



North Dakota House of Representatives

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COMMITTEES:

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Mr. Chairman and members of the committee,

My name is Matt Heilman, and I am here to testify in favor of HB 1608. I am a state representative from North Dakota's seventh legislative district.

This bill states that an employer may not deny an employee leave of rest or worship on a Sunday or a day the employee recognizes as a religious holiday. The last section of the bill does provide protection for the employer, giving balance to both the employee and the employer.

This has been a real problem I've experienced firsthand, and I know others have as well. Sometimes employees are just pressured into working on days they don't want to. To help fill the workforce shortage, we need policies that are worker friendly.

This bill is aligned with the unanimous Supreme Court ruling, *Groff v. DeJoy*, from June of 2023. The ruling clarified the standard for "undue hardship." Gerald Groff was a postal worker who refused to work on Sundays due to his religion. This led to disciplinary action and his eventual resignation from the U.S. Postal Service.

Prior to this ruling, lower courts interpreted "undue hardship" based on the 1977 *Trans World Airlines Inc. v. Hardison* case, which set a "more than de minimis cost" standard. Meaning, employers could deny religious accommodation if they posed any more than a minimal burden. In the recent unanimous decision, Justice Alito clarified that "undue hardship" must mean a "substantial increased cost" in relation to the conduct of the employer's business.

Mr. Chairman and members of the committee, I will stand for any questions.