

Chapter ILHR 149

DISCLOSURE OF UNEMPLOYMENT COMPENSATION RECORDS

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ILHR 149.001 Definitions. In this chapter:

(1) "Department" means the department of industry, labor and human relations.

(2) "Employee" has the meaning designated in s. 108.02 (12), Stats.

(3) "Employer" has the meaning designated in s. 108.02 (13), Stats.

(4) "Employing unit" has the meaning designated in s. 108.02 (14m), Stats.

(5) "Government unit" has the meaning designated in s. 108.02 (17), Stats., and also includes any agency, instrumentality, corporate or otherwise, of the United States of America, and the governing body of a federally recognized American Indian tribe or band in this state.

(6) "Public housing agency" means any state, county, municipality, or other governmental entity or public body, or agency or instrumentality thereof, which is authorized by the U.S. department of housing and urban development to engage in or assist in the development or operation of low-income housing.

(7) "Unemployment compensation record" means any material which contains, records or preserves written, drawn, printed, spoken, visual or electromagnetic information, regardless of physical form or characteristics:

(a) Relating to the wages earned by a worker from one or more employing units including supporting data, and which has been created or is being kept by the department in connection with the administration of ch. 108, Stats., or as required by federal law, and also includes the record on which an employer makes a quarterly report of total employment or wages or both to the department;

(b) Relating to records kept by the department in connection with the processing of a claim for benefits under ch. 108, Stats., or for other benefits or allowances under similar programs administered by the department pursuant to federal law; and

(c) Relating to records kept by the department concerning employers and employing units including but not limited to audit records, coverage records, successorship records, rating records, collection records, and related correspondence.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.01 Purpose. Under s. 108.14 (7), Stats., the unemployment compensation records made or maintained by the department are confidential and shall be open to public inspection or disclosure only to the extent that the department permits in the interest of the unemployment compensation program. This chapter specifies the conditions and circumstances under which the department shall permit such records to be open to public inspection or disclosure. This chapter also specifies conditions for the sharing of information from unemployment compensation records between the department and other government units or persons. This chapter also specifies the conditions under which unemployment compensation records may be disclosed to claimants, employing units, their agents and other individuals.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.02 Confidentiality of records. Under s. 108.14 (7), Stats., the unemployment compensation records made or maintained by the department are confidential and not open to public inspection or disclosure except as otherwise provided in this chapter and ch. ILHR 140. In the interest of the unemployment compensation program, the department may disclose the following:

(1) Any unemployment compensation record which has been screened to prevent identification of the worker or employing unit which is the subject of the record.

(2) The name, address, standard industrial classification and employment size group of any employing unit.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.03 Disclosure of records to claimants, employing units, their agents and other individuals. (1) CLAIMANTS AND EMPLOYING UNITS. Except as otherwise provided under s. ILHR 140.08, the department shall make the following records available to the following persons upon request:

(a) An unemployment compensation record concerning a claimant available to that claimant;

(b) An unemployment compensation record concerning a claimant's work for an employing unit available to that employing unit;

(c) An unemployment compensation record concerning a determination to which an employing unit is identified as a party of interest under s. 108.09, Stats., available to that employing unit; and

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(d) An unemployment compensation record concerning an employing unit's status or liability under ch. 108, Stats., available to that employing unit.

(2) AGENTS AND ATTORNEYS. Except as provided under s. ILHR 140.08, the department may release an unemployment compensation record to an attorney or agent of a claimant or employing unit under sub. (1), only if the attorney or agent furnishes a written statement from the claimant or employing unit authorizing release of the record or if the department verifies that this attorney or agent represents the claimant or employing unit.

(3) OTHER INDIVIDUALS. The department shall release an unemployment compensation record to other individuals if such disclosure is required by law.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.04 Mandatory disclosure of unemployment compensation records and other information. (1) UNEMPLOYMENT COMPENSATION RECORDS; DISCLOSURE REQUIRED BY LAW. The department shall disclose unemployment compensation records to any person or agency as required by state or federal law.

(2) UNEMPLOYMENT COMPENSATION RECORDS; DISCLOSURE TO CERTAIN AGENCIES. The department shall disclose unemployment compensation records to the following:

(a) Any government unit in its administration of a program of general relief or general assistance; aid to families with dependent children; medicaid; food stamps; assistance for the aged; aid for the blind; aid for the permanently and totally disabled; aid for the aged, blind or disabled; supplemental security income; federal old-age survivors and disability benefits; and child support, including the federal parent locator service.

(b) The U. S. department of housing and urban development in its administration of the housing assistance program.

(c) The railroad retirement board.

(d) Any other agency of the United States charged with the administration of an unemployment compensation law.

(e) Any other state to properly administer its unemployment compensation law.

(f) A representative of a public housing agency.

(g) The labor and industry review commission.

(3) DISCLOSURE OF OTHER INFORMATION. (a) *Public works agency.* The department shall disclose, upon request, to any agency of the United States charged with the administration of public works or public assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of unemployment compensation, and a statement of the recipient's rights to further compensation under ch. 108, Stats.

(b) *Lottery board.* The department shall disclose to the lottery board, upon request, information regarding any delinquency in the payment of contributions under ch. 108, Stats., by any person who desires to contract with the

lottery board for the retail sale of lottery tickets as provided under s. 565.10 (3) (b), Stats.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.05 Optional disclosure of unemployment compensation records. (1) Pursuant to s. 108.14 (7), Stats., the department may disclose unemployment compensation records to the following persons or government units if the department approves the purposes for which the records are requested:

(a) The internal revenue service.

(b) The social security administration.

(c) The U. S. department of labor.

(d) The bureau of labor statistics.

(e) The state department of revenue.

(f) The division of vocational rehabilitation of the state department of health and social services.

(g) Any legislative service agency listed under ch. 13, Stats.

(h) Any division of the department or corresponding unit in another state agency, in the government of another state, or in the federal government.

(i) Any taxing authority of the United States or of this state or any of its political subdivisions.

(j) A member of the state legislature or of the U. S. congress or his or her staff assistant, in connection with that individual's official duties but only that portion of the records relating solely to the requesting constituent's case.

(k) A union representative when acting as an agent for a claimant.

(l) Colleges, universities, government units, or other organizations or persons for research projects of a public nature which benefit the unemployment compensation program.

(m) Any federal law enforcement agency or law enforcement agency of the state or any of its political subdivisions, if the worker or employing unit whose record is being sought is the subject of a criminal investigation.

(n) Any person whom the department authorizes to use, print or otherwise reproduce unemployment compensation records for purposes of demonstrating services or equipment in connection with the administration of this chapter.

(2) The department may disclose only that portion of the records and information as is necessary to complete the request.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.06 Release of records to third parties. No person, government unit or other agency to which the department discloses an unemployment compensation record under ss. ILHR 149.04 and 149.05 may disclose information obtained from that record to a third party without the prior written approval of the department.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.07 Record sharing agreements. (1) The department shall require a record sharing agreement to be in effect before sharing unemployment compensation records between the department and any person, government unit or agency enumerated under s. ILHR 149.04 (2) (a), (b), (c) and (f).

(2) The department may require a record sharing agreement to be in effect before sharing unemployment compensation records between the department and any person, government unit or agency enumerated under ss. ILHR 149.04 (2) (d), (e) and (g), (3) and 149.05.

(3) Any record sharing agreement shall be in writing for a prescribed period of time and shall contain a provision:

(a) Stating the purpose for which the record sharing agreement is made and a statement of the specific information needed.

(b) That the person, government unit or agency may not use the information for any other purpose than as stated under par. (a).

(c) That all of the department's costs in providing information from its unemployment compensation records shall be paid by the person, government unit or agency which is party to the agreement unless the agreement provides for the reciprocal sharing of costs.

(d) That the person, government unit or agency may not release information obtained from any unemployment compensation record to a third party without the prior written approval of the department.

(e) That the person, government unit or agency verify the information in an unemployment compensation record

released by the department if the person, government unit or agency may take any action detrimental to the interests of the worker or employing unit which is the subject of the record.

(f) That the person, government unit or agency maintain a system of security including a procedure for the destruction of confidential information.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.08 Copying of unemployment compensation records. (1) The department may charge a fee for copying an unemployment compensation record for an individual who is entitled to a copy. The fee may not exceed the actual, necessary and direct cost of reproduction of the record.

(2) The department may permit an individual who is entitled to an unemployment compensation record, the form of which does not permit copying, to photograph the record or the department may photograph the record for the individual.

(3) The department may impose reasonable restrictions on the manner of access to an original unemployment compensation record if the record is irreplaceable or easily damaged.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

ILHR 149.09 Penalties. Any person who permits inspection or disclosure of an unemployment compensation record that is provided to that person by the department without authorization of the department shall be subject to the penalties provided under s. 108.24 (4), Stats.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.