

**Effective 5/12/2015**  
**Superseded 5/10/2016**  
**34A-5-104 Powers.**

- (1)
  - (a) The commission has jurisdiction over the subject of employment practices and discrimination made unlawful by this chapter.
  - (b) The commission may adopt, publish, amend, and rescind rules, consistent with, and for the enforcement of this chapter.
- (2) The division may:
  - (a) appoint and prescribe the duties of an investigator, other employee, or agent of the commission that the commission considers necessary for the enforcement of this chapter;
  - (b) receive, reject, investigate, and pass upon complaints alleging:
    - (i) discrimination in:
      - (A) employment;
      - (B) an apprenticeship program;
      - (C) an on-the-job training program; or
      - (D) a vocational school; or
    - (ii) the existence of a discriminatory or prohibited employment practice by:
      - (A) a person;
      - (B) an employer;
      - (C) an employment agency;
      - (D) a labor organization;
      - (E) an employee or member of an employment agency or labor organization;
      - (F) a joint apprenticeship committee; and
      - (G) a vocational school;
  - (c) investigate and study the existence, character, causes, and extent of discrimination in employment, apprenticeship programs, on-the-job training programs, and vocational schools in this state by:
    - (i) employers;
    - (ii) employment agencies;
    - (iii) labor organizations;
    - (iv) joint apprenticeship committees; and
    - (v) vocational schools;
  - (d) formulate plans for the elimination of discrimination by educational or other means;
  - (e) hold hearings upon complaint made against:
    - (i) a person;
    - (ii) an employer;
    - (iii) an employment agency;
    - (iv) a labor organization;
    - (v) an employee or member of an employment agency or labor organization;
    - (vi) a joint apprenticeship committee; or
    - (vii) a vocational school;
  - (f) issue publications and reports of investigations and research that:
    - (i) promote good will among the various racial, religious, and ethnic groups of the state; and
    - (ii) minimize or eliminate discrimination in employment because of race, color, sex, religion, national origin, age, disability, sexual orientation, or gender identity;
  - (g) prepare and transmit to the governor, at least once each year, reports describing:
    - (i) the division's proceedings, investigations, and hearings;

- (ii) the outcome of those hearings;
- (iii) decisions the division renders; and
- (iv) the other work performed by the division;
- (h) recommend policies to the governor, and submit recommendation to employers, employment agencies, and labor organizations to implement those policies;
- (i) recommend legislation to the governor that the division considers necessary concerning discrimination because of:
  - (i) race;
  - (ii) sex;
  - (iii) color;
  - (iv) national origin;
  - (v) religion;
  - (vi) age;
  - (vii) disability;
  - (viii) sexual orientation; or
  - (ix) gender identity; and
- (j) within the limits of appropriations made for its operation, cooperate with other agencies or organizations, both public and private, in the planning and conducting of educational programs designed to eliminate discriminatory practices prohibited under this chapter.
- (3) The division shall investigate an alleged discriminatory practice involving an officer or employee of state government if requested to do so by the Career Service Review Office.
- (4)
  - (a) In a hearing held under this chapter, the division may:
    - (i) subpoena witnesses and compel their attendance at the hearing;
    - (ii) administer oaths and take the testimony of a person under oath; and
    - (iii) compel a person to produce for examination a book, paper, or other information relating to the matters raised by the complaint.
  - (b) The division director or a hearing examiner appointed by the division director may conduct a hearing.
  - (c) If a witness fails or refuses to obey a subpoena issued by the division, the division may petition the district court to enforce the subpoena.
  - (d) If a witness asserts a privilege against self-incrimination, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.