

Introduced by

Senator Holmberg

1 A BILL for an Act to amend and reenact section 34-11.1-04 of the North Dakota Century Code,  
2 relating to whistleblower protection for public employees.

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

4 **SECTION 1. AMENDMENT.** Section 34-11.1-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **34-11.1-04. Violations for misuse reported by employee - Reprisals prohibited -**  
7 **Furnishing false information - Labor department.**

- 8 1. An employee may, without fear of reprisal, report in writing to the employee's  
9 respective agency head, a state's attorney, the attorney general, or an employee  
10 organization the existence of:
  - 11 a. A job-related violation of local, state, or federal law, rule, regulation, or  
12 ordinance.
  - 13 b. The job-related misuse of public resources.
- 14 2. For having made a report under subsection 1, no employee will:
  - 15 a. Be dismissed from employment.
  - 16 b. Have salary increases or employment-related benefits withheld.
  - 17 c. Be transferred or reassigned.
  - 18 d. Be denied a promotion that the employee otherwise would have received.
  - 19 e. Be demoted.
  - 20 f. Be discriminated against in any term or condition of employment.
- 21 3. An employee who intentionally furnishes false information is subject to disciplinary  
22 action, including suspension or dismissal as determined by the employee's  
23 appointing authority or designee. An employee ~~dismissed under this subsection~~  
24 claiming reprisal under this section may appeal first to the ~~state personnel board~~

1           human resource management services division and then to the district court in the  
2           manner prescribed by chapter 28-32, or to other appropriate offices and then to  
3           district court if the employee is not under the jurisdiction of the ~~state personnel~~  
4           ~~board~~ human resource management services division.

5           4. The labor department shall receive complaints of violations of this section and may  
6           attempt to obtain voluntary compliance with this section through informal advice,  
7           negotiation, or conciliation. To receive assistance from the labor department, a  
8           person claiming to be aggrieved by a violation of this section shall file a complaint  
9           with the department within three hundred days after the alleged act of wrongdoing.  
10          An employee is not prohibited from filing, or required to file, a complaint with the  
11          labor department under this subsection before proceeding under other provisions  
12          of this section.

13          5. All permanent and temporary employees of the state may appeal claims of reprisal  
14          under this section in the manner prescribed for classified employees under chapter  
15          54-44.3. This subsection does not apply to appointed officials, members of state  
16          boards and commissions, employees under the jurisdiction of the state board of  
17          higher education, and the chief deputy and personal secretary of an elected  
18          official, unless the individual is employed in a classified position.