

**SENATE BILL NO. 2433**

Introduced by

Senator O'Connell

1 A BILL for an Act to amend and reenact subsection 4 of section 65-05.1-04 of the North Dakota  
2 Century Code, relating to work searches by disabled workers.

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

4 **SECTION 1. AMENDMENT.** Subsection 4 of section 65-05.1-04 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 4. If ~~the first~~ an appropriate rehabilitation option under subsection 4 of section  
7 65-05.1-01 is ~~return to the same, modified, or alternative occupation, or return to~~  
8 ~~an occupation that is suited to the employee's education, experience, and~~  
9 ~~marketable skills~~ selected, the employee is responsible to make a good-faith work  
10 trial or work search. If the employee fails to perform a good-faith work trial, the  
11 organization may not pay additional disability benefits unless the employee meets  
12 the criteria for reapplying for benefits required under subsection 1 of section  
13 65-05-08. If the employee meets the burden of proving that the employee made a  
14 good-faith work trial or work search and that the work trial or work search was  
15 unsuccessful due to the injury, the organization shall reevaluate the employee's  
16 vocational rehabilitation claim. The organization shall contact the employee by  
17 regular mail within six months after selecting a rehabilitation option to determine if  
18 the employee has returned to substantial gainful employment. If the employee  
19 notifies the organization that there has been no return to substantial gainful  
20 employment and if the employee asserts that there has been a good-faith work trial  
21 or unsuccessful work search due to the injury, the organization shall provide the  
22 employee with an application for renewed disability benefits.