

Regular Session, 2012

HOUSE BILL NO. 1121

BY REPRESENTATIVE JAMES

EMPLOYMENT: Provides for access to employee records

1 AN ACT

2 To enact R.S. 23:905, relative to employee records; to provide for employee access to wage  
3 and employment records; to provide for electronic transmission; to provide for the  
4 payment of costs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:905 is hereby enacted to read as follows:

7 §905. Employee access to records

8 A. The Louisiana Workforce Commission may make available, upon written  
9 request by an employee, the employee's wage and employment information. This  
10 information shall be provided to the employee or his representative.

11 B. The Louisiana Workforce Commission may allow, at the request of the  
12 employee, the electronic transmission of the employee's records, directly or through  
13 a qualified third-party vendor as defined by the administrator, for purposes set forth  
14 in the federal Fair Credit Reporting Act. Such records shall be provided only on an  
15 individual inquiry basis and shall not be maintained or reported with other Fair  
16 Credit Reporting Act regulated data. Any costs incurred by the commission in  
17 providing electronic access to an employee's wage and employment records to a third  
18 party shall be paid entirely by the third party.

19 C. The Louisiana Workforce Commission shall have the authority to  
20 promulgate any rules and regulations necessary to carry out the provisions of this  
21 Section including assurance for the security of data.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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James

HB No. 1121

**Abstract:** Provides for employee access to employment and wage records.

Proposed law allows an employee to request his wage and employment information from the La. Workforce Commission (LWC).

Proposed law provides that LWC may transmit the records electronically, directly to the employee, or to a qualified third-party vendor, as defined by the administrator, at the request of the employee for purposes set forth in the Fair Credit Reporting Act (FCRA).

Proposed law requires that the records shall only be provided on a case-by-case basis and shall not be maintained or reported with any other FCRA regulated data.

Proposed law provides that any costs incurred by LWC by providing the records to a third party shall be assessed to that third party.

Proposed law allows LWC to promulgate rules for the implementation of proposed law, as well as rules and regulations for the assurance of the security of the data.

(Adds R.S. 23:905)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill.

1. Changed the requirement that LWC make an employee's wage and employment information available to him at his request, to permission to do so.
2. Deleted the requirement that LWC make wage and employment information available electronically and provides that they may make wage and employment information available electronically.
3. Deleted the requirement that LWC make the records available without charge, and provides that any costs LWC incurs shall be paid by the third party who requests the information.
4. Provided that the records shall be provided on a case-by-case basis and shall not be reported or maintained with other FCRA regulated information.
5. Provided that in addition to the authority of LWC to promulgate rules and regulations necessary to carry out proposed law, they also shall have the authority to promulgate rules to assure the security of the data.