A BILL FOR AN ACT

CONCERNING THE RELEASE OF INFORMATION CONCERNING AN EMPLOYER'S VIOLATION OF WAGE LAWS BY THE DIVISION OF 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...
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.

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

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

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

(1) (a) The information contained in the reports lawfully required to be furnished by the employer in section 8-1-114, such other information as may be furnished to the division by employers and employees in pursuance of the provisions of this article, and such information obtained through inspections or other proceedings of this article which might reveal that reveals a trade secret shall be for the exclusive use and information of said the division in the discharge of its official duties. The director may treat and file the information or any part thereof of the information as confidential, and, when so treated or filed by the director, the same shall be considered to be information for the sole use of the division, and shall not be open to the public nor to be used in any court in any action or proceeding pending therein unless the division is a party to such the action or proceeding. The court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets. The information contained in this a report may be tabulated and published by the division in statistical form for the use and information of other state departments and the public.

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

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