

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 2125

Short Title: Clarify OSHA Info.

(Public)

Sponsors: Representative Hensley.

Referred to: Business and Labor.

June 13, 1994

A BILL TO BE ENTITLED

AN ACT TO CLARIFY OSHA INSPECTION INFORMATION AND RELEASE OF WITNESS INFORMATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-136(e1) reads as rewritten:

"(e1) The names of witnesses or complainants, and any information within statements taken from witnesses or complainants during the course of inspections or investigations conducted pursuant to this Article that would name or otherwise identify the witnesses or complainants, shall not be released to any employer or third party. A witness or complainant may, however, sign a written release permitting the Commissioner to provide information specified in the release to any persons or entities designated in the release. Nothing in this section shall be construed to prohibit the use of the name or statement of a witness or complainant by the Commissioner or the Director, or their authorized agents, in enforcement proceedings or hearings held pursuant to this Article. Within five days preceding any scheduled evidentiary hearing before the Safety and Health Review Board, the Commissioner or the Director or their authorized agents may release to the employer, upon written request, the statement of a witness subpoenaed pursuant to G.S. 95-133 to testify at the scheduled hearing. The Commissioner may permit public officials in the performance of their public duties to the use of the names and statements of witnesses and complainants and information obtained during the course of inspections or investigations conducted pursuant to this Article Article. by public officials in the performance of their public duties."

Sec. 2. This act is effective upon ratification.