

UI Data Sharing Data Elements

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UI Data Sharing Data Elements

Introduction

The ability to share information to qualified entities has been enhanced as a result of the UI Data Sharing Bill (S5773A), which amended NYS Labor Law Labor Law §537 to allow expanded access to Unemployment Insurance (UI) program data.

Government agencies, including SUNY and CUNY, can now use this data for:

- evaluation of program performance including longitudinal outcome analysis;
- financial or other analysis required by federal state or local law or regulation;
- preparation of reports required by federal state or local law or regulation;
- operation of public programs by federal, state or local governmental agencies or their agents, contractors and subcontractors for the purpose of improving the quality or delivery of program services or to create operational efficiencies;
- establishment of common case management systems between federal, state or local agencies delivering or supporting workforce services for a shared customer base for the purpose of fostering workforce partnerships, program coordination, inter-agency collaboration, improving program services, or creating operational efficiencies.

In addition to the expanded access provided through the UI Data Sharing Bill (S5773A), NYS Labor Law Labor Law §537 also allows access to this data for:

- investigation of fraud relating to public programs or misuse of public funds;
- other uses with informed consent and signed release of the individual to whom the information pertains, as long as the purpose is to provide a service or benefit to the individual signing the release or for evaluation of a public program to which the release pertains.

There are three different types of data that are available: Wage record data; QCEW; and, Unemployment Insurance data. Below is a description of each.

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Wage Record Data

What is wage record information?

Each quarter, employers covered by New York State's Unemployment Insurance (UI) Law are required to submit quarterly earnings information for each of their employees to the New York State Department of Taxation and Finance. This information is shared with the NYS Department of Labor to administer the State's UI program.

Approximately 97 percent of New York's nonfarm employment is covered by the UI law. Examples of some employee categories not covered by UI include some agricultural workers, railroad workers, private household workers, student workers, the self-employed, and unpaid family workers.

Wage Record data is available from calendar year 2000 forward.

When does wage record information become available?

Employers have until the last day of the month following the end of the quarter to provide wage record information to the Department of Taxation and Finance. The filing due dates are shown below.

Typically, wage record information becomes available during the early part of the quarter immediately following the submittal by the employer. For example, wage record information for January-February-March must be reported by employers by April 30th. This information would become available for use during the early part of July.

Quarterly Filing Due Dates

Calendar Quarter	Due Date
January-February-March	April 30
April-May-June	July 31
July-August-September	October 31
October-November-December	January 31

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Brief Summary of Available Wage Record Data

Wage record information is obtained from employers on Form NYS-45. Employers file this form with the Department of Taxation and Finance. Information provided on this form includes:

- Employee name
- Employee SSN
- Employee's Quarterly Wages
- Employer Name
- Employer Address
- Industry of the employer

Quarterly Census of Employment and Wages (QCEW)

What is QCEW?

The Quarterly Census of Employment and Wages (QCEW) program is a cooperative program with the U.S. Bureau of Labor Statistics and collects employment and wage data from employers covered by New York State's Unemployment Insurance (UI) Law.

QCEW data encompass approximately 97 percent of New York's nonfarm employment, providing a virtual census of employees and their wages as well as the most complete universe of employment and wage data, by industry, at the State, regional and county levels.

"Covered" employment refers broadly to employees of the private sector as well as state, county, and municipal government employees insured under the New York State Unemployment Insurance (UI) Act. Federal employees are insured under separate laws, but are considered covered for the purposes of the QCEW program.

Employee categories not covered by the UI law include some agricultural workers, railroad workers, private household workers, student workers, the self-employed and unpaid family workers.

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Where does QCEW data come from?

QCEW data are derived from quarterly tax reports submitted by all employers subject to the UI law. All covered employers are required to submit monthly employment figures representing the number of people either working during or receiving pay for the payroll period including the 12th of the month, and the total wages paid during the quarter.

The QCEW program supplements the UI tax reports data by collecting monthly employment and quarterly wage information from multiple worksite employers (like large retail stores). The QCEW program also conducts ongoing annual surveys to verify the physical location and the industrial economic activity of the employers covered by the UI law.

QCEW data are available about six months following the end of the reported quarter and are available back to calendar year 2000.

Brief Summary of Available QCEW Data

Individual Establishment Data (e.g. one retail store out of a large chain)

- **Unemployment Insurance (UI) Account Number** - NYSDOL Employer Registration (ER) Number
- **Reporting Unit Number (Run)** - Uniquely identifies the worksites of a multi-unit employer
- **Federal Employer Identification Number (FEIN)** - The nine-digit Employer Identification Number assigned by the Internal Revenue Service
- **Legal Name** - Employer's Legal Name
- **Trade Name** - Name of the business as it is known to the public
- **Reporting Year** - Year of data on file
- **Reporting Quarter** - Quarter of data on file
- **First Month Employment** - This is a count of all full and part-time workers who worked during or received pay (subject to UI wages) for the pay period which includes the 12th day of the first month of the reporting quarter
- **Second Month Employment** - This is a count of all full and part-time workers who worked during or received pay (subject to UI wages) for the pay period which includes the 12th day of the second month of the reporting quarter
- **Third Month Employment** - This is a count of all full and part-time workers who worked during or received pay (subject to UI wages) for the pay period which includes the 12th day of the third month of the reporting quarter
- **Total Wages** - Total amount of wages paid or payable to covered workers for services performed during the reporting quarter and on all the payrolls during the entire reporting quarter
- **Taxable Wages** - Amount of Wages that are subject to UI taxes for the reporting quarter

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- **Contact Attention Line** - Employer Contact Person (Limited information available)
- **Contact Title** - Employer Contact Person's Title (Limited information available)
- **Contact Email Address** - Employer Contact Person's Email (Limited information available)
- **Contact Fax** - Employer Contact Fax Number (Limited information available)
- **Contact Phone Number** - Employer Contact Phone Number (Limited information available)
- **Reporting Unit Description** - May contain additional information about multi worksites (e.g. store number)
- **Physical Address Line 1** - Employer's physical location street address (line 1)
- **Physical Address Line 2** - Employer's physical location street address (line 2)
- **Physical City** - Employer's physical location city
- **Physical State** - Employer's physical location state postal abbreviation (NY)
- **Physical Zip Code** - Employer's physical location zip code
- **Physical Zip Code Extension** - Employer's physical location zip code extension
- **UI Address Line 1** - Employer's street address as shown on the UI Tax file (line 1)
- **UI Address Line 2** - Employer's street address as shown on the UI Tax file (line 2)
- **UI City** - Employer's city or town as shown on the UI Tax file
- **UI State** - Employer's state postal abbreviation as shown on the UI Tax file
- **UI Zip Code** - Employer's zip code as shown on the UI Tax file
- **UI Zip Code Extension** - Employer's zip code extension as shown on the UI Tax file
- **County FIPS (Federal Information Processing Standards) Code** - Based on the physical location of the employer
- **North American Industrial Classification Code (NAICS)** - Identifies the employer's major industrial activity
- **Multiple Establishment Employer Indicator (MEEI) Code** - Identifies records as being single units, multi-unit masters, or worksites of multi-unit employers
- **Ownership Code** - Describes the economic ownership of the enterprise (e.g. private, federal, state or local government)
- **Status Code** - Status of the employer's account in terms of QCEW purposes
- **Type of Coverage Code** - Distinguishes between employers that pay UI taxes each quarter (contributory) and employers that reimburse the State on a case-by-case basis when a claim is paid (reimbursable)

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Unemployment Insurance (UI) Data

What is UI data and where does it come from?

New York State's UI program is run by the New York State Department of Labor, in cooperation with the United States Department of Labor. UI provides a cash benefit to workers who lose a job through no fault of their own and who are ready, willing and able to work. Approximately 97 percent of New York's nonfarm employment is covered by UI. There are more than 500,000 employers covered by UI in New York State.

Benefits paid to UI claimants are funded by employer contributions. Each employer's rate of contribution depends upon the employer's experience with the system. Employers who lay off more workers will contribute more into the system.

Certain classes of employers, including government, non-profit organizations and Indian tribes, may elect to reimburse the Fund for benefits paid to former employees rather than pay contributions.

UI Claims and Payments data is available back to calendar year 2000. UI Certifications data is available from July 2003 forward. Data are generally available one week after the transaction occurs.

Brief Summary of Available UI Data

Data is available for the following types of claims:

- **Initial Claims** – An initial claim is a notice of unemployment filed to request a determination of entitlement to and eligibility for compensation, or to begin a second or subsequent period of eligibility within a benefit year or period of eligibility
- **Continued Claims** – A continued claim is a certification by a claimant that he or she was unemployed for the week and is entitled to receive payment
- **Intrastate/Interstate Initial or Continued Claims**
- **Combined Wage Claims** – Initial claims where the claimant has qualifying employment in more than one state

Claims Data is available for the following programs:

- **Regular State UI** – The regular UI program that provides up to 26 weeks of benefits and is funded by NYS employers

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- **Shared Work** – The Shared Work program provides employers with an alternative to laying off workers during temporary business downturns. It provides a partial UI benefit to workers to replace a portion of their lost wages
- **Self Employment Assistance Program (SEAP)** - SEAP provides UI claimants an opportunity to start a business while receiving UI benefits. The work search requirement is waived for SEAP claimants
- **The 599 Training Program (Section 599 of the NYS UI Law)** – Allows approved claimants to obtain training while receiving UI benefits. The work search requirement is waived for claimants receiving approved training
- **Federal Emergency Unemployment Compensation (EUC)** – A temporary program that pays benefits beyond the standard 26 weeks.
- **Federal Extended Benefits (EB)** – A federal/state program that pays benefits beyond the first 26 weeks when certain unemployment thresholds are met
- **Federal Additional Compensation (FAC)** – A temporary federal program that paid an extra \$25 weekly to unemployment insurance claimants during the recent economic downturn

Beneficiary (claimants who receive benefits) data is available, including:

- **Weeks compensated**
- **Amounts compensated**
- **First payments** – The first chronological payment made during a benefit year
- **Final payments (exhaustions)** – The last chronological payment made during a benefit year
- **Partial Payments** – Payments for partial weeks of unemployment

Determinations data:

- **Monetary determinations** – Determinations as to whether a claimant, who has filed a new initial claim, has sufficient base period wages and/or employment to establish a benefit year under the unemployment compensation program
- **Non-Monetary determinations** - A determination of eligibility based on facts related to an "issue" detected which had the potential to affect the claimant's past, present, or future benefit rights and for which a determination of eligibility was made
 - **Separation Issues**
 - **Misconduct** - a deliberate or substantially negligent act or an omission which adversely affects the employer's legitimate business interests
 - **Voluntary Quit** – Leaving work without good cause
 - **Labor Disputes** – Strikes
 - **Non-Separation Issues**
 - **Availability** – Being ready and willing to accept work
 - **Disqualifying Income** – Payments such as workers' compensation, Old Age Survivors Insurance (OASI) benefits, unemployment benefits under another

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State or Federal law, dismissal payments or wages in lieu of notice, vacation or holiday pay, and payments made under an employer's pension plan

- **Refusal of Suitable Work** - refusal of suitable work or an offer of referral to a job without good cause
- **In between school terms** - Employees of educational institutions, educational service agencies, and certain other entities are ineligible for benefits based on such services between academic years or terms and during vacation periods and holiday recesses within terms if they have a "reasonable assurance" of performing in the same or similar capacity in the following year, term, or remainder of the term

Overpayment Data:

- **Fraud/Non-Fraud**
- **Method of Detection**
 - **State/National New Hire Match** – Employers are required to report “new hires” information, including wage information, to states. State UI agencies run crossmatches of this information against the UI benefit payment records to identify claimants who have failed to report earnings and, therefore, may have been overpaid UI benefits
 - **Wage Record Match** - Comparison of state agency benefit payment records with wage records created from quarterly reports submitted by employers to determine if benefits were overpaid due to failure to report earnings
 - **Interstate Crossmatch** - The Interstate (IB, i.e., interstate benefits) Crossmatch includes two components -- the Interstate Crossmatch and Claimant Locator. The Crossmatch component is used to match interstate claimants against the agent/residence (and sometimes their border state) wage and benefit files to detect unreported wages and/or duplicate claims. The Locator component is used by states to locate individuals with outstanding overpayment balances that the state is unable to locate within the state
- **Method of Recovery**
 - **Cash repayment** – Direct cash repayment by the claimant
 - **Benefit offset** – Past overpayments recovered by offsetting current benefit payments
 - **Federal/State income tax offset** – Recovery of overpayments through income tax offset
 - **Recovered by other states** – Many states have agreements to recover benefits for other states

Appeals Data:

- **Type of appellant** – Appeals can be filed by either the claimant or the employer
 - Claimant
 - Employer
- **Single/Multi-Claimants** – Appeals may involve a single claimant or a class of claimants
- **Type of Issue** – See Non-Monetary Determinations above

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- **Voluntary Quit**
- **Misconduct**
- **Refusal of Suitable Work**
- **Availability**
- **Labor Dispute**
- **Type of Appeal**
 - **Lower Authority** – The lower of two administrative authorities provided by the State unemployment insurance law to make decisions with respect to appealed determinations
 - **Higher Authority** - The higher of two administrative authorities provided by the State unemployment insurance law to make decisions with respect to appealed decisions of the lower authority

Timeliness Data:

- **First Payment Timeliness** – The time elapsed between the initial claim and the mail date for the first payment
- **Continued Weeks Compensated Timeliness**– The time elapsed between the certification for a continued weekly benefit and the mail date for that benefit payment
- **Non-monetary Determination Timeliness** - The number of days from the date an issue is first detected on a claim to the date on the determination
- **Appeals Timeliness**– The number of days from the date that an appeal is filed until the date the determination is made

Fund Management Data:

- **Experience Rating**
 - **Contributory and total payrolls** – Payrolls subject to UI contributions and total payrolls paid to covered workers
 - **Contribution rates** – Rates of contribution by employer or industry of employer.
 - **Benefits paid** – Benefits paid by employer or industry of employer
 - **Employer account balances**
 - **Trust Fund balances**

Claimant Demographic Data:

- **Gender**
- **Age**
- **Education**
- **Race**
- **Ethnicity**
- **Occupation**
- **Industry of separating employer**

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- **Language**
- **Veteran Status**
- **Disability**
- **Temporary Layoff**
- **Union**
- **Commuter**
- **Tenure**
- **Geography**

Procedure for Requesting Confidential Unemployment Insurance and/or Wage Reporting Information

- There will be a standard **application** on the Department website – www.labor.ny.gov requiring;
 - The purpose for which data are being requested;
 - Identification of all parties who may receive the information;
 - How long the data will be needed/retained;
 - If the data will be merged with other data and
 - Confidentiality safeguards.
- DOL will **review** the application within 20 business days
 - Agencies have 20 business days to provide additional information, if requested and
 - DOL provides approval or denial within 30 calendar days of receipt of additional information.
- A **data sharing agreement** will be prepared;
 - Between the Department and other state agencies the agreement will be developed as an inter-agency Memorandum of Understanding (MOU) or
 - Between the Department and non-State governmental agencies, the agreement will be developed as a State contract.

Costs

The Department cannot use federal funds to pay for the costs of disclosing UI and WR information for non-UI purposes. The cost to disclose UI and/or WR data includes, but is not limited to;

- The cost to handle and review the Application;

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- The cost to develop and process the required data sharing agreement;
- The cost to produce the data including initial start up costs such as any computer programming necessary to respond to the request;
- Ongoing costs if data is being provided on an ongoing basis, and
- DOL costs to review and inspect the safeguards and procedures for protecting the confidentiality of data disclosed (e.g., confidentiality compliance review, audit or on site inspection/monitoring visit).

Annual Self Assessment

Data recipients will be required to complete an annual Self Assessment form;

- To determine compliance with necessary confidentiality safeguards and controls and
- On-site audits and reviews may be conducted.

De-Identified or Aggregate Data

If your request does not fall within a statutory exception for the disclosure of identifiable UI and/or WR data, DOL may be able to provide you with de-identified or aggregate data.

De-identified information is individual level data stripped of identifiers or any other information which could result in a record becoming individually identifiable

Aggregate data is data produced in aggregated data cells which cannot identify specific individuals or employers.

DOL's aggregation requirements are:

- As to Employers: the data set must consist of a minimum of three employers with no one employer making up more than eighty percent (80%) of the total.
- As to Individuals, the data set must consist of 10 or more individual unemployment insurance or wage records.

The disclosure of de-identified or aggregated data is also subject to:

- Data sharing agreements;
- Recipient will not need to comply with the safeguards and security requirements;
- The data recipient will not need to complete an annual Self Assessment form and
- Recipient will not be subject to on site confidentiality compliance monitoring.