

HOUSE BILL REPORT

HB 2172

As Reported By House Committee On:
Judiciary

Title: An act relating to the employer reporting program of the office of support enforcement.

Brief Description: Revising provisions relating to the employer reporting program of the office of support enforcement.

Sponsors: Representatives Ogden, Dunshee, Silver, Valle, Karahalios and Johanson; by request of Legislative Budget Committee.

Brief History:

Reported by House Committee on:
Judiciary, February 2, 1994, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

Staff: Pat Shelledy (786-7149).

Background: The Office of Support Enforcement, which is part of the Department of Social and Health Services, has established an employer reporting program to assist the office in collecting child support. Under the program, certain employers are required to report to the Washington State Support Registry when the employer hires a person or rehires a person previously laid off or fired. Certain exemptions exist from the reporting requirement. The information sent to the registry must include the employee's name, address, social security number and date of birth. The information must also include the employer's name, address, employment security reference number or unified business identifier number. An employer who fails to comply with the rules faces civil penalties.

The registry may retain the information on an employee only if the registry is responsible for collecting support from the employee. If the employee does not owe a support obligation, the information about the employee must be promptly destroyed. The statute does not specifically address the record retention requirements concerning information received about the employer.

Summary of Substitute Bill: The Office of Support Enforcement's record retention and destruction rules concerning the employer reporting program are modified. Before the office destroys information obtained through the employer reporting program under existing rules, the Office of Support Enforcement must make the information available to any other state agency if the director of the state agency requests the information. The agency director may request the information for the following reasons:

- * Specifically for comparison with records or information possessed by the requesting agency to detect improper or fraudulent claims;
- * To determine employer compliance with registration and licensing requirements.

If the receiving agency determines after review of the information that the information does not provide information concerning the reasons for which it is sought, the receiving agency must destroy the information.

The receiving agency must maintain the confidentiality of the records, except as necessary for its enforcement and regulatory purposes.

Substitute Bill Compared to Original Bill: A provision is added to require receiving agencies to maintain the confidentiality of the information received. A provision is deleted which allowed receiving agencies to determine potential tax liability of an employee or employer.

Fiscal Note: Requested January 24, 1994.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The exchange of information between agencies may result in substantial savings to the state because other state agencies, such as Employment Security, will be able to use the information provided for other regulatory purposes. The bill will not place an additional burden on employers because they already have to report the information to the Department of Social and Health Services.

Testimony Against: Effective child support enforcement efforts are contingent on cooperation of the employers. Many employers voluntarily participate in the employer reporting program. If those employers think that the Department of Social and Health Services will use the information against them by supplying the information to other regulatory agencies, employers may be less cooperative. The role of the Office of Support Enforcement is to collect child support.

Witnesses: Representative Val Ogden, prime sponsor (pro); Mike Ricchio, Department of Social and Health Services (con); and Steve McNeil, citizen (pro).