

Section VI: Appendix A (Administrative Databases)

Part A: Use of Official Statistics in Administrative Records

[Source: **Social Research Associates**, "Wyoming Program Performance Measurement Through Unemployment Insurance Wage Record Follow-up," section II B pp. 13-18. Copyright 1999 by the Wyoming Department of Employment, Research and Planning.]

Governmental organizations have long collected and used administrative data. The invention of writing nearly 6000 years ago in Mesopotamia was initially put to service mainly in keeping public records of taxes and agricultural production (Lenski and Lenski 1974). Similarly, the field of statistics ("state-istics," or "political arithmetic") arose in the Renaissance in connection with numerical records kept by the governments of emerging national states -- births, deaths, marriages, and of course taxes (see Douglas 1967).

With the rise of social science as a discipline in the nineteenth century, records compiled by governments were put to use in testing abstract theoretical ideas far removed from their original purposes, ranging from suicides and social solidarity to wages and social exploitation. To the present day, academic researchers continue to use administrative data from the public sector (e.g., Grandjean 1981). Increasingly private firms do so as well (e.g., Ishida, Spilerman, and Su 1997). The compilation of administrative data has spread from public bureaucracies to become standard practice in organizations of all sorts throughout the world, from businesses to charities. Computerization has accelerated that trend.

Today organizations use administrative data to monitor the performance of individual employees', and the organization as a whole. Governments also use administrative records to monitor compliance with statutory requirements. The development of interagency data sharing systems by state governments to monitor the client outcomes of workforce development agencies is yet another step in the widening circle of the application of administrative records for purposes beyond those envisioned when record-keeping protocols were established. As the Florida Department of Education (FETPIP 1997, p. 1) noted:

The collection of data by electronically linking administrative data bases as a means of supporting statistical analyses is a relatively new phenomenon. Its use for vocational education or JTPA [Job Training Partnership Act] follow-up is but one of several applications that have been and are being examined using the technique. It has been used in health and vital statistics by the Center for Disease Control, U.S. Census to Internal Revenue Service master files, enhancements from the U.S. Survey of Income and Program Participation and economic data, and a myriad of others.

In the social sciences Emile Durkheim, (1897, 1951), pioneered the use of official statistics to test abstract theory. The French sociologist used official cause-of-death figures from throughout Europe to support his argument that suicide rates were a function of social solidarity. Durkheim's work is credited with establishing sociology as an empirical academic discipline (see Douglas 1967). Durkheim's ingenious analyses of data shed light on questions that went far beyond the European governments' reasons for collecting the data. This work continues to serve as a methodological model and a theoretical base for research in such areas as education, crime, and highway safety (see Grandjean 1974; Kim, Grandjean, and Milner 1993; O'Leary 1984).

Despite this influence, Durkheim's use of official statistics to assess social solidarity is not above criticism (see Kim 1986). The first thorough critique was provided by Douglas (1967), and many of his comments still apply to current uses of administrative data in general. Administrative records are an attractive source of information because of their availability and low cost. Douglas (1967, p. 166) observed, "it is always easier to use the great quantities of published official statistics on any subject than to go out and collect even a small part of the statistics for oneself."

Concerns about the accuracy of data are typically dismissed on the assumptions that (1) errors are few and small, and (2) errors are random, so there will be no systematic bias in analyses. Douglas (1967, pp. 167-231) cited reasons these assumptions may be unfounded. Most fundamentally, the definitions applied in collecting the data may be quite different from those of interest in the analyses, and may change over time or from one social context to another. Even if the definitions are reasonably similar and constant, the observer responsible for applying the definition to a particular event may not have enough of the relevant information to do so accurately, or may be influenced by irrelevant or false information from others. This is especially so when the event being coded is socially sensitive (e.g., a loved one's possible suicide, or one's own unemployment). Both the concealment of information and the provision of misleading information are by definition intentional social actions, and hence such errors are not likely to be randomly distributed (cf. Kitsuse and Cicourel 1963).

The advantages and disadvantages of using administrative data for purposes beyond the original intent are still much debated. Coleman et al. (1998) found hospital records were about equal in accuracy to patient surveys, but had the virtue of more complete coverage, lower cost, and no bias due to non-response. However, Iezzoni (1997) concluded that medical administrative data were best used only to flag cases for further study using other methods (cf. Dyson, Power, and Wozniak 1997). Hauser (1975) reviewed and applauded the wide range of applications to which administrative data were put, from education, the labor force, and welfare programs to housing, recreation, and transportation. Wheeler (1969) compiled a volume covering much the same range, but with an emphasis on issues of misuse and loss of privacy. Levitas and Guy (1996) took a similar tack in addressing government statistics in the United Kingdom. Papers presented at a symposium sponsored by Statistics Canada (1988) gave detailed attention to the problems and prospects for record-linkage and sharing of administrative data in various contexts, while Stevens and McGowan (1985) provided an overview of the management of administrative information systems in public organizations.

An excellent review of issues in the sharing of administrative data among public agencies was provided by Dawes (1996). Dawes listed several benefits of information-sharing: avoiding the wasteful and costly duplication when different agencies collect the same information; promoting standardization in the definitions of data elements; providing more complete and higher quality information that agencies can apply to their own internal questions; expanding professional networks and cross-agency contacts; placing the programs of separate agencies in a broader context for policy decisions; increasing public accountability of the programs; and integrating program planning, service delivery, and program evaluation. Dawes (1997) also noted that data-sharing may be particularly attractive to agencies if the alternative is "service integration" accomplished through extensive re-structuring, including the possible elimination or merging of departments or entire agencies.

Despite these advantages, there are important barriers to information-sharing. Some barriers are technical, such as incompatible hardware, software, or data structures across agencies (Dawes

1997). But most are organizational, such as agency defensiveness over “turf” or organizational self-interest; the internal control of data handling by agency professionals steeped in the existing organizational culture; agency relationships with the immediate constituency, who may be equally committed to the existing ways of doing things; and traditions of agency autonomy, reinforced by the primacy of existing named programs in the budget process (Dawes 1997).

Levesque and Alt (1994) focused specifically on the use of Unemployment Insurance (UI) wage records for evaluating outcomes of workforce development programs. Their review summarizes the advantages of UI data over survey methods of tracking outcomes as follows: coverage rates of 60-90 percent, compared to response rates of 25-50 percent in many surveys; less bias, whether from non-response, self-selection, or lack of objectivity when the agency conducts its own survey; freedom from errors due to respondents’ memory failures or distortions; substantially lower costs, with savings estimated at 80 percent compared to the cost of survey follow-up; and a reduced data burden, both on the agencies (which can rely on the facilities and expertise of a centralized unit for data collection and analysis) and on clients (who no longer need to be surveyed for additional information).

However, in workforce development as in the medical context mentioned earlier, there is still debate about the accuracy of administrative data. According to Levesque and Alt (1994, p. 8), the Bureau of Labor statistics has reported that 5 to 10 percent of UI wage records contain incorrect Social Security Numbers, which are the key to linking these records with other administrative data bases. Some estimates of other errors in the wage records are as high as 30 percent (see Levesque and Alt 1994). As Douglas (1967) observed with regard to suicide data, such errors are likely to be non-random.

There are many steps in the process of recording administrative data where errors may appear in (FETPIP 1997, p. 2):

The accuracy of wage report data requires that employers accurately record and report employee identification and payroll information. It also requires that the employers’ data are entered accurately when received by the unemployment insurance agency. The assignment of Standard Industrial Classification Codes to employers must be accurate as well. Similarly, the accuracy of student or participant data to be used in a record linkage program requires that ... student level information such as demographic attributes, socio-economic characteristics, program distinctions, etc. must be faithfully represented.

UI wage records have other limitations as well. Only about 90 percent of workers are covered by state UI systems, since some kinds of employers or employment are excluded by federal and state regulations (Levesque and Alt 1994, p. 11). Wage records typically do not include hours worked, sequence of jobs held, or other occupational information (Levesque and Alt 1994, p. 12), so some states supplement UI data with surveys of employers (FETPIP 1997, p. 32). And the legal definition of unemployment, established for purposes of determining eligibility for benefits, may understate joblessness among recent graduates whose employment history is too short to meet eligibility requirements (Levesque and Alt 1994, p. 13; cf. Douglas 1967).

Other concerns expressed by users of administrative labor-market information (not just UI records) in a survey of state and local agencies included a lack of timeliness and local specificity in the available data (Duggan and Kane 1990, p. 1). Notably, however, the main concern was not the accuracy of the data but rather “the lack of analysis of data and cumbersome presentation” of the analyses that were conducted. In this they echoed a social-science treatment of the issues by

Wilensky (1967). Focusing on the organizational causes and consequences of “intelligence failures,” Wilensky concluded that often the problems stem not from inadequacies in the data collected, but rather from incomplete analysis and faulty interpretation of the data.

Typically the reasons for intelligence failure can be traced to organizational dynamics. For example, the filtering of communications through multiple layers of organizational hierarchy, or between separate departments in the structure, increases the likelihood of those communications being distorted. Lower levels of the hierarchy may have reasons to conceal information from higher levels, or vice versa, and departments may manipulate information to protect their departmental “turf.” Among other structural remedies to such problems, Wilensky (1967) advocated the use of interdepartmental working groups, to move the communications out of routine channels and into a face-to-face arena, where differences of opinion and conflicting interest can be addressed directly. Implicitly, this argument also suggested that interagency data sharing could generate improved analyses and interpretation of workforce development outcomes -- by increasing the quality and quantity of data available for analysis, but especially by fostering communication between agencies.

In The Dynamics of Bureaucracy, Peter Blau (1955) provided one of the first detailed ethnographic accounts of the impact of administrative record-keeping on behavior. The organization he described was a state employment agency. This coincidence alone would merit at least brief mention in a review of literature on administrative records in workforce development, but the substance of Blau’s observations warrants a somewhat fuller treatment.

Blau (1955, p. 33) listed some of the intended functions of administrative records as follows:

The preparation of periodic statistical reports constitutes a method for evaluating operations well suited to the administration of large organizations. Dehumanized lists of cold figures correspond to the abstract, impersonal criteria which govern bureaucratic activities. Statistical records provide precise and comparable information on operations quickly and in a concise form that is quickly communicated. ... Statistical records are also more economical, since they can be prepared by clerks.

Blau identified unintended functions and dysfunctions (Blau 1955, pp. 35-43) in reporting. For example, the recording system initially counted each employment agent’s interviews, but not successful job placements. Understandably, agents rushed through as many interviews as possible, and placed only a small proportion of their interviewees in jobs. When the number of job referrals was added to the reporting system, referrals went up, but agents had no incentive for care in matching referrals to job openings, so successful placements did not increase much. When the proportion of placements was added to the reporting system, both the number and the rate of job placements went up (Blau 1955, pp. 35-38).

Conversely, the system did not record the number of “counseling” interviews, and so agents performed few of these. Though arguably an important part of the agency’s services, they were quite time-consuming and they kept the agents from doing the placement interviews that were being recorded. Agents could also manipulate their counts, such as by “referring” a client to the very same job from which s/he had been temporarily laid off and thus scoring a “placement” when the worker was recalled to work (Blau 1955, pp. 38-43).

These results illustrated a fundamental principle of administrative record-keeping: systems established for the purpose of counting that which is regarded as important end up defining as important whatever is being counted.

In the employment agency, the recording system had another effect, competition. As Blau (1955, p. 49) pointed out, the competition was particularly dysfunctional because the agents were “dependent on common and limited resources,” namely the supply of job openings. As a result, social cohesion and cooperation suffered, both between agents and between departments, and the organizational mission was impaired. An agent who learned of an opening would conceal that information, in hopes of being able to claim a suitable referral among the agent’s own interviewees. Another agent with a well-suited interviewee might never know of the opening, and the result might be no placement for anyone. Concealing openings thus improved an agent’s individual statistics, but impeded the overall organizational goal of maximizing total placements. Blau (1955, p. 53) documented this seeming paradox by showing that the unit of the agency with the least competitive agents had the highest average placement scores, even though, within each unit, the most competitive agent had the highest placements for that unit..

Blau’s (1955) classic study called attention to the unintended or “latent” consequences of organizational systems established for the collection and analysis of administrative records. Such systems hold the potential for distorting the core activities of the organization.

REFERENCES CITED

Blau, Peter M. 1955. *The Dynamics of Bureaucracy: A Study of Interpersonal Relations in Two Government Agencies*. Chicago: University of Chicago Press.

Coleman, E.A., E.H. Wagner, L.C. Grothaus, J. Hecht, J. Savarino, and D.M. Buchner. 1998. “Predicting Hospitalization and Functional Decline in Older Health Plan Enrollees: Are Administrative Data as Accurate as Self-Report?” *Journal of the American Geriatrics Society* 46:419-425.

Dawes, Sharon s. 1996. "Interagency information Sharing: Expected Benefits, Manageable Risks." *Journal of Policy Analysis and Management* 15:377-394.

Douglas, Jack D. 1967. *The Social Meanings of Suicide*. Princeton, New Jersey: Princeton University Press.

Duggan, Paula, and Matt Kane. 1990. *Final Report: Assessing the Adequacy of Labor Market Information at the State and Local Level*. Contract Number 99-9-3436-75-050-01, U.S. Department of Labor, Employment and Training Administration. Washington, D.C.: Northeast-Midwest Institute.

Durkheim, Emile. [1897] 1951. *Suicide: A Study in Sociology*. New York: Free Press.

Dyson, G.P., K.G. Power, and E. Wozniak. 1997. “Problems with Using Official Records from Young Offender Institutions as Indexes of Bullying.” *International Journal of Offender Therapy and Comparative Criminology* 41:121-138.

- FETPIP [Florida Education and Training Placement Information Program]. 1997. Initial Steps - The Ground Work. Tallahassee: Florida Department of Education.
- Grandjean, Burke D. 1974. "The Division of Labor, Technology, and Education: Cross-National Evidence." *Social Science Quarterly* 55:543-552.
- Grandjean, Burke D. 1981. "History and Career in a Bureaucratic Labor Market." *American Journal of Sociology* 86:1057-92.
- Hauser, Philip M. 1975. *Social Statistics In Use*. New York: Russell Sage Foundation.
- Iezzoni, L.I. 1997. "Assessing Quality Using Administrative Data." *Annals of Internal Medicine* 127:666-674.
- Ishida, Horoshi, Seymour Spilerman, and Kuo-Hsien Su. 1997. "Educational Credentials and Promotion Chances in Japanese and American Organizations." *American Sociological Review* 62:866-882.
- Kim, Sung-Soon Clara. 1986. *Dimensions of Social Integration: Solidarity and Deviance in American Cities*. Unpublished Ph.D. dissertation, University of Virginia.
- Kim, Sung-Soon Clara, Burke D. Grandjean, and Murray Milner, Jr. 1993. "Solidarity and Deviance: Durkheimian Sources of social Integration in American Cities." Paper presented at the annual meeting of the American Sociological Association.
- Kitsuse, John I., and Aaron V. Cicourel. 1963. "A Note on the Official Use of Statistics." *Social Problems* 11:131-139.
- Levesque, Karen A., and Martha Naomi Alt. 1994. *A Comprehensive Guide to Using Unemployment Insurance Data for Program Follow-Up*. Berkeley, California: Institute for the Study of Family, Work, and Community.
- Levitas, Ruth, and Will Guy, editors. 1996. *Interpreting Official Statistics*. London: Routledge.
- O'Leary, Thomas J. 1984. *Alone at the Wheel: A Study of Social Solidarity and Automobile Accidents*. Unpublished Ph.D. dissertation, University of Virginia.
- Statistics Canada. 1988. *Statistical Uses of Administrative Data: Proceedings*. Ottawa: Statistics Canada.
- Stevens, John M., and Robert P. McGowan. 1985. *Information Systems and Public Management*. New York: Praeger.
- Wheeler, Stanton, editor. 1969. *On Record: Files and Dossiers in American Life*. New York: Russell Sage Foundation.

Part B: Data Validation through Enumeration Verification System (EVS)

The Social Security Administration's EVS provides a way for an employer or agency to verify the information they obtain from their employees. The Department of Employment's Unemployment Insurance (UI) program used EVS to help in identifying fraudulent claims. This also allowed us to check the accuracy of the Wage Records database. A file containing SSN's from UI Wage Record files and demographic information from the Drivers License master file was sent to the Social Security Administration. They returned a file with verification codes and a few other fields added. This file was then matched to quarterly Wage Record files (96\4-98\1). The following code list and table describe the verification codes and how often they occurred in each quarter.

Code	Definition
1	SSN not in file (never issued to anyone)
2	Name and DOB match, sex code does not
3	Name and sex code match, DOB does not
4	Name matches, DOB and sex code does not
5	Name does not match, DOB and SEX code not checked
*	Input SSN did not verify; Social Security located and verified different SSN

SSN Verification Matches with Wage Records							
YY\Q	1	2	3	4	5	*	Total
96\4	27	313	103	6	14,874	88	15,411
97\1	18	291	105	6	14,162	78	14,660
97\2	21	318	105	6	15,038	90	15,578
97\3	28	335	108	6	15,112	92	15,681
97\4	25	306	105	5	14,324	85	14,850
98\1	16	283	100	5	13,401	85	13,890

The memo on the following page was written by Research & Planning's Mike Evans to communicate the findings to those in Wyoming's Department of Employment involved with this issue.

Memorandum - Wyoming Employment Resources Division

July 21, 1998

To: Greg Olson, Ellen Schreiner, and Wendy Tyson

From: Mike Evans

Subject: Enumeration Verification of Social Security Numbers (SSN's)

We received the file back from the Social Security Administration (SSA) and I had Norman match it with wage records showing the attached SSN's were not on file (code #1) with the SSA (See SSNVER matches with Wage Records attachment).

SSA verified some SSN's. Of these SSN's marked by asterisks (code *) some did not match the names we had supplied from the driver's license file. The attachments show matches from the SSA file and wage records for each quarter from the first quarter of 1998 to the fourth quarter of 1996. The quarters were not cross matched so some SSN's could show up in different quarters.

Code 1 shows SSA never issued the SSN and is not on file. The probability of these individuals using improperly SSN's is higher than a typo and/or the driver's license file having an improper name. The verse is true of code *. The probability of a typo and/or driver's license file problem is higher than fraud. I have attached the file structure we submitted to SSA, along with the codes returned to us (See EVS Requests on Diskette attachment). Codes 2, 3, 4, and 5 are problems with the driver's license file specifically (See previous memo dated April 8, 1996) and not the wage record file.

Only 0.01 percent of the wage records have a code 1 error with a definite problem occurring in the SSN on average. The * code problem occurred 0.04 percent of the time on average. This indicates the reliability of SSN in the wage records files are accurate.

These findings correspond with previous research we have shown wage records having only a slight SSN problem. This involved looking at the first three digits of the SSN in wage records to verify they existed with only a small percentage (0.001 %) of wage records effected or having problems.

I hope this information is useful to you. If you would like a copy of the entire file from SSA, please let me know.

Attachments

cc: Beth Nelson
Tom Gallagher

Section VII: Appendix B (Public Law No: 103-322)

Sep 13, 1994:

Signed by President.

Became **Public Law No: 103-322.**

H.R.3355

Violent Crime Control and Law Enforcement Act of 1994 (Enrolled Bill (Sent to President))

TITLE XXX--PROTECTION OF PRIVACY OF INFORMATION IN STATE MOTOR VEHICLE RECORDS

SEC. 300001. SHORT TITLE.

This title may be cited as the 'Driver's Privacy Protection Act of 1994'.

SEC. 300002. PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS.

(a) IN GENERAL- Title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

`CHAPTER 123--PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS

`Sec. 2721. Prohibition on release and use of certain personal information from State motor vehicle records

`(a) IN GENERAL- Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

`(b) PERMISSIBLE USES- Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act, and may be disclosed as follows:

`(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

`(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance

monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

`(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only--

`(A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

`(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

`(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

`(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

`(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

`(7) For use in providing notice to the owners of towed or impounded vehicles.

`(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

`(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).

`(10) For use in connection with the operation of private toll transportation facilities.

`(11) For any other use in response to requests for individual motor vehicle records if the motor vehicle department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any business or person, and has provided in a clear and conspicuous manner on such forms an opportunity to prohibit such disclosures.

`(12) For bulk distribution for surveys, marketing or solicitations if the motor vehicle department has implemented methods and procedures to ensure that--

`(A) individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

`(B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

`(13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

`(14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

`(c) **RESALE OR REDISCLOSURE-** An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b) (11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this title must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

`(d) **WAIVER PROCEDURES-** A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

`Sec. 2722. Additional unlawful acts

`(a) **PROCUREMENT FOR UNLAWFUL PURPOSE-** It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title.

`(b) **FALSE REPRESENTATION-** It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

`Sec. 2723. Penalties

`(a) **CRIMINAL FINE-** A person who knowingly violates this chapter shall be fined under this title.

`(b) **VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES-** Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5,000 a day for each day of substantial noncompliance.

`Sec. 2724. Civil action

`(a) CAUSE OF ACTION- A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

`(b) REMEDIES- The court may award--

- `(1) actual damages, but not less than liquidated damages in the amount of \$2,500;
- `(2) punitive damages upon proof of willful or reckless disregard of the law;
- `(3) reasonable attorneys' fees and other litigation costs reasonably incurred; and
- `(4) such other preliminary and equitable relief as the court determines to be appropriate.

`Sec. 2725. Definitions

`In this chapter--

- `(1)`motor vehicle record' means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;
- `(2)`person' means an individual, organization or entity, but does not include a State or agency thereof; and
- `(3)`personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.'

(b) CLERICAL AMENDMENT- The table of parts at the beginning of part I of title 18, United States Code, is amended by adding at the end the following new item:

'123. Prohibition on release and use of certain personal information from state motor vehicle records...2271'

SEC. 300003. EFFECTIVE DATE.

The amendments made by section 300002 shall become effective on the date that is 3 years after the date of enactment of this Act. After the effective date, if a State has implemented a procedure under section 2721(b) (11) and (12) of title 18, United States Code, as added by section 2902, for prohibiting disclosures or uses of personal information, and the procedure otherwise meets the requirements of subsection (b) (11) and (12), the State shall be in compliance with subsection (b) (11) and (12) even if the procedure is not available to individuals until they renew their license, title, registration or identification card, so long as the State provides some other procedure for individuals to contact the State on their own initiative to prohibit such uses or disclosures. Prior to the effective date, personal information covered by the amendment made by section 300002 may be released consistent with State law or practice.

Section VIII: Appendix C (Understanding the Wage Record Classification System)

Part A: Brett Judd's March 1998 *Trends* Article

The Wyoming Wage Record Classification System by: Brett Judd

The topic of how many people are working more than one job seems to interest a lot of people. A report(1), based on a survey of households, measured the number of multiple job holders in the state in 1996 at 9.5 percent. Multiple job holders are persons who work two or more jobs during a specified time period. This article will introduce a new way to count the number of multiple job holders. This new method, based on establishments (employers), measured the percentage of multiple job holders at relatively the same level of 9.9 percent. In addition to determining the number of multiple job holders, other workers in the state have been assigned a job classification.

Employers in the state submit their unemployment insurance (UI) reports to the Department of Employment on a quarterly basis. One of the reports is called wage records. Wage records contain a listing of each individual employee's social security number (SSN), his or her total gross wages for the quarter and the employer's UI account number. Wage records have been used in the past to track University of Wyoming graduates(2), to compare the wages of Wyoming's workers based on the industry they are working in and their gender(3) and to show how tenure can affect gender wages(4). Wage records can also be used for post-program analysis for such training programs as the Job Training Partnership Act (JTPA) or Vocational Rehabilitation. This article will present a new use for wage records and demonstrate how they can help obtain a better profile of the workers in the state.

After the wage records are collected from the individual employers each quarter, all of the different employers are combined together to produce one statistical file. The total number of records can vary depending on the quarter of the year. For instance, in 1996, the number of records (the total number of jobs worked) ranged from a low (222,016) in first quarter to a high (268,522) in third quarter (see Table 1). The records are then grouped together by the SSN with each employer and the corresponding wages listed in descending order. This means that in third quarter there were 268,522 jobs worked by 229,814 people.

Table 1: 1996 Quarterly Wage Record Count

Quarter	Number of Jobs	Number of SSN's
First	127,982	64.8%
Second	10,724	5.4%
Third	40,186	20.4%
Fourth	18,512	9.4%
Total	197,404	100.0%

Total Unique SSN's for 1996 = 283,101

Obviously, some people are working more than one job in a quarter. How many or what percentage of the people are multiple job holders? The answer is not as easy to determine as it might seem. It would seem logical to count how many people have wages from more than one employer and those would be the number of multiple job holders.

When this is done, then there are 32,861 people working a second job in third quarter 1996 or 14.3 percent of the total workforce whose jobs are covered by UI stipulations. However, are they actually working both jobs at the same time? Or did they quit one job and then start a new job? It is not clear which of the two scenarios is true. The third quarter includes the months of July,

August, and September. A person could work for one employer in July, not work for anyone in August, and work for another employer in September. In other words, the time frame within the quarter during which a person works cannot be determined from the data, only that they are working at some time in the quarter.

What is the percentage of multiple job holders in the state? To try to answer this question, a classification system for the wage record file has been developed. Instead of just concentrating on one quarter or each quarter individually, it was decided to look at the year in its entirety. The four quarter files for 1996 were merged into one file with one record for each SSN. When this was done, there were 283,101 unique SSN's (people who worked during the year). Initially, trying to determine the number of multiple job holders was the focus, but then it was decided that an attempt should be made to classify everyone. This was not an easy task. The classification criteria were revised many times and perhaps in the future they may be changed again, depending upon the usefulness of the current classification system.

There are six different groups or categories in the classification system. The organizing concepts are the degree of attachment to an employer and the labor market. The categories are: **steady workers/same employer** (those working at least three quarters for the same employer), **steady workers/different employer** (those working at least three quarters but not for the same employer), **multiple job holders, job changers, two-quarter workers and one-quarter workers**. In order to make the occurrence of a record mutually exclusive, certain requirements were established and inclusion in one group was considered in sequence before another. Since this project originated in order to determine the number of multiple job holders, priority was given to this category first. If a record met one of the conditions for a multiple job holder, then it was a multiple job holder first and would not be considered for any of the other categories. The next consideration was for the category of job changer, then a steady worker/same employer, then a steady worker/different employer. If a record did not fall into one of the above categories, then it would be either a one- or two-quarter worker. When necessary, the fourth quarter of 1995 and/or the first quarter of 1997 data were included to make a determination of the classification.

The classification system assigned each individual to a unique category. The totals for the categories are shown in Table 2, as well as the percent of the total. Most of Wyoming's workers fall in the steady worker/same employer category (127,982). The next largest category represents individuals who are only working one (45,210) or two (40,487) quarters during the year. Multiple job holders (40,186) comprise the next largest group and then job changers (18,512). The smallest group is steady workers/different employer (10,724).

Table 2: 1996 Wage Record Classification

Group	Count	Percent of Total
Steady Worker - Same Employer	127,982	45.2%
Steady Worker - Different Employer	10,724	3.8%
Multiple Job Holder	40,186	14.2%
Job Changer	18,512	6.5%
One Quarter Worker	45,210	16.0%
Two Quarter Worker	40,487	14.3%
Total	283,101	100.0%

The other categories may be analyzed at a later time, but for this article the focus is primarily on multiple job holders. Again, if the number of multiple job holders is divided by the total number of people, then the percentage is misleading. This gives the annual percentage of multiple job holders

at 14.2 percent, or basically the same percentage as was listed earlier for third quarter. However, when during the year did these 40,186 people actually engage in multiple job holding behavior? According to the definitions and classifications, these people are considered multiple job holders

at some point during the year, but not necessarily the whole year. The number of multiple job holders that had at least two jobs during all four quarters is 5,333 (1.9% of the total), but this is only 13.3 percent of those who are in the multiple job holder group.

A more accurate count of multiple job holders for the year can be derived by determining the number of those people who are classified as multiple job holders and are working two jobs in a given quarter, then dividing that number by the total number of people working in that quarter. This will give the percentage of multiple job holders for each quarter. These figures are listed in Table 3. The percentage of multiple job holders varies each quarter with a high of 10.5 percent in third quarter to a low of 8.8 percent in first quarter. Then to obtain the percentage for the year, divide the average number of multiple job holders in each quarter by the average number of all workers each quarter. When this is done, the percentage of multiple job holders is reduced to 9.9 percent for 1996, which corresponds to the 9.5 percent found in the household survey.

Table 3: 1996 Multiple Job Holders by Quarter

Quarter	Multiples	Employed	% Multiples
First	17,524	198,449	8.83%
Second	22,977	222,319	10.34%
Third	24,105	229,814	10.49%
Fourth	20,847	212,899	9.79%
Average	21,363	215,870	9.90%

This article focused primarily on multiple job holders while only introducing the other job classifications. Later this spring, Research and Planning will produce a separate publication about these classifications. The publication will provide the criteria [see Part B of this Appendix] that

were used for selection into the different groups. It will also contain the demographic information for those people on the wage record file as well as employer information so that an analysis can be done with gender, age, wages and industry (primary or secondary jobs). The data for 1996 can also be compared to a file for 1993 to see if any changes or patterns exist. This is just a partial listing of the possibilities. This new classification system will be a useful tool--not only to measure multiple job holders--but also to look at other types of workers.

1 Please refer to "Multiple Jobholding" in the July 1997 issue of Wyoming Labor Force Trends.

2 Please refer to Tracking University of Wyoming Graduates Into the Wyoming Work-force, a report prepared for the Research and Planning Section of the Employment Resources Division, State of Wyoming.

3 Please refer to "The Relation of Age and Gender to Employment in Wyoming: Parts One and Two" in the May 1996 and June 1996 issues of Trends.

4 Please refer to "Gender, Tenure and Wages" in the August 1997 issue of Trends.

Part B: Criteria for the Classification Groups

The article in Part A of this Appendix explains that the time frame in which an individual worked a particular job in the quarter is unknown. The following criteria and the cases that fit into that criteria were developed in an attempt to classify individuals into categories according to their degree of attachment to an employer and the labor market. The criteria and cases for three of the six categories are listed in the tables below.

Employer 1 is the employer paying the highest quarterly wage, Employer 2 the second highest and Employer 3 the third. “Any” means no specific employer across quarters but an employer was present. “None” means no employer filling that spot. The letters A and B are specific employers across quarters. Criteria 3orMore was decided upon because the chance of simultaneous employment was considered to be high.

The three categories not listed below are One & Two Quarter Workers and Steady Worker/Different Employer. One and Two Quarter Workers are those individuals only working one or two quarter of the year. The Steady Worker/Different Employer category are those individuals working at least three quarters, but not fitting into one of the other categories.

Multiple Job Holders

2_consecutive Quarters => Worked 2 jobs in 2 consecutive quarters during the 6 quarters

		954	961	962	963	964	971
case 1	employer 1	any	any	any or none	any or none	any or none	any or none
	employer 2	any	any	any or none	any or none	any or none	any or none
case 2	employer 1	any or none	any	any	any or none	any or none	any or none
	employer 2	any or none	any	any	any or none	any or none	any or none
case 3	employer 1	any or none	any or none	any	any	any or none	any or none
	employer 2	any or none	any or none	any	any	any or none	any or none
case 4	employer 1	any or none	any or none	any or none	any	any	any or none
	employer 2	any or none	any or none	any or none	any	any	any or none
case 5	employer 1	any or none	any or none	any or none	any or none	any	any
	employer 2	any or none	any or none	any or none	any or none	any	any

3orMore => Worked 3 jobs in any quarter in the reference year

		961	962	963	964
case 1	employer 1	any	any or none	any or none	any or none
	employer 2	any	any or none	any or none	any or none
	employer 3	any	any or none	any or none	any or none
case 2	employer 1	any or none	any	any or none	any or none
	employer 2	any or none	any	any or none	any or none
	employer 3	any or none	any	any or none	any or none
case 3	employer 1	any or none	any or none	any	any or none
	employer 2	any or none	any or none	any	any or none
	employer 3	any or none	any or none	any	any or none
case 4	employer 1	any or none	any or none	any or none	any
	employer 2	any or none	any or none	any or none	any
	employer 3	any or none	any or none	any or none	any

Multiple Job Holders

3Qtrs => Had same primary employer for 3 qtrs & worked a 2nd job in the middle of the 3 qtrs.

		954	961	962	963	964	971
case 1	employer 1	a	a	a	any or none	any or none	any or none
	employer 2	any or none	b	any or none	any or none	any or none	any or none
case 2	employer 1	any or none	a	a	a	any or none	any or none
	employer 2	any or none	any or none	b	any or none	any or none	any or none
case 3	employer 1	any or none	any or none	a	a	a	any or none
	employer 2	any or none	any or none	any or none	b	any or none	any or none
case 4	employer 1	any or none	any or none	any or none	a	a	a
	employer 2	any or none	any or none	any or none	any or none	b	any or none

3Qtrs2 => Had the same employer for 3 consecutive qtrs and that employer is the secondary employer for the middle qtr and the primary employer for the first and last qtrs.

		954	961	962	963	964	971
case 1	employer 1	a	b	a	any or none	any or none	any or none
	employer 2	any or none	a	any or none	any or none	any or none	any or none
case 2	employer 1	any or none	a	b	a	any or none	any or none
	employer 2	any or none	any or none	a	any or none	any or none	any or none
case 3	employer 1	any or none	any or none	a	b	a	any or none
	employer 2	any or none	any or none	any or none	a	any or none	any or none
case 4	employer 1	any or none	any or none	any or none	a	b	a
	employer 2	any or none	any or none	any or none	any or none	a	any or none

Job Changers

Had 1 qtr in the reference year with 2nd job such as

		954	961	962	963	964	971
case 1	employer 1	a	a or b	b			
	employer 2	none	a or b	none			
case 2	employer 1		a	a or b	b		
	employer 2		none	a or b	none		
case 3	employer 1			a	a or b	b	
	employer 2			none	a or b	none	
case 4	employer 1				a	a or b	b
	employer 2				none	a or b	none

Met one of the following conditions

		961	962	963	964
case 1	employer 1	a	b	b	b
	employer 2	none	none	none	none
case 2	employer 1	a	a	b	b
	employer 2	none	none	none	none
case 3	employer 1	a	a	a	b
	employer 2	none	none	none	none
case 4	employer 1	a	none	b	b
	employer 2	none	none	none	none
case 5	employer 1	a	a	none	b
	employer 2	none	none	none	none

Steady Workers

Same Employer

Met one of the following conditions

		961	962	963	964
case 1	employer 1	a	a	a	a
	employer 2	none	none	none	none
case 2	employer 1	none	a	a	a
	employer 2	none	none	none	none
case 3	employer 1	a	none	a	a
	employer 2	none	none	none	none
case 4	employer 1	a	a	none	a
	employer 2	none	none	none	none
case 5	employer 1	a	a	a	none
	employer 2	none	none	none	none

.After 5 Days Return to:
Wyoming Department of Employment
Employment Resources Division
Research & Planning
P.O. Box 2760
Casper, WY 82602

Official Business
Penalty for Private Use \$300

