



North Dakota House of Representatives

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Representative
Josh Boschée
District 44
517 First Street North
Fargo, ND 58102-4540
C: 701-367-3513
jboschee@nd.gov
Minority Leader

January 18, 2020

HB 1262 Testimony House Industry, Business and Labor Committee

Good afternoon Chair Lefor and members of the House IBL Committee.

House Bill 1262 adds the reporting of workplace safety concerns related to a declared public health emergency to the state's existing "whistleblower" statute. The purpose of which is to provide North Dakota's workforce assurances that if their employer is not adhering to or enforcing public health safety protocols, the employee(s) cannot be retaliated against for filing a report to the appropriate entity.

Throughout the ongoing COVID-19 public health emergency, we have seen the vast majority of our employers and employees work together to ensure safe worksites, while continuing to meet the employer's mission. There are lessons being learned as we balance keeping our economy open with keeping workers and our communities safe and healthy. By providing workers whistleblower protection, we can help keep workers safe, healthy and reduce the financial burden to taxpayers and insurance premium payers. There may be employers who choose not to do what is asked of them to protect workers' health and the health of our communities. In those rare events, we need to hear from employees who know firsthand the risks being taken.

Section two of the HB 1262 on page three holds employees accountable if they intentionally provide a false report of a public health safety concern.

HB 1262 adds a strong balance to the conversation the 67th Legislative Assembly will have regarding employer liability related to public health emergencies. If we decide to reduce liability for employers, then we should ensure the protection of employees who can be helpful in identifying employers who are not doing what they can to minimize risk to workers and our communities.

Mr. Chairman, I am handing out an amendment for page 2, line 6 of the bill that I am asking the committee to adopt related to the protective gear issued to first responders. A fire and police chief within the state requested the additional assurances.

I appreciate the committee's consideration of this legislation and hope that you can assist in developing a solution.

I will try my best to answer any questions committee members may have.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1262

Page 2, line 6, after the underscored period insert "This subdivision does not authorize a peace officer or firefighter to use personal safety equipment instead of employer-issued safety equipment."

Renumber accordingly