

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1770 Session of 2023

INTRODUCED BY O'MARA, KLUNK, SAPPEY, R. MACKENZIE, HILL-EVANS, MADDEN, SANCHEZ, McNEILL, ABNEY, INNAMORATO, HARKINS, D. WILLIAMS, OTTEN, SHUSTERMAN, JAMES, DONAHUE, ROWE, DELLOSO, SCOTT, HANBIDGE, PROBST AND ROZZI, OCTOBER 17, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, OCTOBER 17, 2023

AN ACT

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

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

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

22 Section 103. Definitions.

23 The following words and phrases when used in this act shall
 24 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

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

10 * * *

11 "Data dashboard." A web-based or other electronic tool that
12 displays data in an easily accessible and user-friendly format
13 that includes information from the new hire database,
14 unemployment compensation claimant data and unemployment
15 compensation wage records.

16 * * *

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

20 * * *

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

23 Section 504. Plan, functions and responsibilities.

24 * * *

25 (b) Functions and responsibilities.--A local workforce
26 development board has the following functions and
27 responsibilities:

28 * * *

29 (9) As follows:

30 (i) Subject to subparagraph (ii), to receive the new

1 hire database and unemployment information from the
2 Department of Labor and Industry and to utilize the
3 information when developing a local plan, assessing
4 program eligibility and researching.

5 (ii) A local workforce development board may submit
6 a request to the Department of Labor and Industry for an
7 exemption from the responsibility under subparagraph (i).
8 The request must be in writing and must include an
9 explanation for the request.

10 Section 3. The act is amended by adding sections to read:

11 Section 504.1. Technical assistance and data availability.

12 (a) Development.--A data dashboard shall be developed and
13 maintained by the Center for Workforce Information and Analysis
14 (CWIA) of the Department of Labor and Industry or an authorized
15 representative. The data dashboard shall provide users with the
16 ability to view and filter data according to various criteria,
17 including location, occupation, industry and demographic
18 characteristics and additional metrics that may apply. CWIA
19 shall ensure that the data dashboard and reports are accurate,
20 reliable and timely and meet the needs of the local workforce
21 development boards for research, performance monitoring and
22 improvement.

23 (b) Assistance.--CWIA shall provide technical assistance to
24 local workforce development boards for the use of the data
25 dashboard and the interpretation of data displayed in the data
26 dashboard. The following shall apply:

27 (1) Technical assistance shall include training for
28 effective data dissemination, data interpretation, analysis,
29 reporting, research and demonstration.

30 (2) Technical assistance shall be made available to the

1 chief elected official of a local workforce development
2 board, any other Federal, State or local government agency
3 and the agents or contractors of a governmental agency or
4 public official, on a regular basis, and shall be tailored to
5 meet the unique needs of each agency.

6 (3) Fees or charges may not be imposed for technical
7 assistance related to the data dashboard and the
8 interpretation of the data displayed in the data dashboard.

9 Section 504.2. Local performance accountability.

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

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

1 subsection (c). Fees or charges may not be imposed for access to
2 data under this subsection unless mandated by Federal law.

3 (c) Allowable uses of disclosed information.--Allowable uses
4 of information disclosed under subsection (b) include:

5 (1) Evaluation of program performance, including
6 longitudinal outcome analysis of programs funded by public or
7 private money, or a combination thereof, to the extent
8 permitted by Federal law.

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

11 (3) Preparation of reports required by Federal, State or
12 local law or regulation or federally approved plans. The data
13 dashboard and accompanying reports created by the Center for
14 Workforce Information and Analysis or an authorized
15 representative under section 504.1 shall be deemed as
16 satisfactory documentation and verification for performance
17 monitoring, client eligibility and work requirement purposes
18 required by core, mandated and nonmandated partners and
19 programs.

20 (4) Operation of public programs by the agencies and
21 their agents, contractors and subcontractors, if the
22 secretary determines that the information sharing is for the
23 purpose of improving the quality or delivery of program
24 services or to create operational efficiencies.

25 (5) Establishment of common case management systems
26 between Federal, State or local agencies delivering or
27 supporting workforce services for a shared customer base,
28 whenever the common case management system is for the purpose
29 of fostering workforce partnerships, program coordination,
30 interagency collaboration, improving program services or

1 creating operational efficiencies.

2 (d) Confidentiality and protection of information.--The
3 following apply to required confidentiality and protection of
4 information disclosed under subsection (b) for allowable uses
5 under subsection (c):

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

10 (2) Any redisclosure of information obtained by the
11 agency or its agent or contractor shall be limited to
12 tabulation and publication of the information in an
13 aggregated statistical form, except when the agency and its
14 agent or contractor or another agency must exchange the
15 information for an authorized purpose as provided for in the
16 written agreement required by 20 CFR Ch. V Pt. 603.

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

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

26 (e) Agreement.--The department shall develop a written
27 agreement, required by subsection (d)(1), with each local
28 workforce development board in this Commonwealth. The following
29 apply:

30 (1) The agreement shall be on a form prescribed by the

1 department.

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

3 (i) A description of the specific information to be
4 furnished and the purposes for which the information is
5 sought.

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

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

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

14 (v) A provision for safeguarding the information
15 disclosed.

16 (vi) A provision for inspections of the agency,
17 entity or contractor to ensure that the requirements of
18 Federal law and this section are being met.

19 (f) Payment for disclosure of requested unemployment
20 information.--Except as permitted under applicable law or
21 regulation, or as otherwise authorized by agreement between the
22 department and the United States Department of Labor, Federal
23 unemployment insurance grant funds shall not be used to pay for
24 any of the costs incurred by the department in processing and
25 handling a request for disclosure of unemployment information
26 made under this section. The costs shall be calculated,
27 collected and administered by the department consistent with
28 applicable Federal rules and guidelines. If the recipient is a
29 public official, the department may accept payment of costs by
30 way of reimbursement.

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

4 "Department." The Department of Labor and Industry of the
5 Commonwealth.

6 "Secretary." The Secretary of Labor and Industry of the
7 Commonwealth.

8 Section 4. Nothing in this act shall be construed to
9 conflict with Federal law.

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