

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1302

2005 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1302

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1302**

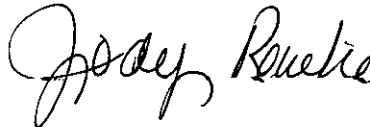
**House Industry, Business and Labor Committee**

Conference Committee

Hearing Date 1-24-05

Tape Number	Side A	Side B	Meter #
1	X		11.9-end

Committee Clerk Signature



Minutes:

**Chairman Keiser** Opened the hearing on HB 1302.

**Representative Sandvig:** Appeared in support of HB 1302 and also was a sponsor. A woman is beaten every 9 seconds in this country and killed every 6 hours. (SEE ATTACHED TESTIMONY).

**Chairman Keiser:** This bills specifically deals with unemployment compensation for relocation is that correct?

**Representative Sandvig:** Not exactly, victims would be eligible for unemployment insurance.

**Bonnie Palecek:** Appeared on behalf of the ND council on abused women's services, and provided a written statement (SEE ATTACHED TESTIMONY) and is in support of bill. Every year we serve about 4,000 new victims of domestic violence every year. The hardest population to transition off welfare benefits are persons of personal violence, particularly victims of sexual violence have a really hard time managing in the work system. There is a 60 month life time tap

Page 2

House IBL Committee

Bill/Resolution Number **HB 1302**

Hearing Date 1-24-05

on benefits, the name of the program now is Temporary Assistance to Needy Families, the emphasis being on "temporary". The bill that you have before is a concept that isn't new to us, and that has to do with receiving unemployment benefits, if there is a domestic violence situation.

**Dave Kemnitz, President, AFL-CIO:** Appeared in support of bill. This bill has been introduced before, the remedy prior to this was an addition to the human services project, but was short lived particularly the unemployment aspect.

**John Graham, Job Service, Unemployment Insurance Program:** Appeared neutral on bill and provided a written statement (SEE ATTACHED TESTIMONY).

Hearing closed.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1302

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 2-1-05

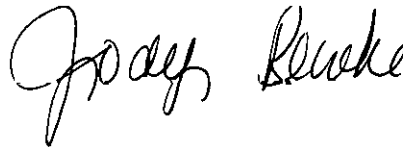
Tape Number  
3

Side A  
x

Side B

Meter #  
36.0-40.0

Committee Clerk Signature



Minutes:

**Chairman Keiser:** Re-opened the hearing on HB 1302.

**Representative Clark:** I MOVE a DO NOT PASS on HB 1302.

**Representative Vigesaa:** SECOND the DO NOT PASS motion.

Motion carried VOTE: 9-YES 3-NO 2-Absent (BOE & EKSTROM).

**Representative Clark will carry the bill on the floor.**

Hearing adjourned.

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/12/2005

Bill/Resolution No.: HB 1302

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$109,881	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This Bill would require modification of our Internet claimsfiling system to add eligibility questions about whether the claimant is impacted by domestic violence. The mainframe computer system would also have to be modified to create a field indicating domestic violence. The IVR telephonic weekly eligibility certification system would have to be reprogrammed to recognize that indicator and not ask the questions of that claimant about whether she/he was able, available, and seeking work. An estimate was received from ITD on the cost of those changes. That estimate was that three months effort would be needed, and that the cost would be \$109,881.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This Bill would neither increase nor decrease revenue to the agency. It will have a minimal impact on the Unemployment Insurance Trust Fund.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

This Bill would require an expenditure of \$109,881 to complete the programming to allow the handling of claims, and weekly eligibility certification, by claimants subject to a significant threat of domestic violence.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Job Service has no revenue source which might be appropriated to cover these costs. Increasing Job Service's appropriation to cover this expenditure would not be helpful, as there is no additional Federal revenue to fund the appropriation. Thus, we don't anticipate any change in the Agency's appropriation.



**Name:** John Graham  
**Phone Number:** 701-328-2843

**Agency:** Job Service  
**Date Prepared:** 01/17/2005



Date: 2-1-05

Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1302

House

INDUSTRY, BUSINESS AND LABOR

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Not Pass

Motion Made By

Rep. Clark

Seconded By

Rep. Vigasaa

Representatives	Yes	No	Representatives	Yes	No
G. Keiser-Chairman	X		Rep. B. Amerman		X
N. Johnson-Vice Chairman		X	Rep. T. Boe	A	A
Rep. D. Clark	X		Rep. M. Ekstrom	A	A
Rep. D. Dietrich	X		Rep. E. Thorpe		X
Rep. M. Dosch	X				
Rep. G. Froseth	X				
Rep. J. Kasper	X				
Rep. D. Nottestad	X				
Rep. D. Ruby	X				
Rep. D. Vigasaa	X				

Total (Yes) 9 No 3

Absent (2) Rep Boe & Rep. EKstrom

Floor Assignment Rep. Clark

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE (410)**  
February 2, 2005 6:55 a.m.

**Module No: HR-22-1628**  
**Carrier: Clark**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1302: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING).  
HB 1302 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

HB 1302

## **House Bill 1302**

**Chairman Keiser and Members of the Industry, Business and Labor Committee:**

**For the record I'm Representative Sally Sandvig from District 21 in Fargo and I'm here as the prime sponsor of House Bill 1302.**

**House Bill 1302 was introduced from a model piece of legislation that I received at a Women-in-Government conference. It had passed in the state of Indiana. It would allow victims of domestic violence to receive unemployment compensation. Our presenter, a legislator from Indiana, gave a very compelling presentation of how she herself had been a victim of domestic violence.**

**I have a couple of handouts for you. The second sheet of the first handout is from NCSL and shows what the other states have for laws concerning unemployment insurance for victims of domestic violence. The first sheet shows what states debated improvements or enacted reforms to their unemployment insurance process in 2003. The third sheet is some key domestic violence statistics.**

**A woman is beaten every 9 seconds in this country and killed every 6 hours. 50% of the homeless people are women and children. First responders and police officers receive very little training in this area.**

**I hope you will give this bill a lot of thought and consider it's passage.**

**Thank you.**

## Unemployment Insurance State Unemployment Insurance Laws for Victims of Domestic Violence

Currently seventeen states regulate the receipt of unemployment compensation by victims of domestic abuse. In California, Connecticut, New York, North Carolina, Nebraska, and Oregon domestic violence is considered good cause for leaving work. The majority of states listed below do not charge employer unemployment insurance accounts for compensation provided to victims of domestic abuse.

State	Citation	Year	Summary
California	UI Code §1030, 1032, 1256	1998	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
Colorado	§8-73-108	2000	In certain circumstances, domestic violence victims are eligible for full award of benefits, employer's account not charged
Connecticut	§31-236(a)(2)(A)	1999	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
Delaware	§3315(1)-19	2000	Includes leaving employment to protect one's self or family from domestic violence, or for reasons directly related to domestic violence among good cause, employer's account not charged
Hawaii	SB 931 Effective date 1/1/04	2004	Allows up to 30 days unpaid leave per calendar year for employers employing 50+ and up to 5 days unpaid leave per calendar year for employers employing less than 50 employees where employee or employee's minor child is victim of domestic violence
Maine	§1043(23)(B)(3)	1999	Excludes actions taken to protect self or immediate family member from domestic violence from the definition of misconduct, employer's account not charged
Massachusetts	§151A(1)	2001	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
Minnesota	§268.095	2001	Includes leaving employment to protect one's self or children from domestic violence among good cause
Montana	SB 180 Effective date 4/14/03	2003	Unemployment benefits extended to victims of domestic violence
Nebraska	§48-628(1)(a) §48-652 (3)(a)	2000	Includes voluntarily leaving employment for the necessary purpose of escaping abuse as good cause, employer's account not charged
New Hampshire	§282-A:32	1999	Allows for UI compensation for employees who leave work in order to escape domestic violence by relocating, or for employees who try to return to work after a change in circumstances and employer is unable to rehire
New Jersey	§43:21-5(j)	2000	In certain circumstances, domestic violence victims may not be denied benefits for voluntarily leaving employment, employer's account not charged

<b>New York</b>	Labor §593(1)(a)	1999	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
<b>North Carolina</b>	§96-14(1)(b)(1f)	1999	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
<b>Oregon</b>	§657.176(12)(b)(B)	2001	Allows victims of domestic violence to collect UI benefits if health, safety or welfare would be endangered at current or available workplaces
<b>Rhode Island</b>	§28-44-17.1	2000	In certain circumstances, domestic violence victims are eligible for full award of benefits
<b>Washington</b>	RCW 50.20.050(2)(d)	2002	Allows UI benefits for victims of domestic violence or stalking
<b>Wisconsin</b>	§108.04(7)(s)2.a	1999	In certain circumstances, domestic violence victims may not be denied benefits for voluntarily leaving work
<b>Wyoming</b>	§27-3-311	1999	Allows for UI compensation for employees forced to leave work due to documented domestic violence

\* Compiled by Katherine Lovelace for NCSL

For more information, please contact:

*National Council of State Legislatures*

# Ensure that Domestic Violence Survivors Access Benefits



## What is it?

Domestic violence follows its victims to work and can have an enormous impact on their ability to retain a job. Survivors of domestic violence who must leave their jobs because of the violence in their lives may be disqualified from receiving unemployment benefits if domestic violence is not considered good cause for leaving a job. Responding to this situation, some twenty-six states have enacted specific provisions in their UI laws in the past decade that provide benefits to those who must leave a job due to domestic violence or stalking.



## Key arguments in favor

**Nearly all employed domestic violence survivors experience work-related problems as a result of their abuse.** Ninety-six percent report some type of work-related problem due to the violence they suffer in their personal relationships. For example, a perpetrator may stalk a victim at her workplace—making harassing phone calls, waiting outside, or coming into the workplace and verbally or physically assaulting her. According to a series of studies, between 24 and 52 percent of domestic violence victims report that they lost a job due, at least in part, to domestic violence.

**Unemployment insurance (UI) is needed to help domestic violence survivors maintain safety from their abusers.** State UI laws can help battered women find and maintain safety for themselves and their children by requiring that job search requirements accommodate the safety concerns of domestic violence survivors.



## Key arguments against and responses to them

**Opponents say:** Providing UI to domestic violence or stalking victims is costly.

**Response:** There is considerable evidence demonstrating that the cost of providing unemployment insurance to victims of domestic violence has been insignificant (and much lower than opponents have frequently claimed). UI benefits are only available if domestic violence is the reason the victim had to leave a job. In Minnesota, for the twelve months from March 1, 2003 through February 19, 2004, there were 31 cases covered by its domestic violence unemployment law for a total cost of \$77,000. In New Hampshire in 2002, there were 13 domestic violence claimants who received about \$20,000 in UI benefits. North Carolina had 63 claims in 2002 (as of June, 2002), for a yearly cost of \$101,088. South Dakota just enacted its law in 2003. From July to December of that year, South Dakota paid four claims, totaling \$5400. In most states, benefits are not charged to an individual employer's account, but spread out among all of the employers in the state.

## State Choices

### 26 States Provide UI to DV Victims

Arizona  
California  
Colorado  
Connecticut  
Delaware  
District of Columbia  
Illinois  
Indiana  
Kansas  
Maine  
Massachusetts  
Minnesota  
Montana  
Nebraska  
New Hampshire  
New Jersey  
New Mexico  
New York  
North Carolina  
Oklahoma  
Oregon  
Rhode Island  
South Dakota  
Texas  
Washington  
Wisconsin  
Wyoming

**Opponents say:** It is inappropriate to use the UI fund for this purpose.

**Response:** The unemployment compensation system was designed in 1935 for workers who are attached to the labor force and who are unemployed through no fault of their own. Domestic violence victims who must leave work due to the violence fall within this purpose. Increased participation of women in the workforce as well as society's increased awareness and responsiveness to domestic violence requires that states update their good cause provisions to ensure that the purpose of UI can be fulfilled for domestic violence victims.

## Which states do it?

Twenty-six states and the District of Columbia explicitly provide UI benefits to women who lose their jobs as a result of domestic violence. The strongest provisions include stalking and sex offenses, provide flexible means by which individuals can prove violence, and "suitable work" rules that accommodate the specific needs of domestic violence victims. Washington State and Massachusetts provide good model laws for states to consider.

## Model legislation

(A) DEFINITIONS — In this section:

1. "Domestic violence" means abuse committed against an employee or an employee's dependent child by:

- a. A current or former spouse of the employee.
- b. A person with whom the employee shares parentage of a child in common.
- c. A person who is cohabitating with, or has cohabitated with, the employee.
- d. A person who is related by blood or marriage.
- e. A person with whom the employee has or had a dating or engagement relationship.

2. "Abuse" means:

- a. Causing, or attempting to cause, physical harm.
- b. Placing another person in fear of imminent serious physical harm.
- c. Causing another person to engage involuntarily in sexual relations by force, threat or duress, or threatening to do so.
- d. Engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror.
- e. Depriving another person of medical care, housing, food or other necessities of life.
- f. Restraining the liberty of another.

(B) ELIGIBILITY FOR UNEMPLOYMENT INSURANCE

1. An individual shall not be disqualified from receiving unemployment insurance benefits if the individual establishes to the satisfaction of the [director] that the reason the individual left work was

due to domestic violence, including stalking or a sex offense:

- a. The individual's reasonable fear of future violence at or en route to or from the individual's place of employment.
- b. The individual's need to relocate to another geographic area in order to avoid future violence.
- c. The individual's need to address the physical, psychological and legal impacts of violence.
- d. The individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of violence.
- e. Any other situation in which violence causes the individual to reasonably believe that termination of employment is necessary for the future safety of the individual or the individual's family.

2. An individual may demonstrate the existence of domestic violence, stalking or other sex offense by providing one of the following:

- a. A restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
- b. A police record documenting the abuse;
- c. Documentation that the abuser has been convicted of one or more of the offenses enumerated in [cite appropriate criminal law section];
- d. Medical documentation of the abuse;
- e. A statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or
- f. A sworn statement from the individual attesting to the abuse.

3. No evidence of violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the [State agency] unless consent for disclosure is given by the individual.

### (C) WORK SEARCH

Except for individuals who qualify for unemployment compensation benefits under [cite to section on violence victims and "good cause"], who shall register for work but who otherwise will not be required to actively seek work on a weekly basis.

For individuals who qualify for unemployment compensation benefits under [cite to section on violence victims and "good cause"] "suitable work" must reasonably accommodate the individual's need to address the physical, psychological, legal, and other effects of domestic violence, stalking or other sex offense.

Based on Massachusetts and Washington State laws.

## References

U.S. GENERAL ACCOUNTING OFFICE, DOMESTIC VIOLENCE: PREVALENCE AND IMPLICATIONS FOR EMPLOYMENT AMONG WELFARE RECIPIENTS 19 (1998).  
Richard W. McHugh, Robin R. Runge, Rebecca Smith, Employment Law Center & Legal Aid Society, UNEMPLOYMENT INSURANCE AND DOMESTIC VIOLENCE: LEARNING FROM OUR EXPERIENCES, NATIONAL EMPLOYMENT LAW PROJECT (2002).

*Violence against Women State Law Fact Sheet - Unemployment Insurance*, LEGAL MOMENTUM, available at <http://www.legalmomentum.org/issues/vio/laws-ui.shtml>.



**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES  
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Testimony on HB 1302  
House Industry, Business and Labor  
January 24, 2005

Chair Keiser and Members of the Committee:

My name is Bonnie Palecek, and I am speaking this morning on behalf of the ND Council on Abused Women's Services. I speak in support of HB 1302.

A primary goal of the 19 community based agencies which comprise the membership of the ND Council on Abused Women's Services is to facilitate a transition from unhealthy emotionally and financially dependent relationships to a self-sufficient independence which will allow victims of domestic violence to enter future relationships and the workforce with integrity.

A long standing tool to accomplish independence has been our so-called "welfare" system. It was a lifeline for many battered women who left battering relationships with children and sought to create healthier lives for their families. As we all know, "welfare as we know it" exists no more. Many families in North Dakota and elsewhere are reaching the end of their 60 month lifetime cap on receiving TANF benefits, the emphasis on being Temporary assistance to needy families.

It does us no good to bemoan the passing of these benefits. Even though the poverty hasn't left us- we are seeing increasing numbers accessing food pantries and homeless shelters- we are trying to find new approaches to address it. We must be part of the solution.

This transition is a particular challenge for victims of battering, however, most of whom are women. Our own Department of Human Services has recognized that among the hardest populations to transition into the workforce are victims of physical and sexual violence. In order to address employment issues surrounding victims of personal violence, they have partnered with us in piloting three approaches to assisting this population. Minot, Grand Forks, and Bismarck domestic violence agencies are all actively engaged in intense programming to effectively transition those who have been victimized in the workforce. So far, the results have been positive, and we are looking forward to long term monitoring of their job success.

We see the extension of unemployment benefits as just one more tool in supporting this transition, which always will require a multi-faceted approach. It is an important tool for anyone extracting herself or himself from a violent relationship, regardless of economic status, because of the dynamics of these kinds of relationships.

I would like a couple of minutes to profile these relationships:

First, they are extremely enmeshed. Identities of the abuser and victim are often blurred. That is why the reality of suicide/homicide is so ominous. The abuser often sees a partner and children as a personal extension of his/her own identity. How could they exist without him/her? So, they must all go together. Therefore, stalking is very prevalent after a victim leaves a violent relationship. In fact, most severe violence and homicides happen after the victimized partner leaves the relationship. It is called "separation violence". Unfortunately, this stalking often spills over to the workplace, endangering not only the victim, but co-workers as well. Nationally, 30-60% of victims report workplace harassment. Some of them lose their jobs over it or become so anxious for co-workers they quit.

Most of these people relocate and find new employment. An interesting statistic indicated that victims of personal violence have more jobs than average. The problem is keeping them. Part of our job as advocates is helping them safety plan and in some cases intervening with employers to facilitate stability and safety for everyone.

We have been informed that the impact of HB 1032 on our Unemployment Fund in North Dakota will be minimal. I am assuming a fiscal note has been prepared and you can judge that for yourselves.

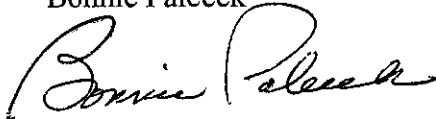
Unfortunately, I cannot give you hard numbers on how many victims would be impacted either, although anecdotally we know that the extension of unemployment benefits could make a life- changing difference in many cases.

I can tell you that about 36% of the population we serve is employed. We serve approximately 4,000 victims statewide each year. So, 1,400 could potentially be eligible. However, further extrapolating from national statistics that half of this number face workplace harassment issues, at most 700 or so could be impacted, and probably only a fraction of that number would actually pursue this remedy.

As I indicated earlier, we see the provisions of HB 1302 as one more tool to assist people who have been victimized in moving to productive, healthy lives. It fits with what I think we all hope for, for all North Dakotans, and in the long run is a sound economic strategy as well as a compassionate one.

Thank you for your consideration.

Bonnie Palecek



House Bill No. 1302

Testimony of John A. Graham  
Job Service North Dakota

before the

House Committee on Industry, Business, and Labor  
Rep. George Keiser, Chairman

Monday, January 24, 2005

Chairman Keiser, members of the Industry, Business, and Labor Committee, I am John Graham and I am representing the Unemployment Insurance (UI) program for Job Service North Dakota. Job Service supports the concept of special recognition of the impact of domestic violence on the lives of persons subject to it, who might also be, of necessity, required to leave their employment because of it.

We do, however, have two concerns. First is the fact that this Bill, as written, does not require a claimant to present any evidence, other than her/his say so, that domestic violence is in fact so imminent and threatening that she or he needs to leave employment, or to delay a work search. We are proposing amendments, which are attached to this testimony, to allow Job Service to have written evidence, in the form of law enforcement reports, shelter workers' attestations, or evidence from clergypersons, attorneys, or personal physicians. The claimant would be responsible for providing this evidence, both at the time the claim is filed to overcome the disqualification for a voluntary quit; and during the claim's life to overcome the requirement that work search be carried out.

Mr. Chairman, our other concern is the fiscal impact which this Bill will have on our Agency. When legislation has a substantial fiscal impact, as this Bill does, it becomes an

unfunded mandate, as we include in our appropriation request all of the federal funds which we anticipate receiving during the biennium, and we need all of that funding to cover the costs of our operations during that period. In other words, we have no anticipated money to pay the costs which this Bill would cause us to incur. Increasing our appropriation does no good in defraying those costs, because we have no revenue source to fund that appropriation.

These cost arise because of our need to reprogram our computer system, especially the software running on servers at the Information Technology Department (ITD). We need to program new questions into our telephonic and Internet claims filing systems, and to cause our mainframe computer to record certain actions depending on the claimant's answer. Because our mainframe is antiquated, it is especially expensive to interface other softwares with it.

We are planning on replacing that mainframe system following the 2007 legislative session, assuming that we are successful in getting an appropriation to do so. We would include in the design requirements of that new system the capability of recognizing the impact of domestic violence. If this Bill is not enacted now, we would be in better shape to handle it without terrific programming costs as we develop our new system.

Mr. Chairman, if the Committee is going to give HB 1302 a do pass recommendation, we ask that you amend it first as proposed in the attached amendments. We hope, however,

that you will not pass this Bill in this Session, but consider it again when it won't create such an adverse fiscal impact on our Agency.

Mr. Chairman, I would be happy to answer the Committee's questions.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1302

[Prepared by Job Service North Dakota – January 17, 2005]

Page 2, line 26, remove “was determined eligible due to domestic violence”

Page 2, line 27, remove “circumstances” and insert in its place: “is otherwise able and available for work”

Page 2, line 29, after “violence” insert: “, **provided that a claimant, upon request, must provide written evidence prepared by a law enforcement agency, a domestic violence shelter employee authorized to prepare such documents, a physician, a clergyperson, or an attorney, attesting to the fact that the claimant’s inability to be available for and seeking suitable work is due to circumstances directly resulting from domestic violence; and provided further that failure to present such evidence upon request, or presentation of documents which do not attest to the requisite facts, shall render the claimant ineligible for the week in which the request was made and all following weeks, until such evidence is provided.**” and on the same line delete the semi-colon

Page 4, line 25, after “coworkers” insert: “, **provided that the individual must, prior to a determination of non-monetary eligibility, provide job service North Dakota with written evidence prepared by a law enforcement agency, a domestic violence shelter employee authorized to prepare such documents, a physician, a clergyperson, or an attorney, attesting to the fact left employment due to circumstances directly resulting from domestic violence as described in this paragraph of this subsection**”

**failure to present such evidence, or presentation of documents which do not attest to the requisite facts, shall disqualify the individual from receipt of benefits.”**

Page 6, line 5, after the period insert: “, **provided that the individual furnished the necessary evidence to demonstrate the impact of domestic violence pursuant to subsection 1 of section 52-06-02.**”

And renumber accordingly.



# American Institute on Domestic Violence

*#161302*

[www.aidv-usa.com](http://www.aidv-usa.com)

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## Domestic Violence Statistics

### Crime Statistics

### Workplace Violence Statistics

#### The Corporate Cost of Domestic Violence

- Employers lose between \$3 and \$5 billion every year in absenteeism, lower productivity, higher turnover and health & safety costs associated with battered workers.
- Businesses lose an additional \$100 million in lost wages, sick leave and absenteeism.
- Over 1,750,000 workdays are lost each year due to domestic violence.
- Domestic violence in the United States costs an estimated \$67 billion annually.

#### Your Corporate Peers

- 66% of senior executives surveyed agreed that their company's financial performance would benefit from addressing the issue of domestic violence among its employees.
- 94% of corporate security directors rank domestic violence as a high security risk.
- 78% of Human Resource Directors identify domestic violence as a substantial employee problem.
- 40% of corporate leaders are personally aware of specific employees who are affected by domestic violence.
- 49% of senior executives said that domestic violence



has a harmful effect on their company's productivity.

- 47% admit partner violence negatively impacts employee attendance.

### **The Human Factor**

- Every 9 seconds a women is beaten in the United States.
- Between 3 and 4 million women are battered each year.
- 85-95% of all domestic violence victims are female.
- Women age 20 - 34 endure the highest rates of domestic violence.
- Domestic violence is the leading cause of injury to women.
- Women are more likely to be attacked by someone they know rather than by a stranger.

### **Domestic Violence in the Workplace**

- Homicide is the leading cause of death to women in the workplace.
- Partners and boyfriends commit 13,000 acts of violence against women in the workplace every year.

### **Of Battered Workers:**

- 96% experience problems at work due to abuse
- 74% are harassed while at work by their abuser
- 56% are late to work
- 28% leave work early
- 54% miss entire days of work

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### Unemployment Insurance State Unemployment Insurance Laws for Victims of Domestic Violence

Currently seventeen states regulate the receipt of unemployment compensation by victims of domestic abuse. In California, Connecticut, New York, North Carolina, Nebraska, and Oregon domestic violence is considered good cause for leaving work. The majority of states listed below do not charge employer unemployment insurance accounts for compensation provided to victims of domestic abuse.

State	Citation	Year	Summary
California	UI Code <u>§1030, 1032, 1256</u>	1998	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
Colorado	<u>§8-73-108</u>	2000	In certain circumstances, domestic violence victims are eligible for full award of benefits, employer's account not charged
Connecticut	<u>§31-236(a)(2)(A)</u>	1999	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
Delaware	<u>§3315(1)-19</u>	2000	Includes leaving employment to protect one's self or family from domestic violence, or for reasons directly related to domestic violence among good cause, employer's account not charged
Hawaii	SB 931 Effective date 1/1/04	2004	Allows up to 30 days unpaid leave per calendar year for employers employing 50+ and up to 5 days unpaid leave per calendar year for employers employing less than 50 employees where employee or employee's minor child is victim of domestic violence
Maine	<u>§1043(23)(B)(3)</u>	1999	Excludes actions taken to protect self or immediate family member from domestic violence from the definition of misconduct, employer's account not charged
Massachusetts	<u>§151A(1)</u>	2001	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
Minnesota	<u>§268.095</u>	2001	Includes leaving employment to protect one's self or children from domestic violence among good cause
Montana	SB 180 Effective date 4/14/03	2003	Unemployment benefits extended to victims of domestic violence
Nebraska	<u>§48-628(1)(a)</u> <u>§48-652 (3)(a)</u>	2000	Includes voluntarily leaving employment for the necessary purpose of escaping abuse as good cause, employer's account not charged
New Hampshire	<u>§282-A:32</u>	1999	Allows for UI compensation for employees who leave work in order to escape domestic violence by relocating, or for employees who try to return to work after a change in circumstances and employer is unable to rehire
New Jersey	<u>§43:21-5(i)</u>	2000	In certain circumstances, domestic violence victims may not be denied benefits for voluntarily leaving employment, employer's account not charged
New York	Labor <u>§593(1)(a)</u>	1999	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged

<b>North Carolina</b>	§96-14(1)(b)(1f)	1999	Includes leaving employment to protect one's self or children from domestic violence among good cause, employer's account not charged
<b>Oregon</b>	§657.176(12)(b)(B)	2001	Allows victims of domestic violence to collect UI benefits if health, safety or welfare would be endangered at current or available workplaces
<b>Rhode Island</b>	§28-44-17.1	2000	In certain circumstances, domestic violence victims are eligible for full award of benefits
<b>Washington</b>	RCW 50.20.050(2)(d)	2002	Allows UI benefits for victims of domestic violence or stalking
<b>Wisconsin</b>	§108.04(7)(s)2.a	1999	In certain circumstances, domestic violence victims may not be denied benefits for voluntarily leaving work
<b>Wyoming</b>	§27-3-311	1999	Allows for UI compensation for employees forced to leave work due to documented domestic violence

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## State Unemployment Insurance Legislation Round-Up (2003)

by  
National Employment Law Project

In 2003, at least 31 states debated improvements to their unemployment insurance (UI) programs, while 16 states enacted key reforms benefiting unemployed workers. The following chart summarizes the major state UI expansions proposed and adopted in 2003. "P" denotes bills proposed but not passed, including bills that are still pending which are referred to as "P\*". "X" signifies bills that were enacted.

State	Extended Benefits	Domestic Circumstances	Raise Benefits	Alternative Base Period	Part-Time Worker Protections	State	Extended Benefits	Domestic Circumstances	Raise Benefits	Alternative Base Period	Part-Time Worker Protections
Alabama						Montana		X			
Alaska						Nebraska					
Arizona			P	P		Nevada					
Arkansas						New Hampshire	X				
California	P*			P*		New Jersey			X		X
Colorado						New Mexico	X	X	X	X	X
Connecticut						New York	P*				
Delaware						North Carolina		X			X
D.C.						North Dakota					
Florida			P	P		Ohio					
Georgia		P			P	Oklahoma		X			
Hawaii	P	P				Oregon	X				P
Idaho						Pennsylvania					
Illinois		P				Rhode Island					
Indiana		X	X	P		South Carolina					
Iowa				P		South Dakota		X			
Kansas	X	X	P			Tennessee		P			
Kentucky						Texas		X		P	
Louisiana		P				Utah	X				
Maine					X	Vermont		P			
Maryland			P	P	P	Virginia			X	X	
Massachusetts	X				P*	Washington			P		X
Michigan	P*					West Virginia		P			
Minnesota						Wisconsin					
Mississippi						Wyoming			X		
Missouri						Totals (Enacted)	6	8	5	2	5