

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 504

Short Title: OSHA Record Protection.

(Public)

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Sponsors: Representatives Hensley and B. Miller (Co-sponsors).

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Referred to: Business and Labor.

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March 24, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY RECORD PROTECTION DURING ONGOING OSHA INVESTIGATIONS.

The General Assembly of North Carolina enacts:

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

"(e) The Commissioner is authorized to compile, analyze, and publish, in summary or detailed form, all reports or information obtained under this section. Files and other records relating to investigations and enforcement proceedings pursuant to this Article shall not be subject to inspection and examination as authorized by G.S. 132-6 while such investigations and proceedings are pending."

Sec. 2. G.S. 95-136 is amended by adding the following new subsection to read:

"(e1) Neither the name of nor anything said or done by any complainant or witness during the course of investigations or enforcement proceedings pursuant to this Article may be made available to any employer or third party by the Commissioner or the Commissioner's authorized representative or used as evidence in a subsequent proceeding under this Article without the written consent of the person or persons concerned. Such person or persons may sign a written release permitting the Commissioner to provide, either in person, by telephone, or by mail, information specified in the release to any person specified in the release or to any individual requesting such information if no individuals are specified in the release. However, nothing in this subsection prohibits the Commissioner or the Commissioner's authorized agent from obtaining the testimony of a witness under subsection (b) of this section."

Sec. 3. This act is effective upon ratification.