

DRAFT Amendment

DRAFT AMENDMENT – For Discussion purposes only at the WRIS Advisory Group Meeting, New Orleans, July 15.

**Wage Record Interchange System (WRIS)  
Data Sharing Agreement Amendment Proposal Form**

<p><b><u>Proposal Number:</u> 13</b></p>
<p><b><u>Proposal Title:</u></b> <b>Legal Authority of Data Sharing Agreement</b> Reference: <i>Section II. Legal Authority</i></p>
<p><b><u>Date Submitted:</u> 5/27/08</b></p>
<p><b><u>Sponsoring Entity Information:</u> Commonwealth of Massachusetts</b> <b>Contact Person:</b> Robert K. Ganong, Chief Counsel <b>Agency/Organization:</b> Massachusetts Department of Workforce Development <b>Phone:</b> (617) 626-5613 <b>E-mail:</b> rganong@detma.org</p>
<p><b><u>Statement of Issue:</u></b> The legal authority to establish the WRIS Agreement is derived from Section 136 (f)(2) of the Workforce Investment Act of 1998 (29 USC 2871 (f)(2)). The provision should have additional language to include the cites to the Social Security Act.</p>
<p><b><u>Discussion of Issue:</u></b> To be conducted during the WRIS Advisory Group meeting, July 15, 2008.</p>
<p><b><u>Statement of Proposed Change/Proposal:</u></b> Reference: Section II. Legal Authority</p>

## DRAFT Amendment

Massachusetts is proposing to amend Section II. of the WRIS Agreement by adding language in the third paragraph.

### **Original Provision:**

The legal authority to establish this agreement is derived from Section 136(f)(2) of the Workforce Investment Act of 1998 (Public Law 105-220), which requires states to use wage records, consistent with State law, for performance measurement purposes. This section also authorizes the Secretary to make arrangements, consistent with State law, to ensure that the wage records of any state are available to any other state, to the extent they are necessary for carrying out a state's state plan or completing their annual report.

The authority for workforce investment system reporting is derived from Section 136(d) and Section 185 of the WIA.

As required by the WIA, all data exchange activity conducted through the WRIS will be conducted in a manner consistent with both the Family Educational Rights and Privacy Act (FERPA) and with applicable State law. Further, the WRIS will be administered in accordance with Section 504(b) of the WIA, which prohibits the development of a national database of personally identifiable information on individuals receiving workforce investment services while allowing activities that are necessary to the proper administration and management of such programs.

### **Proposed Replacement Provision:**

**Section II. paragraph 3:** *As required by the WIA, all data exchange activity conducted through the WRIS will be conducted in a manner consistent with both the Family Educational Rights and Privacy Act (FERPA) and with applicable State law. Further, the WRIS will be administered in accordance with Section 504(b) of the WIA, which prohibits the development of a national database of personally identifiable information on individuals receiving workforce investment services while allowing activities that are necessary to the proper administration and management of such programs.*

*With respect to use by the participating SULAs of the Distributed Data Base Index (DDBI) of social security numbers (SSNs) provided by those SULAs, legal authority for this agreement is derived from Section 303(a)(1) of the Social Security Act (SSA), the "methods of administration" requirement to insure full payment of unemployment compensation when due, and Section 3304(a)(9)(B) of the Federal Unemployment Tax Act (FUTA), which requires each State, as a condition of participation in the Federal-State Unemployment Compensation (UC) program, to participate in any arrangement specified by the Secretary of Labor for payment of UC on the basis of combining an individual's employment and wages in two or more states.*

### **Supporting Documentation:**

Not applicable