

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1900 Session of
2009

INTRODUCED BY BELFANTI, DiGIROLAMO, GERGELY, SIPTROTH, SOLOBAY,
BRENNAN, MURPHY, MCGEEHAN, PARKER, GALLOWAY, DEASY, KULA AND
HESS, JULY 24, 2009

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, AS AMENDED, JULY
28, 2009

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937
2 P.L.2897, No.1), entitled "An act establishing a system of
3 unemployment compensation to be administered by the
4 Department of Labor and Industry and its existing and newly
5 created agencies with personnel (with certain exceptions)
6 selected on a civil service basis; requiring employers to
7 keep records and make reports, and certain employers to pay
8 contributions based on payrolls to provide moneys for the
9 payment of compensation to certain unemployed persons;
10 providing procedure and administrative details for the
11 determination, payment and collection of such contributions
12 and the payment of such compensation; providing for
13 cooperation with the Federal Government and its agencies;
14 creating certain special funds in the custody of the State
15 Treasurer; and prescribing penalties," providing for
16 confidentiality of information.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The act of December 5, 1936 (2nd Sp.Sess., 1937
20 P.L.2897, No.1), known as the Unemployment Compensation Law, is
21 amended by adding a section to read:

22 Section 215. Confidentiality of Information.--(a)

23 Unemployment compensation information:

24 (1) is confidential and may be disclosed only as permitted

1 in this subsection; and

2 (2) subject to subsection (d), shall not be competent
3 evidence and shall not be used in any action or proceeding in
4 any court or other tribunal.

5 (b) The department or the board may disclose or authorize
6 disclosure of unemployment compensation information only as
7 follows:

8 (1) To officers and employees of the department and members
9 and employees of the board in the administration of this act.

10 (2) To a claimant, the last employer of the claimant or a
11 base year employer of a claimant, to the extent necessary for
12 the proper determination of the claimant's application for
13 benefits and claims for compensation.

14 (3) To an employer, to the extent necessary for the proper
15 determination of the employer's liability for reports and
16 payments under this act and the proper administration of the
17 employer's account.

18 (4) To public employees in the performance of their public
19 duties.

20 (5) As determined by the department or the board to be
21 necessary for the proper administration of the unemployment
22 compensation program.

23 (6) As permitted by other provisions of this act or as
24 required or permitted by Federal law.

25 (c) (1) Officers and employees of the department and members
26 and employees of the board to whom unemployment compensation
27 information is disclosed pursuant to subsection (b)(1) shall not
28 disclose the information to any individual or entity or before
29 any court or other tribunal, except as authorized by the
30 department or the board pursuant to subsection (b).

1 (2) Subject to subsection (d), an individual or entity,
2 other than an officer or employee of the department or a member
3 or employee of the board, to whom unemployment compensation
4 information is disclosed pursuant to subsection (b) or otherwise
5 shall not disclose the information to any individual or entity
6 or before any court or other tribunal without the prior written
7 authorization of the department or the board. This paragraph
8 shall apply to the initial individual or entity to whom the
9 information is disclosed and subsequent recipients of the
10 information.

11 (d) Subsections (a) (2) and (c) (2) shall not apply to the
12 following:

13 (1) A legal proceeding under this act or a statute
14 administered or enforced by the Commonwealth.

15 (2) Information disclosed to a claimant or employer pursuant
16 to subsection (b) (2) or (3).

17 (3) Information filed with the unified judicial system by
18 the department or the board in the administration of this act.

19 (e) An individual or entity to whom unemployment
20 compensation information is disclosed pursuant to subsection (b)
21 shall implement and maintain all safeguards required by the
22 department to protect the confidentiality of the information and
23 shall comply with all other terms and conditions specified by
24 the department in connection with disclosure of the information.

25 (f) An individual or entity that knowingly violates the
26 provisions of this subsection shall be guilty of a misdemeanor
27 of the third degree PUNISHABLE BY A FINE NOT EXCEEDING TWO
28 THOUSAND FIVE HUNDRED DOLLARS (\$2,500). Each disclosure of
29 unemployment compensation information and each employer, employee
30 and claimant about whom information is disclosed shall



1 constitute a separate offense.

2 (g) (1) An individual or entity that violates the
3 provisions of this subsection may be subject to a civil penalty
4 in an amount not to exceed two thousand five hundred dollars
5 (\$2,500). Each disclosure of unemployment compensation
6 information and each employer, employe and claimant about whom
7 information is disclosed shall be the basis of a separate
8 penalty.

9 (2) Penalties under paragraph (1) shall be assessed in
10 accordance with the procedures prescribed in section 304 of this
11 act. An individual or entity assessed a penalty under paragraph
12 (1) shall be deemed to be an employer for purposes of the
13 enforcement and collection provisions of this act. A penalty
14 assessed under paragraph (1) may be collected in the manner
15 provided in sections 308.1, 308.2, 308.3 and 309 and any other
16 manner provided by this act for the collection of contributions,
17 interest and penalties.

18 (h) For purposes of this section, "unemployment compensation
19 information" means the following:

20 (1) information in the possession of the department or the
21 board pertaining to the administration of this act that reveals
22 the name or any other identifying fact about an employer,
23 employe or claimant or that could foreseeably be combined with
24 publicly available information to reveal any such particular; or

25 (2) information obtained directly or indirectly from the
26 department or the board that is included in paragraph (1) while
27 in the possession of the department or the board.

28 Section 2. This act shall take effect in 60 days.