

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2152

Introduced by

Senators Laffen, Hogue, Poolman

Representatives Kasper, Nathe, Delmore

1 A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota
2 Century Code, relating to public employment hiring practices and confidentiality of some
3 applications.

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

5 **SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Applications for public employment - Hiring process - Confidential records and open**
8 **records.**

9 If a public entity or any person delegated authority by a public entity to review applications
10 or make hiring decisions receives applications from three or more applicants who meet the
11 minimum qualifications for a vacant position, the public entity ~~must~~ or other person shall
12 designate three or more of the qualified applicants as finalists for further consideration before
13 the public entity or other person may issue an offer of employment to fill the position. However,
14 if the public entity or other person does not wish to consider any of the applications further and
15 decides not to make an offer of employment for the vacant position, the public entity need not
16 designate any finalist. The applications and any records related to the applications which
17 contain information that could reasonably be used to identify an applicant are confidential,
18 except records related to finalists are open to the public after the finalists are designated. The
19 public entity or other person reviewing applications on behalf of the public entity shall comply
20 with all requirements for an executive session to discuss confidential applications. If, by the
21 close of the application period for a vacant position, a public entity receives applications from
22 fewer than three applicants who meet the minimum qualifications, the applications and records
23 related to the applications are open to the public.