

request hiring practice information. For example, if you have a sex discrimination claim and a woman is claiming that she has been discriminated against on the basis of sex, then the...after the charge is filed with the NEOC and they conduct their fact investigation, the practice for all the years has been to issue interrogatories and say, for example, how many women have you hired over the past 10 years? Can you tell me what their positions have been; what were their pay grade levels, just factual information. And always in the past that has been provided. Recently, however, a couple ingenious attorneys have said that because the word "complaint" is used instead of the word "charge" that the way the law reads they do not necessarily have to comply with providing the information requested in the interrogatories because they say technically a complaint is something you have to file with the court. It is like a federal court complaint or a, in state court we call it a petition. And it is not the charge that you file with the commission. As many of you know, when you file a charge the commission does a factual investigation before they determine whether reasonable cause exists to proceed with the case. The only change would be instead to make it clear you eliminate the word "complaint" and replace it with "charge" to put into statute what has always been the past practice of the NEOC with regard to their investigations. It is something that I suppose the NEOC could litigate, and I suspect they would probably win against these few lawyers who have recently said you don't have to provide the interrogatory information. But rather than have to go through a lawsuit and litigation in order to prove the thing, the simplest thought was that we would just strike the word "complaint", replace it with "charge", and that would make it absolutely clear that once a charge is filed, once the NEOC starts a factual investigation that they can request information about past hiring practices from the employer and, as in the past, the employer will just provide that factual information to them. So, for that reason, I would ask that the amendment be added at this time. Thank you.

SPEAKER BARRETT: Thank you. Any discussion on the motion to return? If not, the question is, shall the bill be returned to Select File? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to return the bill.