

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 44-04-18.27 of the North Dakota Century Code,
2 relating to applications for public employment.

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

4 **SECTION 1. AMENDMENT.** Section 44-04-18.27 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **44-04-18.27. Applications for public employment - Hiring process - Confidential**
7 **records and open records.**

8 If a public entity or any person delegated authority by a public entity to review applications
9 or make hiring decisions receives applications from three or more applicants who meet the
10 minimum qualifications for a vacant position, the public entity or other person shall designate
11 three or more of the qualified applicants as finalists for further consideration before the public
12 entity or other person may issue an offer of employment to fill the position. However, if the
13 public entity or other person does not wish to consider any of the applications further and
14 decides not to make an offer of employment for the vacant position, the public entity need not
15 designate any finalist. The applications and any records related to the applications which
16 contain information that could reasonably be used to identify an applicant are confidential,
17 except records related to finalists are open to the public after the finalists are designated. The
18 public entity or other person reviewing applications on behalf of the public entity shall comply
19 with all requirements for an executive session to discuss confidential applications. If, by the
20 close of the application period for a vacant position, a public entity receives applications from
21 fewer than three applicants who meet the minimum qualifications, the applications and records
22 related to the applications are open to the public, unless the public entity or other person
23 decides not to consider the applications further. Section 12.1-13-01 does not apply to
24 confidential records under this section.