

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1463

Introduced by

Representatives Muscha, Beadle, Mitskog, Mooney, Oversen, Schneider, Toman, Wallman
Senators Dotzenrod, Oban

1 A BILL for an Act to amend and reenact section 14-02.4-03 of the North Dakota Century Code,
2 relating to reasonable accommodations in the workplace for pregnancy.

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

4 **SECTION 1. AMENDMENT.** Section 14-02.4-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-02.4-03. Employer's discriminatory practices.**

- 7 1. It is a discriminatory practice for an employer to fail or refuse to hire a ~~person~~an
8 individual; to discharge an employee; or to accord adverse or unequal treatment to a
9 ~~person~~an individual or employee with respect to application, hiring, training,
10 apprenticeship, tenure, promotion, upgrading, compensation, layoff, or a term,
11 privilege, or condition of employment, because of race, color, religion, sex, national
12 origin, age, physical or mental disability, status with respect to marriage or public
13 assistance, or participation in lawful activity off the employer's premises during
14 nonworking hours which is not in direct conflict with the essential business-related
15 interests of the employer.
- 16 2. It is a discriminatory practice for an employer to fail or refuse to make reasonable
17 accommodations for an otherwise qualified ~~person~~individual with a physical or mental
18 disability, ~~because that individual is pregnant~~, or because of that ~~person's~~individual's
19 religion. An employer is not required to provide an accommodation that would disrupt
20 or interfere with the employer's normal business operations; threaten an individual's
21 health or safety; contradict a business necessity of the employer; or impose an undue
22 hardship on the employer, taking into consideration the size of the employer's
23 business, the type of business, the financial resources of the employer, and the
24 estimated cost and extent of the accommodation.

1 3. This chapter does not prohibit compulsory retirement of any employee who has
2 attained sixty-five years of age, but not seventy years of age, and who, for the
3 two-year period immediately before retirement, is employed in a bona fide executive or
4 high policymaking position, if the employee is entitled to an immediate nonforfeiture
5 annual retirement benefit from a pension, profit-sharing, savings, or deferred
6 compensation plan, or any combination of those plans, of the employer of the
7 employee, which equal, in the aggregate, at least forty-four thousand dollars.