

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1409**

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**Introduced by Senator Morrell**

February 19, 2016

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An act to add Division 6.5 (commencing with Section 13500) to the Unemployment Insurance Code, relating to employment administration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1409, as amended, Morrell. Employment Development Department: administration: social security numbers: report.

Existing law requires the Employment Development Department within the Labor and Workforce Development Agency to administer various programs, including the state unemployment and disability compensation programs, and perform duties relating to income tax withholding, which require the furnishment of social security numbers of employees or other individuals.

This bill would require, if the department discovers that more than one individual is using a social security number, the department to determine which user is legally issued that number within 60 days of discovery, and to provide a notification *to the individual who is determined to be legally issued that social security number that a duplicate attempt was made to use that number and a notification* containing specified information to the other users of that number within 30 days of making that determination. This bill would also require the department to keep a record of those numbers and dates of discoveries and notices, as specified, and would require the department to submit a report to the Legislature on or before January 1, 2018, and annually thereafter regarding that record, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 6.5 (commencing with Section 13500)  
2 is added to the Unemployment Insurance Code, to read:

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4 DIVISION 6.5. ADDITIONAL DUTIES OF THE  
5 EMPLOYMENT DEVELOPMENT DEPARTMENT

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7 CHAPTER 1. DUPLICATE USE OF SOCIAL SECURITY NUMBERS

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9 13500. (a) If the Employment Development Department  
10 discovers that more than one individual is using a social security  
11 number, the department shall determine which user is the individual  
12 legally issued that social security number within 60 days of that  
13 discovery.

14 (b) (1) *Within 30 days of a determination made pursuant to*  
15 *subdivision (a), the department shall notify the individual who is*  
16 *determined to be legally issued that social security number that a*  
17 *duplicate attempt was made to use his or her social security*  
18 *number.*

19 ~~(b)~~

20 (2) Within 30 days of a determination made pursuant to  
21 subdivision (a), the department shall notify the ~~nonlegal~~ user or  
22 users of that social security number who are not the individual  
23 legally issued that social security number that they must cease and  
24 desist in using that social security number and that willful use of  
25 that social security number after receipt of the notification may  
26 violate state law. Additionally, the department shall notify that  
27 user that he or she can obtain a social security number from the  
28 Social Security Administration to continue to pursue benefits he  
29 or she may be legally entitled.

30 (c) The Director of the Employment Development Department  
31 shall keep a record of social security numbers that have been used  
32 by more than one individual, the date of discovery of duplicate  
33 use, the date a notice was issued pursuant to *paragraph (2) of*  
34 *subdivision (b)*, and any further discoveries by the department of  
35 additional uses of that social security number by more than one

1 user after a notice was issued. That list shall be updated every six  
2 months.

3 (d) (1) The department shall submit a report to the Legislature  
4 on or before January 1, 2018, and on or before January 1 each year  
5 thereafter that contains the information in the record described in  
6 subdivision (c), except that social security numbers shall be  
7 redacted.

8 (2) A report to be submitted pursuant to paragraph (1) shall be  
9 submitted in compliance with Section 9795 of the Government  
10 Code.

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