

HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE
REPRESENTATIVE JONATHAN WARREY, CHAIR
January 15, 2025

NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1060

Chairman Warrey and members of the House Industry, Business and Labor Committee, I am Travis Engelhardt, Chief Human Resources Officer of the North Dakota Department of Corrections and Rehabilitation (DOCR). Today, I submit this verbal and written testimony in support of House Bill 1060, which proposes to add state correctional officers to the presumption clause for potential compensability for certain health conditions.

The bill adds state or DOCR correctional officers to the presumption clause that is already in place for full-time firefighters and law enforcement officers. In summary, the presumption clause states that any condition or impairment caused by lung or respiratory disease, hypertension, heart disease, or an exposure to a bloodborne pathogen occurring in the course of employment is presumed to have been suffered in the line of duty. Very briefly, there are certain conditions that must still be met for this to apply, such as, the presumption may be rebutted by clear and convincing evidence the condition or impairment is not work-related, the firefighter or law enforcement officer and hopefully soon correctional officer is not eligible for the benefit until at least five years of continuous service has successfully been completed (with one exception for cardiac events) and a medical examination fails to reveal any evidence of such a condition. Further, if correctional officers are added, the DOCR will be required to provide at no expense to the employee, a medical examination at time of employment and periodic examinations as detailed within current statute (One to ten years of service requires one exam every five years, 11-20 years of service, an exam every three years, and 20 or more years of service requires an exam every year). The DOCR currently provides these exams for all of our licensed peace officers or law enforcement who are covered by the presumption clause, so we

are aware of what needs to be done. Also, we already provide preemployment medical exams to correctional officers.

Simply put, the DOCR believes this to be a matter of fairness and parity, as correctional officers also work in dangerous environments that put their health at risk, just like firefighters and law enforcement officers. Correctional officers experience depression (25% vs. 7%), PTSD (27% vs. 4%), and suicide (7% vs. 5%) at much higher rates than the national population. DOCR correctional officers work hard and sacrifice to keep our communities safe every day by working in our state's prisons. Chairman Warrey and members of the House Industry, Business and Labor Committee, we ask that you support House Bill 1060 which adds state or DOCR correctional officers to the presumptive clause for potential compensability for certain health conditions in dangerous public safety jobs. I will stand for questions.