

Part 3 Enforcement

34-46-301 Investigations -- Complaints -- Sanctions -- Rulemaking.

- (1) The division may investigate an alleged violation of this chapter.
- (2)
 - (a) An individual claiming to be aggrieved by an action of an employer in violation of this chapter may file with the division a request for agency action.
 - (b) On receipt of a request for agency action under Subsection (2)(a), the division:
 - (i) shall conduct an adjudicative proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act; and
 - (ii) may attempt to reach a settlement between the parties through a settlement conference.
- (3)
 - (a) If the division determines that a violation has occurred, the division may order that the employer:
 - (i) cease and desist the action;
 - (ii) pay a fine to the division of up to \$500 for a violation, regardless of the number of applicants affected by the violation; or
 - (iii) comply with a combination of Subsections (3)(a)(i) and (ii).
 - (b) Money received under this section shall be deposited as a dedicated credit to the division to pay for the costs of administering this chapter.
- (4) The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding:
 - (a) the process to file a written complaint with the division; and
 - (b) the terms defined in Section 34-46-102.

Enacted by Chapter 174, 2009 General Session

34-46-302 Inspection of records by division.

- (1) A representative of the division may enter a place of employment during business hours to inspect a record as part of an investigation described in Section 34-46-301.
- (2) An effort of an employer to obstruct the division in the performance of its duties under this section is a violation of this chapter and subject to sanctions under Section 34-46-301.

Enacted by Chapter 174, 2009 General Session