CHAPTER 34-11.1
PUBLIC EMPLOYEES RELATIONS ACT

34-11.1-01. Definitions.

In this chapter unless the context otherwise requires:

1. "Agency" means any department, institution, board, or other similar body of state government, or any political subdivision within the state.
2. "Appointing authority" means the individuals in any agency who have authority to fill job vacancies.
3. "Employee" means any person, whether employed, appointed, or under contract, providing services for the state, county, city, or other political subdivision, for which compensation is paid. "Employee" also includes a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision. "Employee" does not include:
   a. A person elected to public office in the state or in a political subdivision.
   b. A member of the legislative council.
   c. A person holding an appointive statutory office.
   d. One deputy or principal assistant for each elected official or appointive statutory official.
   e. One secretary for each elected or appointive statutory official.
   f. All members of the governor's staff.
4. "Organization" means any organized group of individuals working together for the common good of public employees and government.

34-11.1-02. Political activities.

Except when on duty or acting in an official capacity and except as otherwise provided by state or federal law, no employee may be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

34-11.1-03. Membership in organizations.

No employee may be denied the right to be a member of an organization of employees or be intimidated or coerced in a decision to communicate or affiliate with an organization. Public employees have the right to request payroll deduction of dues for membership in an organization of employees.

34-11.1-04. Violations for misuse reported by employee - Reprisals prohibited - Furnishing false information - Department of labor and human rights.

1. An employee, without fear of reprisal, may report in writing to the employee's respective agency head, a state's attorney, the attorney general, the state auditor, or an employee organization the existence of:
   a. A job-related violation of local, state, or federal law, rule, regulation, or ordinance.
   b. The job-related misuse of public resources.
2. For having made a report under subsection 1, no employee will:
   a. Be dismissed from employment.
   b. Have salary increases or employment-related benefits withheld.
   c. Be transferred or reassigned.
   d. Be denied a promotion that the employee otherwise would have received.
   e. Be demoted.
   f. Be discriminated against in any term or condition of employment.
3. An employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal as determined by the employee's appointing authority or designee. An employee claiming reprisal under this section may appeal first to the human resource management services division and then to the district court in the manner prescribed by chapter 28-32, or to other appropriate offices and then to

district court if the employee is not under the jurisdiction of the human resource management services division.

4. The department of labor and human rights shall receive complaints of violations of this section and may attempt to obtain voluntary compliance with this section through informal advice, negotiation, or conciliation. To receive assistance from the department of labor and human rights, a person claiming to be aggrieved by a violation of this section shall file a complaint with the department within three hundred days after the alleged act of wrongdoing. An employee is not prohibited from filing, or required to file, a complaint with the department of labor and human rights under this subsection before proceeding under other provisions of this section.
5. An employee of the state may appeal a claim of reprisal under this section in the manner prescribed for a classified employee under chapter 54-44.3. This subsection does not apply to an employee under the jurisdiction of the state board of higher education or the judicial branch of government.

34-11.1-04.1. Discrimination on basis of marital status in state employment prohibited - Exception.

Each state employee is, if otherwise qualified, entitled to work with that state employee's spouse. A state agency may not discriminate against an employee or an applicant for employment, with respect to working conditions, workplace assignment, or other privileges of employment, merely because the spouse of that employee or applicant is also an employee of that state agency. Compliance with section 44-04-09 is not discrimination under this section.

34-11.1-04.2. Employee representation at grievance proceeding.

An employee who is a party to a work-related grievance proceeding may be accompanied, advised, and represented throughout the proceeding by another employee or by a representative chosen by the employee involved in the proceeding.

34-11.1-05. Prohibited acts.

No agency, appointing authority, organization, or employee may directly or indirectly:

1. Require or coerce any agency employee to participate in any way in any activity or undertaking unless the activity or undertaking is related to the performance of official duties.
2. Require or coerce any agency employee to make any report concerning any activities or undertaking unless the activity or undertaking is related to the performance of official duties.
3. Require any agency employee to invest or contribute earnings in any manner or for any purpose, except for participation in the employees retirement program.
4. Restrict or attempt to restrict after-working-hour statements, pronouncements, or other activities of any agency employee not otherwise prohibited by law which pertains to matters of public concern, if the employee does not purport to speak or act in an official capacity.
5. Restrict or attempt to restrict access of any employee to any member or committee of the legislative assembly.

34-11.1-06. Penalties or threats prohibited.

No employee may suffer a penalty or the threat of a penalty because that employee exercised rights under this chapter.

34-11.1-07. Other rights or legal remedies unimpaired.

Nothing in this chapter disparages, impairs, or limits any other right or legal remedy of an employee.

34-11.1-08. Penalty.

A violation of the provisions in this chapter is a class B misdemeanor.