under this  
16 provision shall be utilized solely for the purpose outlined herein  
17 and shall be held strictly confidential by the employer.

18       C. The provisions of this section shall not prevent the  
19 Commission from disclosing the following information and no  
20 liability whatsoever, civil or criminal, shall attach to any member  
21 of the Commission or any employee thereof for any error or omission  
22 in the disclosure of such information:  
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1        1. The delivery to taxpayer or claimant a copy of any report or  
2 other paper filed by the taxpayer or claimant pursuant to the  
3 Employment Security Act of 1980;

4        2. The disclosure of information to any person for a purpose as  
5 authorized by the taxpayer or claimant pursuant to a waiver of  
6 confidentiality. The waiver shall be in writing and shall be  
7 notarized;

8        3. The Oklahoma Department of Commerce may have access to data  
9 obtained pursuant to the Employment Security Act of 1980 pursuant to  
10 rules promulgated by the Commission. The information obtained shall  
11 be held confidential by the Department and any of its agents and  
12 shall not be disclosed or be open to public inspection. The  
13 Oklahoma Department of Commerce, however, may release aggregated  
14 data, either by industry or county, provided that such aggregation  
15 meets disclosure requirements of the Commission;

16        4. The publication of statistics so classified as to prevent  
17 the identification of a particular report and the items thereof;

18        5. The disclosing of information or evidence to the Attorney  
19 General or any district attorney when the information or evidence is  
20 to be used by the officials or other parties to the proceedings to  
21 prosecute or defend allegations of violations of the Employment  
22 Security Act of 1980. The information disclosed to the Attorney  
23 General or any district attorney shall be kept confidential by them  
24 and not be disclosed except when presented to a court in a

1 prosecution of a violation of Section 1-101 et seq. of this title,  
2 and a violation by the Attorney General or district attorney by  
3 otherwise releasing the information shall be a felony;

4 6. The furnishing, at the discretion of the Commission, of any  
5 information disclosed by the records or files to any official person  
6 or body of this state, any other state or of the United States who  
7 is concerned with the administration of assessment of any similar  
8 tax in this state, any other state or the United States;

9 7. The furnishing of information to other state agencies for  
10 the limited purpose of aiding in the collection of debts owed by  
11 individuals to the requesting agencies;

12 8. The release to employees of the Department of Transportation  
13 of information required for use in federally mandated regional  
14 transportation planning, which is performed as a part of its  
15 official duties;

16 9. The release to employees of the State Treasurer's office of  
17 information required to verify or evaluate the effectiveness of the  
18 Oklahoma Small Business Linked Deposit Program on job creation;

19 10. The release to employees of the Attorney General, the State  
20 Insurance Fund, the Department of Labor, the Workers' Compensation  
21 Court, and the Insurance Department for use in investigation of  
22 workers' compensation fraud;

23 11. The release to employees of the Oklahoma State Bureau of  
24 Investigation or release to employees of the Oklahoma State Bureau

1 of Narcotics and Dangerous Drugs Control for use in criminal  
2 investigations and the location of missing persons or fugitives from  
3 justice;

4 12. The release to employees of the Center of International  
5 Trade, Oklahoma State University, or the Center of International  
6 Trade, Southwestern Oklahoma State University, of information  
7 required for the development of International Trade for employers  
8 doing business in the State of Oklahoma;

9 13. The release to employees of the Oklahoma State Regents for  
10 Higher Education of information required for use in the default  
11 prevention efforts and/or collection of defaulted student loans  
12 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any  
13 information disclosed under this provision shall be utilized solely  
14 for the purpose outlined herein and shall be held strictly  
15 confidential by the Oklahoma State Regents for Higher Education;

16 14. The release to employees of the Center for Economic and  
17 Management Research of the University of Oklahoma, of information  
18 required to identify economic trends. The information obtained  
19 shall be kept confidential by the University and shall not be  
20 disclosed or be open to public inspection. The University of  
21 Oklahoma may release aggregated data, provided that such aggregation  
22 meets disclosure requirements of the Commission;

23 15. The release to employees of the Office of State Finance of  
24 information required to identify economic trends. The information

1 obtained shall be kept confidential by the Office of State Finance  
2 and shall not be disclosed or be open to public inspection. The  
3 Office of State Finance may release aggregate data, provided that  
4 such aggregation meets disclosure requirements of the Commission;

5 16. The release to employees of the Department of Mental Health  
6 and Substance Abuse Services of information required to evaluate the  
7 effectiveness of mental health and substance abuse treatment and  
8 state or local programs utilized to divert persons from inpatient  
9 treatment. The information obtained shall be kept confidential by  
10 the Department and shall not be disclosed or be open to public  
11 inspection. The Department of Mental Health and Substance Abuse  
12 Services, however, may release aggregated data, either by treatment  
13 facility, program or larger aggregate units, provided that such  
14 aggregation meets disclosure requirements of the Oklahoma Employment  
15 Security Commission;

16 17. The release to employees of the Attorney General, the  
17 Oklahoma State Bureau of Investigation, and the Insurance Department  
18 for use in the investigation of insurance fraud and health care  
19 fraud;

20 18. The release to employees of public housing agencies for  
21 purposes of determining eligibility pursuant to 42 U.S.C., Section  
22 503(i);

23 19. The release of wage and benefit claim information, at the  
24 discretion of the Commission, to an agency of this state or its

1 political subdivisions, or any nonprofit corporation that operates a  
2 program or activity designated as a partner in the Workforce  
3 Investment Act One-Stop delivery system pursuant to 29 U.S.C.A.,  
4 Section 2481 (b), based on a showing of need made to the Commission  
5 and after an agreement concerning the release of information is  
6 entered into with the entity receiving the information;

7 20. The release of information to the wage record interchange  
8 system, at the discretion of the Commission;

9 21. The release of information to the Bureau of the Census of  
10 the U.S. Department of Commerce for the purpose of economic and  
11 statistical research;

12 22. The release of employer tax information and benefit claim  
13 information to the Oklahoma Health Care Authority for use in  
14 determining eligibility for a program that will provide subsidies  
15 for health insurance premiums for qualified employers, employees,  
16 self-employed persons, and unemployed persons;

17 23. The release of employer tax information and benefit claim  
18 information to the State Department of Rehabilitation Services for  
19 use in assessing results and outcomes of clients served; or

20 24. The release of information to any state or federal law  
21 enforcement authority when necessary in the investigation of any  
22 crime in which the Commission is a victim. Information that is  
23 confidential under this section shall be held confidential by the  
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1 law enforcement authority unless and until it is required for use in  
2 court in the prosecution of a defendant in a criminal prosecution.

3 D. Subpoenas to compel disclosure of information made  
4 confidential by this statute shall not be valid, except for  
5 administrative subpoenas issued by federal, state, or local  
6 governmental agencies that have been granted subpoena power by  
7 statute or ordinance. Confidential information maintained by the  
8 Commission can be obtained by order of a court of record that  
9 authorizes the release of the records in writing. All  
10 administrative subpoenas or court orders for production of documents  
11 must provide a minimum of twenty (20) days from the date it is  
12 served for the Commission to produce the documents. If the date on  
13 which production of the documents is required is less than twenty  
14 (20) days from the date of service, the subpoena or order shall be  
15 considered void on its face as an undue burden or hardship on the  
16 Commission.

17 E. Should any of the disclosures provided for in this section  
18 require more than casual or incidental staff time, the Commission  
19 may charge the cost of such staff time to the party requesting the  
20 information.

21 F. It is further provided that the provisions of this section  
22 shall be strictly interpreted and shall not be construed as  
23 permitting the disclosure of any other information contained in the  
24 records and files of the Commission.

1 SECTION 2. This act shall become effective July 1, 2010.

2 SECTION 3. It being immediately necessary for the preservation  
3 of the public peace, health and safety, an emergency is hereby  
4 declared to exist, by reason whereof this act shall take effect and  
5 be in full force from and after its passage and approval.

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