

HOUSE BILL NO. 1212

Introduced by

Representatives Delmore, P. Anderson, Hawken, Oversen

Senators Grabinger, Luick

1 A BILL for an Act to amend and reenact paragraph 3 of subdivision b of subsection 2 of section
2 52-04-07 and subdivision j of subsection 1 of section 52-06-02 of the North Dakota Century
3 Code, relating to eligibility for unemployment compensation benefits for victims of stalking.

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

5 **SECTION 1. AMENDMENT.** Paragraph 3 of subdivision b of subsection 2 of section
6 52-04-07 of the North Dakota Century Code is amended and reenacted as follows:

7 (3) Was separated from employment with the most recent employer for reasons
8 directly attributable to domestic violence, stalking, or sexual assault.

9 **SECTION 2. AMENDMENT.** Subdivision j of subsection 1 of section 52-06-02 of the North
10 Dakota Century Code is amended and reenacted as follows:

11 j. (1) This subsection does not apply if the reason for separation from the
12 individual's employment is directly attributable to domestic violence,
13 stalking, or sexual assault that is verified by documentation submitted to job
14 service North Dakota which substantiates the individual's reason for
15 separation from the most recent employment and such continued
16 employment would jeopardize the safety of the individual or of the
17 individual's spouse, parent, or minor child. After receiving a claim for
18 unemployment insurance benefits for which the individual identifies
19 domestic violence, stalking, or sexual assault as the reason for separation,
20 job service North Dakota shall notify the most recent employer of the reason
21 for separation provided by the individual.

22 (2) For purposes of this subdivision, documentation of domestic violence or
23 sexual assault includes:

- 1 (a) A court order, protection order, restraining order, or other record filed
2 with a court;
3 (b) A police or law enforcement record;
4 (c) A medical record indicating domestic violence or sexual assault; or
5 (d) A written affidavit provided by an individual who has assisted the
6 claimant in dealing with the domestic violence, ~~stalking~~, or sexual
7 assault and who is a:
8 [1] Licensed counselor;
9 [2] Licensed social worker;
10 [3] Member of the clergy;
11 [4] Director or domestic violence advocate at a domestic violence
12 sexual assault organization as defined in section 14-07.1-01; or
13 [5] Licensed attorney.

14 (3) For purposes of this subdivision, documentation of stalking must include:

15 (a) A police or law enforcement record; and

16 (b) A written affidavit provided by an individual who has assisted the
17 claimant in dealing with the stalking and who is a:

18 [1] Licensed counselor;

19 [2] Licensed social worker;

20 [3] Member of the clergy;

21 [4] Director of domestic violence advocate at a domestic violence
22 sexual assault organization as defined in section 14-07.1-01; or

23 [5] Licensed attorney

24 (4) Documentation must be received by job service North Dakota within
25 fourteen calendar days from the date the individual files a claim for
26 unemployment insurance benefits after separating from employment for
27 reasons directly attributable to domestic violence, ~~stalking~~, or sexual
28 assault.

29 ~~(4)~~(5) A false statement of domestic violence, ~~stalking~~, or sexual assault in a claim
30 for unemployment insurance benefits is subject to subsection 8 and section
31 52-06-40.