

**HOUSE BILL NO. 1246**

Introduced by

Representative Keiser

1 A BILL for an Act to create and enact a new section to chapter 54-44.3 of the North Dakota  
2 Century Code, relating to state employee claims of employment discrimination.

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

4 **SECTION 1.** A new section to chapter 54-44.3 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Discrimination grievance - Waiver - Access to records - Department of labor and**  
7 **human rights.**

- 8 1. As used in this section, the term "employer" means the employer of an employee who  
9 occupies a position in the classified service.
- 10 2. If an employer or the division receives a grievance filed by an employee claiming  
11 employment discrimination, the receiving entity shall inform the employee of the  
12 employee's right to:
- 13 a. Waive the employer's and division's grievance processes; and  
14 b. File a charge of employment discrimination with the department of labor and  
15 human rights and the federal equal employment opportunity commission.
- 16 3. At any time before an administrative hearing, an employee who files a grievance  
17 claiming employment discrimination may waive the employer's or division's or both the  
18 employer's and division's grievance processes, allowing the employee to pursue the  
19 next level of the grievance process, including bringing an action in the district court.
- 20 4. If an employee files a charge of employment discrimination with the department of  
21 labor and human rights or the federal equal employment opportunity commission, the  
22 state may not interfere with an investigation conducted as a result of such filing.
- 23 5. Notwithstanding section 44-04-18 or other law to the contrary, if an employee files a  
24 grievance claiming employment discrimination with the employer or the division, upon

- 1 request of the employee or the employee's representative the state shall provide at no
- 2 cost to the requester a copy of the records related to that investigation.