
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2587 Session of
2022

INTRODUCED BY SCHLEGEL CULVER, PICKETT, KNOWLES, SOLOMON, GROVE
AND MILLARD, MAY 11, 2022

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 11, 2022

AN ACT

1 Amending the act of December 18, 2001 (P.L.949, No.114),
2 entitled "An act establishing a unified workforce investment
3 system; restructuring certain administrative functions,
4 procedures and entities; transferring workforce development
5 functions of Commonwealth agencies; establishing the
6 Pennsylvania Workforce Investment Board; providing for
7 critical job training grants, for guarantees for program
8 quality and performance for workforce development programs,
9 for workforce leadership grants and for industry
10 partnerships; establishing the Keystone Works Program; and
11 authorizing local workforce investment boards," in
12 preliminary provisions, further providing for definitions;
13 and, in local workforce investment areas and boards, further
14 providing for plan, functions and responsibilities and
15 providing for local performance accountability.

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

18 Section 1. Section 103 of the act of December 18, 2001
19 (P.L.949, No.114), known as the Workforce Development Act, is
20 amended by adding definitions to read:

21 Section 103. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

1 "Aggregated statistical form." In the case of information
2 regarding individuals, a data set that includes information
3 about no fewer than 10 individuals, and in the case of employer
4 information, a data set that includes information about no fewer
5 than three employees, of which no one employer comprises more
6 than 80% of the aggregated data set.

7 "Application for benefits." As defined in 34 Pa. Code § 61.1
8 (relating to definitions).

9 * * *

10 "New hire database." The Commonwealth directory of new hires
11 established under 23 Pa.C.S. § 4392 (relating to employer
12 reporting).

13 * * *

14 Section 2. Section 504(b) of the act is amended by adding a
15 paragraph to read:

16 Section 504. Plan, functions and responsibilities.

17 * * *

18 (b) Functions and responsibilities.--A local workforce
19 investment board, in order to develop and implement a unified
20 workforce investment plan for the investment and utilization of
21 private and public resources to meet the current and future
22 workforce investment needs of its region in furtherance of
23 section 102, has the following functions and responsibilities:

24 * * *

25 (9) As follows:

26 (i) Subject to subparagraph (ii), to receive the new
27 hire database and unemployment information from the
28 Department of Labor and Industry and to utilize the
29 information when developing a local plan, assessing
30 program eligibility and researching.

1 (ii) A local workforce investment board may submit a
2 request to the Department of Labor and Industry for an
3 exemption from the responsibility under subparagraph (i).
4 The request must be in writing and must include an
5 explanation for the request.

6 Section 3. The act is amended by adding a section to read:
7 Section 504.1. Local performance accountability.

8 (a) Authorization.--Notwithstanding 20 CFR Ch. V Pt. 603
9 (relating to Federal-State Unemployment Compensation (UC)
10 Program; confidentiality and disclosure of State UC
11 information), for purposes of performance accountability and
12 evaluation, the department shall develop and disseminate
13 information, including unemployment compensation claimant
14 information, unemployment compensation wage records and new hire
15 database information, for use in the performance of official
16 duties by a local workforce development board and as permitted
17 in subsection (c).

18 (b) Disclosure.--Disclosure of unemployment compensation
19 information, including the application for benefits and
20 employer's reports of wages paid to employees, shall be made
21 available to the chief elected official of a local workforce
22 development board, any other Federal, State or local government
23 agency and the agents or contractors of a governmental agency or
24 public official, if the information is to be used as provided in
25 subsection (c).

26 (c) Allowable uses of disclosed information.--Allowable uses
27 of information disclosed under subsection (b) include:

28 (1) Evaluation of program performance, including
29 longitudinal outcome analysis of programs funded by public or
30 private money, or a combination thereof, to the extent

1 permitted by Federal law.

2 (2) Financial or other analysis required by Federal,
3 State or local law or regulation or federally approved plans.

4 (3) Preparation of reports required by Federal, State or
5 local law or regulation or federally approved plans.

6 (4) Operation of public programs by the agencies and
7 their agents, contractors and subcontractors, if the
8 secretary determines that the information sharing is for the
9 purpose of improving the quality or delivery of program
10 services or to create operational efficiencies.

11 (5) Establishment of common case management systems
12 between Federal, State or local agencies delivering or
13 supporting workforce services for a shared customer base,
14 whenever the common case management system is for the purpose
15 of fostering workforce partnerships, program coordination,
16 inter-agency collaboration, improving program services or
17 creating operational efficiencies.

18 (d) Confidentiality and protection of information.--The
19 following apply to required confidentiality and protection of
20 information disclosed under subsection (b) for allowable uses
21 under subsection (c):

22 (1) The dissemination, disclosure and use of the
23 information must be outlined in a written agreement as
24 required by 20 CFR Ch. V Pt. 603 and in accordance with
25 subsection (e).

26 (2) Any redisclosure of information obtained by the
27 agency or its agent or contractor shall be limited to
28 tabulation and publication of the information in an
29 aggregated statistical form, except when the agency and its
30 agent or contractor or another agency must exchange the

1 information for an authorized purpose as provided for in the
2 written agreement required by 20 CFR Ch. V Pt. 603.

3 (3) No individual identifying information obtained in
4 accordance with subsection (c) shall be redisclosed in the
5 course of the tabulation or publication.

6 (4) Upon the disclosure of the information under
7 subsection (b), the information may be used for a specific
8 period of time as provided for in the written agreement
9 required by 20 CFR Ch. V Pt. 603, not to exceed a period of
10 up to 10 years unless the agreement is renewed for additional
11 periods of time.

12 (e) Agreement.--The department shall develop a written
13 agreement, required by subsection (d)(1), with each local
14 workforce investment board in this Commonwealth. The following
15 apply:

16 (1) The agreement shall be on a form prescribed by the
17 department.

18 (2) The agreement, at a minimum, shall include:

19 (i) A description of the specific information to be
20 furnished and the purposes for which the information is
21 sought.

22 (ii) A statement that those who receive information
23 under the agreement will be limited to those with a need
24 to access it for purposes listed in the agreement.

25 (iii) The methods and timing for dissemination and
26 format of the information. Dissemination of information
27 shall occur, at a minimum, once per financial quarter.

28 (iv) A provision for paying the State agency for any
29 costs of furnishing the information.

30 (v) A provision for safeguarding the information

1 disclosed.

2 (vi) A provision for inspections of the agency,
3 entity or contractor to assure the requirements of
4 Federal law and this section are being met.

5 (f) Payment for disclosure of requested unemployment
6 information.--Except as permitted under applicable law or
7 regulation, or as otherwise authorized by agreement between the
8 department and the United States Department of Labor, Federal
9 unemployment insurance grant funds shall not be used to pay for
10 any of the costs incurred by the department in processing and
11 handling a request for disclosure of unemployment information
12 made under this section. The costs shall be calculated,
13 collected and administered by the department consistent with
14 applicable Federal rules and guidelines. If the recipient is a
15 public official, the department may accept payment of costs by
16 way of reimbursement.

17 (g) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Department." The Department of Labor and Industry of the
21 Commonwealth.

22 "Secretary." The Secretary of Labor and Industry of the
23 Commonwealth.

24 Section 4. Nothing in this act shall be construed to
25 conflict with Federal law.

26 Section 5. This act shall take effect in six months.