

HOUSE BILL NO. 1470

Introduced by

Representatives Mock, P. Anderson, Hatlestad, Keiser, D. Ruby, Strinden

Senators Bekkedahl, Davison, Kreun, Oban, Vedaa

1 A BILL for an Act to amend and reenact sections 54-52.4-02, 54-52.4-03, and 54-52.4-04 of the
2 North Dakota Century Code, relating to family leave for state employees.

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

4 **SECTION 1. AMENDMENT.** Section 54-52.4-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-52.4-02. Family leave.**

7 1. An employer shall grant an employee's request for a family leave of absence for any of
8 the following reasons:

9 a. To care for the employee's child by birth, if the leave concludes within twelve
10 months of the child's birth.

11 b. To care for a child placed with the employee, by a child-placing agency licensed
12 under chapter 50-12, for adoption or as a precondition to adoption under section
13 14-15-12, but not both, or for foster care, if the leave concludes within twelve
14 months of the child's placement.

15 c. To care for the employee's child, spouse, or parent if the child, spouse, or parent
16 has a serious health condition.

17 d. Because of the employee's serious health condition that makes the employee
18 unable to perform the functions of the employee's job.

19 e. Because of the death of the employee's child, if the leave concludes within six
20 months of the child's death.

21 2. ~~For~~Except as otherwise provided under this section, for any combination of reasons
22 specified in subsection 1, an employee may take family leave in any twelve-month
23 period for not more than twelve workweeks. The twelve weeks of family leave may be
24 taken intermittently for leave under ~~subdivisions~~subdivision a or b of subsection 1 if

1 approved by the employer. The twelve weeks of family leave may be taken
2 intermittently for leave under ~~subdivisions~~subdivision c or d of subsection 1 if the leave
3 is medically necessary. The twelve weeks of family leave taken under subdivision e of
4 subsection 1 may be taken intermittently if approved by the employer. If an employee
5 normally works a part-time schedule or variable hours, the amount of leave to which
6 an employee is entitled must be determined on a pro rata or proportional basis by
7 comparing the new schedule with the employee's normal schedule.

8 3. In any case in which ~~a husband and wife~~two employees married to each other are
9 entitled to family leave under this chapter are employed by the same employer, the
10 aggregate period of family leave to which both are entitled may be limited by the
11 employer to twelve workweeks during any twelve-month period.

12 4. An employee shall reasonably shall consider the needs of the employer in scheduling
13 family leave under this section or in using leave under section 54-52.4-03.

14 5. The family leave required by this chapter is not required to be granted with pay unless
15 otherwise specified by agreement between the employer and employee, by collective
16 bargaining agreement, or by employer policy.

17 6. The family leave required by this chapter supplements any leave otherwise available
18 to an employee.

19 **SECTION 2. AMENDMENT.** Section 54-52.4-03 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **54-52.4-03. Use of other available leave for bereavement of child or care of parent,**
22 **spouse, or child.**

23 An employer that provides leave for its employees for illnesses or other medical or health
24 reasons shall grant an employee's request to use that leave ~~to care for the employee's child,~~
25 ~~spouse, or parent if the child, spouse, or parent has a serious health condition~~for the purposes
26 authorized under subsection 1 of section 54-52.4-02. ~~An~~Except as otherwise provided under
27 this section, an employee may take no more than four hundred eighty hours of leave under this
28 section in any twelve-month period. Any leave for bereavement must be taken within six months
29 following the death of the child. The employer shall compensate the employee for leave used by
30 the employee under this section on the same basis as the employee would be compensated if
31 the leave had been taken due to the employee's own illness or other medical or health reason.

1 **SECTION 3. AMENDMENT.** Section 54-52.4-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-52.4-04. Notice to employer.**

- 4 1. If an employee intends to ~~request~~take family leave for the reasons specified in
5 subdivision a or b of subsection 1 of section 54-52.4-02, the employee, in a
6 reasonable and practicable manner, shall give the employer advance notice of the
7 expected birth or placement.
- 8 2. If an employee intends to take family leave for the reasons specified in subdivision c or
9 d of subsection 1 of section 54-52.4-02, the employee shall:
- 10 a. Make a reasonable effort to schedule the planned care or treatment so ~~that it~~the
11 leave does not unduly disrupt the employer's operations, subject to the approval
12 of the health care provider to the child, spouse, parent, or employee; and
- 13 b. Give the employer advance notice of the planned care or treatment in a
14 reasonable and practicable manner.
- 15 3. If an employee intends to take family leave for the reason specified in subdivision e of
16 subsection 1 of section 54-52.4-02, the employee shall make a reasonable effort to
17 schedule the leave so the leave does not unduly disrupt the employer's operations
18 and, as appropriate, give the employer advance notice of the leave in a reasonable
19 and practicable manner.