

SENATE BILL NO. 2185

Introduced by

Senators Fiebiger, Lyson, Olafson

Representatives DeKrey, Koppelman, Schneider

1 A BILL for an Act to amend and reenact section 14-02.4-21 of the North Dakota Century Code,
2 relating to requirements of the labor department regarding discriminatory complaints.

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

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

6 **14-02.4-21. Records exempt - Exception.**

7 1. A complaint filed with the department under this chapter is an open record.
8 Information obtained during an investigation conducted by the department under
9 this chapter is exempt from section 44-04-18 before the institution of any judicial
10 proceedings or administrative hearing relating to the complaint under this chapter
11 or before the administrative closure of a complaint by the department. The
12 department may disclose to the complainant or the respondent, or a representative
13 of the complainant or the respondent, information obtained during an investigation
14 if deemed necessary by the department for securing an appropriate resolution of a
15 complaint. The department may disclose information obtained during an
16 investigation to a federal agency if necessary for the processing of complaints
17 under an agreement with the agency. Individually identifiable health information
18 obtained during an investigation may not be disclosed by the department except to
19 a federal agency if necessary for the processing of complaints under an agreement
20 with the agency. Statements made or actions taken during conciliation efforts
21 relating to a complaint under this chapter may not be disclosed by the department,
22 except to a federal agency if necessary for the processing of complaints under an
23 agreement with the agency, and may not be used as evidence in a subsequent
24 proceeding under this chapter without the written consent of the parties to the

1 conciliation. A conciliation agreement is an open record unless the complainant
2 and respondent agree that it is not and the department determines that disclosure
3 is not necessary to further the purposes of this chapter. Investigative working
4 papers are exempt from section 44-04-18.

5 2. Notwithstanding subsection 1, the department:

6 a. Upon the filing of a complaint, shall provide a copy of the complaint to the
7 respondent; and

8 b. Upon the filing of the respondent's initial response to the complaint, shall
9 provide a copy of that initial response to the complainant.