

SB2101



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2101

Introduced 2/10/2011, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

820 ILCS 405/1900

from Ch. 48, par. 640

Amends the Unemployment Insurance Act. Provides that the Department of Employment Security shall make available to the Department of Central Management Services, Risk Management Division (in addition to State retirement systems), upon request, information in the possession of the Department that may be necessary or useful to the System or the Risk Management Division for the purpose of determining whether any recipient of a disability benefit from the System or a workers' compensation benefit from the Risk Management Division is gainfully employed. Effective immediately.

LRB097 08903 AEK 49035 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 1900 as follows:

6 (820 ILCS 405/1900) (from Ch. 48, par. 640)

7 Sec. 1900. Disclosure of information.

8 A. Except as provided in this Section, information obtained
9 from any individual or employing unit during the administration
10 of this Act shall:

11 1. be confidential,

12 2. not be published or open to public inspection,

13 3. not be used in any court in any pending action or
14 proceeding,

15 4. not be admissible in evidence in any action or
16 proceeding other than one arising out of this Act.

17 B. No finding, determination, decision, ruling or order
18 (including any finding of fact, statement or conclusion made
19 therein) issued pursuant to this Act shall be admissible or
20 used in evidence in any action other than one arising out of
21 this Act, nor shall it be binding or conclusive except as
22 provided in this Act, nor shall it constitute res judicata,
23 regardless of whether the actions were between the same or

1 related parties or involved the same facts.

2 C. Any officer or employee of this State, any officer or
3 employee of any entity authorized to obtain information
4 pursuant to this Section, and any agent of this State or of
5 such entity who, except with authority of the Director under
6 this Section, shall disclose information shall be guilty of a
7 Class B misdemeanor and shall be disqualified from holding any
8 appointment or employment by the State.

9 D. An individual or his duly authorized agent may be
10 supplied with information from records only to the extent
11 necessary for the proper presentation of his claim for benefits
12 or with his existing or prospective rights to benefits.
13 Discretion to disclose this information belongs solely to the
14 Director and is not subject to a release or waiver by the
15 individual. Notwithstanding any other provision to the
16 contrary, an individual or his or her duly authorized agent may
17 be supplied with a statement of the amount of benefits paid to
18 the individual during the 18 months preceding the date of his
19 or her request.

20 E. An employing unit may be furnished with information,
21 only if deemed by the Director as necessary to enable it to
22 fully discharge its obligations or safeguard its rights under
23 the Act. Discretion to disclose this information belongs solely
24 to the Director and is not subject to a release or waiver by
25 the employing unit.

26 F. The Director may furnish any information that he may

1 deem proper to any public officer or public agency of this or
2 any other State or of the federal government dealing with:

- 3 1. the administration of relief,
- 4 2. public assistance,
- 5 3. unemployment compensation,
- 6 4. a system of public employment offices,
- 7 5. wages and hours of employment, or
- 8 6. a public works program.

9 The Director may make available to the Illinois Workers'
10 Compensation Commission information regarding employers for
11 the purpose of verifying the insurance coverage required under
12 the Workers' Compensation Act and Workers' Occupational
13 Diseases Act.

14 G. The Director may disclose information submitted by the
15 State or any of its political subdivisions, municipal
16 corporations, instrumentalities, or school or community
17 college districts, except for information which specifically
18 identifies an individual claimant.

19 H. The Director shall disclose only that information
20 required to be disclosed under Section 303 of the Social
21 Security Act, as amended, including:

- 22 1. any information required to be given the United
23 States Department of Labor under Section 303(a)(6); and
- 24 2. the making available upon request to any agency of
25 the United States charged with the administration of public
26 works or assistance through public employment, the name,

1 address, ordinary occupation and employment status of each
2 recipient of unemployment compensation, and a statement of
3 such recipient's right to further compensation under such
4 law as required by Section 303(a) (7); and

5 3. records to make available to the Railroad Retirement
6 Board as required by Section 303(c) (1); and

7 4. information that will assure reasonable cooperation
8 with every agency of the United States charged with the
9 administration of any unemployment compensation law as
10 required by Section 303(c) (2); and

11 5. information upon request and on a reimbursable basis
12 to the United States Department of Agriculture and to any
13 State food stamp agency concerning any information
14 required to be furnished by Section 303(d); and

15 6. any wage information upon request and on a
16 reimbursable basis to any State or local child support
17 enforcement agency required by Section 303(e); and

18 7. any information required under the income
19 eligibility and verification system as required by Section
20 303(f); and

21 8. information that might be useful in locating an
22 absent parent or that parent's employer, establishing
23 paternity or establishing, modifying, or enforcing child
24 support orders for the purpose of a child support
25 enforcement program under Title IV of the Social Security
26 Act upon the request of and on a reimbursable basis to the

1 public agency administering the Federal Parent Locator
2 Service as required by Section 303(h); and

3 9. information, upon request, to representatives of
4 any federal, State or local governmental public housing
5 agency with respect to individuals who have signed the
6 appropriate consent form approved by the Secretary of
7 Housing and Urban Development and who are applying for or
8 participating in any housing assistance program
9 administered by the United States Department of Housing and
10 Urban Development as required by Section 303(i).

11 I. The Director, upon the request of a public agency of
12 Illinois, of the federal government or of any other state
13 charged with the investigation or enforcement of Section 10-5
14 of the Criminal Code of 1961 (or a similar federal law or
15 similar law of another State), may furnish the public agency
16 information regarding the individual specified in the request
17 as to:

18 1. the current or most recent home address of the
19 individual, and

20 2. the names and addresses of the individual's
21 employers.

22 J. Nothing in this Section shall be deemed to interfere
23 with the disclosure of certain records as provided for in
24 Section 1706 or with the right to make available to the
25 Internal Revenue Service of the United States Department of the
26 Treasury, or the Department of Revenue of the State of

1 Illinois, information obtained under this Act.

2 K. The Department shall make available to the Illinois
3 Student Assistance Commission, upon request, information in
4 the possession of the Department that may be necessary or
5 useful to the Commission in the collection of defaulted or
6 delinquent student loans which the Commission administers.

7 L. The Department shall make available to the State
8 Employees' Retirement System, the State Universities
9 Retirement System, ~~and~~ the Teachers' Retirement System of the
10 State of Illinois, and the Department of Central Management
11 Services, Risk Management Division, upon request, information
12 in the possession of the Department that may be necessary or
13 useful to the System or the Risk Management Division for the
14 purpose of determining whether any recipient of a disability
15 benefit from the System or a workers' compensation benefit from
16 the Risk Management Division is gainfully employed.

17 M. This Section shall be applicable to the information
18 obtained in the administration of the State employment service,
19 except that the Director may publish or release general labor
20 market information and may furnish information that he may deem
21 proper to an individual, public officer or public agency of
22 this or any other State or the federal government (in addition
23 to those public officers or public agencies specified in this
24 Section) as he prescribes by Rule.

25 N. The Director may require such safeguards as he deems
26 proper to insure that information disclosed pursuant to this

1 Section is used only for the purposes set forth in this
2 Section.

3 O. (Blank).

4 P. Within 30 days after the effective date of this
5 amendatory Act of 1993 and annually thereafter, the Department
6 shall provide to the Department of Financial Institutions a
7 list of individuals or entities that, for the most recently
8 completed calendar year, report to the Department as paying
9 wages to workers. The lists shall be deemed confidential and
10 may not be disclosed to any other person.

11 Q. The Director shall make available to an elected federal
12 official the name and address of an individual or entity that
13 is located within the jurisdiction from which the official was
14 elected and that, for the most recently completed calendar
15 year, has reported to the Department as paying wages to
16 workers, where the information will be used in connection with
17 the official duties of the official and the official requests
18 the information in writing, specifying the purposes for which
19 it will be used. For purposes of this subsection, the use of
20 information in connection with the official duties of an
21 official does not include use of the information in connection
22 with the solicitation of contributions or expenditures, in
23 money or in kind, to or on behalf of a candidate for public or
24 political office or a political party or with respect to a
25 public question, as defined in Section 1-3 of the Election
26 Code, or in connection with any commercial solicitation. Any

1 elected federal official who, in submitting a request for
2 information covered by this subsection, knowingly makes a false
3 statement or fails to disclose a material fact, with the intent
4 to obtain the information for a purpose not authorized by this
5 subsection, shall be guilty of a Class B misdemeanor.

6 R. The Director may provide to any State or local child
7 support agency, upon request and on a reimbursable basis,
8 information that might be useful in locating an absent parent
9 or that parent's employer, establishing paternity, or
10 establishing, modifying, or enforcing child support orders.

11 S. The Department shall make available to a State's
12 Attorney of this State or a State's Attorney's investigator,
13 upon request, the current address or, if the current address is
14 unavailable, current employer information, if available, of a
15 victim of a felony or a witness to a felony or a person against
16 whom an arrest warrant is outstanding.

17 T. The Director shall make available to the Department of
18 State Police, a county sheriff's office, or a municipal police
19 department, upon request, any information concerning the
20 current address and place of employment or former places of
21 employment of a person who is required to register as a sex
22 offender under the Sex Offender Registration Act that may be
23 useful in enforcing the registration provisions of that Act.

24 (Source: P.A. 96-420, eff. 8-13-09.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.