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HOUSE BILL NO. 282

Offered January 11, 2006

Prefiled January 4, 2006

A *BILL to amend and reenact § 60.2-114 of the Code of Virginia, relating to unemployment compensation; failure to maintain work records.*

Patron—Spruill

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 60.2-114 of the Code of Virginia is amended and reenacted as follows:**

§ 60.2-114. Records and reports.

A. Each employing unit shall keep true and accurate work records, containing such information as the Commission may prescribe. Such records shall be open to inspection and be subject to being copied by the Commission or its authorized representatives at any reasonable time and as often as may be necessary. The Commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the Commission deems necessary for the effective administration of this title. Information thus obtained shall not be published or be open to public inspection, other than to public employees in the performance of their public duties, in any manner revealing the employing unit's identity, except as the Commissioner or his delegates deem appropriate, nor shall such information be used in any judicial or administrative proceeding other than one arising out of the provisions of this title; however, the Commission shall make its records about a claimant available to the Workers' Compensation Commission if it requests such records. However, any claimant at a hearing before an appeal tribunal or the Commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Notwithstanding other provisions of this section, the Commissioner, or his delegate, may, in his discretion, reveal information when such communication is not inconsistent with the proper administration of this title.

B. Notwithstanding the provisions of subsection A, the Commission shall, on a reimbursable basis, furnish wage and unemployment compensation information contained in its records to the Secretary of Health and Human Services and the Division of Child Support Enforcement of the Department of Social Services for their use as necessary for the purposes of the National Directory of New Hires established under § 453 (i) of the Social Security Act.

C. Notwithstanding the provisions of subsection A, the Commission shall, upon written request, furnish any agency or political subdivision of the Commonwealth, or its designated agent, such information as it may require for the purpose of collecting fines, penalties, and costs owed to the Commonwealth or its political subdivisions. Such information shall not be published or used in any administrative or judicial proceeding, except in matters arising out of the collection of fines, penalties, and costs owed to the Commonwealth or its political subdivisions.

D. Each employing unit shall report only to the Virginia New Hire Reporting Center the initial employment of any person, as defined in § 60.2-212 in compliance with § 63.2-1946.

E. Any member or employee of the Commission and any member, employee or agent of any agency or political subdivision of the Commonwealth who violates any provision of this section shall be guilty of a Class 2 misdemeanor.

F. *Notwithstanding the provisions of subsection A, the failure of a staffing service or professional employer organization, as such terms are defined in § 65.2-101, that is contractually prohibited from interfacing with the entity to which an individual in its employ is assigned, to maintain such work records with respect to an individual in its employ shall not establish a presumption in favor of the individual in any proceeding under this title, including, but not limited to, any determination of whether an individual has been discharged for misconduct connected with the individual's work.*

INTRODUCED

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