

Introduced by

Representative Keiser

1 A BILL for an Act to amend and reenact sections 14-02.4-21 and 34-05-03 of the North Dakota  
2 Century Code, relating to records and information furnished to the labor commissioner.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-02.4-21 of the 1995 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **14-02.4-21. Optional mediation by department of labor - Relief - Appeals -**  
7 **Records exempt.** The department of labor may receive complaints of discriminating  
8 employment practices under this chapter and may investigate the complaints to determine if  
9 there is probable cause to believe the complaint is meritorious and, if so, attempt to obtain  
10 voluntary compliance with this chapter's employment requirements through informal advice,  
11 negotiation, or conciliation. This chapter does not prohibit a person from filing, or require a  
12 person to file, a complaint with the department of labor before using the provisions of this  
13 chapter. A complaint received and information obtained during any investigation conducted  
14 under this section are exempt from section 44-04-18 before the institution of any judicial  
15 proceedings under this chapter. The commissioner may disclose to the complainant or the  
16 respondent, or attorneys for the complainant or respondent, information obtained under this  
17 section if deemed necessary by the commissioner for securing an appropriate resolution of a  
18 complaint. Any record or information held by the department of labor pursuant to an agreement  
19 with any federal agency for the enforcement of fair employment practices is exempt from  
20 section 44-04-18, and the department of labor may disclose to federal officials information  
21 obtained under this section if appropriate to carry out the enforcement of fair employment  
22 practices pursuant to the agreement. The department of labor may not disclose anything said  
23 or done as part of the informal negotiation or conciliation efforts under this section.

1           **SECTION 2. AMENDMENT.** Section 34-05-03 of the 1995 Supplement to the North  
2 Dakota Century Code is amended and reenacted as follows:

3           **34-05-03. Officials and employers to furnish certain information - Records -**

4           **Penalty.** All public officers and all employers shall furnish to the commissioner of labor such  
5 information as the commissioner may request relating to their respective offices or businesses.

6 ~~The information obtained must be preserved, systemized, and tabulated by the commissioner.~~

7 ~~Information concerning the business or affairs of any person may not be divulged or made~~  
8 ~~public by the commissioner or anyone in the employ of the commissioner's office; provided, that~~

9 ~~the~~ Any information collected, records, and determinations made under chapter 34-14,

10 information collected under this section from private employers, and information collected under

11 section 34-06-02 from private employers are exempt from section 44-04-18. The commissioner

12 shall disclose information collected, records, and determinations made to the parties to an

13 investigation under chapter 34-14. When the commissioner enforces collection of a wage claim

14 by judicial action or forwards records, information, or determinations to another state or country

15 for enforcement as authorized under chapter 34-14, the information collected, records, and

16 determinations made under chapter 34-14 are open records. The commissioner may publish

17 aggregate employment-related statistics. The commissioner may provide a list of the names

18 and addresses of employers to other agencies or to a private entity for the purpose of jointly

19 publishing or distributing publications or other information as provided in section 54-06-04.3.

20 Any information so provided may only be used for the purpose of jointly publishing or

21 distributing publications or other information as provided in section 54-06-04.3. Any officer, ~~any~~

22 employer, ~~and any~~ or operator or manager of any establishment wherein persons are

23 employed, who fails or refuses to furnish the commissioner with the information requested

24 under the provisions of this section, is guilty of a class B misdemeanor. ~~No prosecution may be~~

25 ~~commenced for a violation of the provisions of this section relating to the furnishing of~~

26 ~~information until a second blank has been mailed to the defaulting officer or employer and that~~

27 ~~person has been given twenty days to complete and return the same.~~