

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0049.01 Kristen Forrestal x4217

HOUSE BILL 16-1347

HOUSE SPONSORSHIP

Danielson,

SENATE SPONSORSHIP

Ulibarri,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE RELEASE OF INFORMATION CONCERNING AN
102 EMPLOYER'S VIOLATION OF WAGE LAWS BY THE DIVISION OF
103 LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law requires employers to release requested information to the division of labor in the department of labor and employment (division) and allows the division to have access to employers' premises and all books, records, and payrolls of employers. Current law also prohibits the release of any of this information obtained by the division

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

if the release of the information might reveal a trade secret. The bill clarifies that information obtained by the division that relates to a finding of a violation of wage laws by the division is not confidential and shall be released to the public or for use in a court proceeding, unless the director makes a determination that the information includes specific information that is a trade secret.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-1-115 (1)
3 as follows:

4 **8-1-115. Information not public - penalty for divulging.**

5 (1) (a) The information contained in the reports lawfully required to be
6 furnished by the employer in section 8-1-114, ~~such~~ other information as
7 ~~may be~~ furnished to the division by employers and employees in
8 pursuance of the provisions of this article, and ~~such~~ information obtained
9 through inspections or other proceedings of this article ~~which might~~
10 ~~reveal~~ THAT REVEALS a trade secret ~~shall be~~ IS for the exclusive use and
11 information of ~~said~~ THE division in the discharge of its official duties. The
12 director may treat and file the information or any part ~~thereof~~ OF THE
13 INFORMATION as confidential, and, when so treated or filed by the
14 director, the ~~same shall be considered to be~~ INFORMATION IS confidential,
15 ~~information~~ for the sole use of the division, and ~~shall not be~~ open to the
16 public nor TO be used in any court in any action or proceeding pending
17 therein unless the division is a party to ~~such~~ THE action or proceeding.
18 The court shall issue ~~such~~ orders as ~~may be~~ appropriate to protect the
19 confidentiality of trade secrets. The information contained in ~~this~~ A report
20 may be tabulated and published by the division in statistical form for the
21 use and information of other state departments and the public.

22 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1),

1 THE DIVISION SHALL TREAT THE INFORMATION FURNISHED BY THE
2 EMPLOYER PURSUANT TO SECTION 8-1-114 OR ANY OTHER INFORMATION
3 FURNISHED OR OBTAINED PURSUANT TO THIS ARTICLE THAT RELATES TO
4 A DETERMINATION OR FINDING BY THE DIVISION THAT AN EMPLOYER HAS
5 VIOLATED A WAGE LAW, INCLUDING A VIOLATION OF SECTION 8-4-111 (2)
6 (c), AS A PUBLIC RECORD AND SHALL RELEASE THE INFORMATION TO THE
7 PUBLIC UPON REQUEST PURSUANT TO THE "COLORADO OPEN RECORDS
8 ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., UNLESS THE DIRECTOR
9 MAKES A DETERMINATION THAT THE INFORMATION INCLUDES SPECIFIC
10 INFORMATION THAT IS A TRADE SECRET. BEFORE RELEASING ANY
11 INFORMATION RELATING TO THE VIOLATION OF A WAGE LAW, THE
12 DIRECTOR SHALL NOTIFY THE EMPLOYER OF THE POTENTIAL RELEASE OF
13 THE INFORMATION. THE EMPLOYER THEN HAS TEN DAYS TO PROVIDE THE
14 DIRECTOR WITH FURTHER DOCUMENTATION DEMONSTRATING THAT THE
15 INFORMATION, OR SPECIFIC MATTERS INCLUDED IN THE INFORMATION, IS
16 A TRADE SECRET. IF THE DIRECTOR, IN THE DIRECTOR'S DISCRETION,
17 DETERMINES THAT THE INFORMATION, OR ANY PORTION OF THE
18 INFORMATION, IS A TRADE SECRET, THE DIRECTOR SHALL TREAT THE
19 INFORMATION AS CONFIDENTIAL UNDER THIS SUBSECTION (1). FOR
20 PURPOSES OF THIS PARAGRAPH (b), "TRADE SECRET" HAS THE SAME
21 MEANING AS SET FORTH IN SECTION 7-74-102 (4), C.R.S.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.