

**2013 SENATE GOVERNMENT AND VETERANS AFFAIRS**

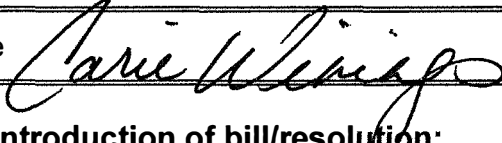
**SB 2062**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2062  
01/11/2013  
Job Number 17090

Conference Committee

Committee Clerk Signature 
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**Explanation or reason for introduction of bill/resolution:**

Relating to job protections of emergency responders.

**MINUTES:**

**Brigadier General Alan Dohrmann, Deputy Adjutant General:** See Attached Testimony #1 in support.

**(3:40)** Highlighted data from 2009 flood. While at the peak of that operation we had 3000 guardsman on state active duty. We received only two calls from employers enquiring how long we would keep them on state active duty. In both cases it was just a matter of miscommunication where employees were not talking to employers about what was going on. Once ESGR and commanders engaged with employers we were able to work through both those situations. Only in events like the 500 year floods and like events would these protections come into effect. The existing laws take care of most smaller events currently. For the sake of the concerns of the guardsmen, we want them to have the protection they need so that their job is there for them when their job is complete.

**(5:15)Chairman Dever:** Any other testimony in support of? Opposition to? Neutral? Are there any questions by the committee?

**Senator Nelson:** What happens when troops are deployed with their employers?

**Chairman Dever:** That is covered under federal law.

**Brigadier General Alan Dohrmann:** The federal law, the Uniform Employment, Re-employment Rights Act protects their job while they are deployed. On the federal side that protection is a little broader than what we have on the state side. They cannot be denied promotions or other opportunities while they are gone. It is called the escalator principle; they are re-instated at a point they would have been had they never left. ESGR works closely with those employers to let them know when they are leaving, how long they will be gone and continues to work with and throughout the employment. Pleased to say in ND we have had very few issues with employers. They are very supportive to the Guard.

**Vice Chairman Berry:** The 20 days was put in based on a concern - it was just due to a couple of issues, correct? At this point the purpose is mainly to just extend that so it can alleviate concerns of Guard members?

**Brigadier General Alan Dohrmann:** Yes, that is mainly what we are doing so that if they are involuntarily called up, they know that their job is protected for however long the event lasts. In regards to the question of "involuntary", when an event like the spring snow event a couple of years ago comes up, we literally go out to our members and ask for volunteers to work. We always have volunteers, but even though they are volunteering but they are involuntarily brought on to orders to go do that mission. This law again is getting after those big events where we are not able to ask for volunteers and we have to bring in a whole unit or more.

**Vice Chairman Berry:** How many members are there?

**Brigadier General Alan Dohrmann:** On the Army side about 3300 and Air side about 1000; 4300 total.

(9:11) **Chairman Dever:** Any other testimony? What are the committee's wishes?

**Senator Cook:** I move a Do Pass on SB 2062.

**Vice Chairman Berry:** Seconded.

Senate Government and Veterans Affairs Committee  
SB 2062  
01/11/2013  
Page 3

**A Roll Call Vote Was Taken: 7 yea, 0 nay, 0 absent.**

**SB 2062 Passed.**

**Senator Marcellais: Will carry the bill.**

Date: 1/11/13

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. : 2062

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen Cook Seconded By Sen. Berry

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Marcellais

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

**REPORT OF STANDING COMMITTEE**

**SB 2062: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2062 was placed on the Eleventh order on the calendar.

**2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2062**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

SB 2062  
March 7, 2013  
19602

Conference Committee

Committee Clerk Signature

*Carmen Hart*

## Explanation or reason for introduction of bill/resolution:

Relating to job protections of emergency responders.

**Minutes:**

You may make reference to "attached testimony."

**Chairman Jim Kasper** opened the hearing on SB 2062.

**Brigadier General Alan Dohrmann, Office of the Adjutant General**, appeared in support. **Attachment 1.** (:10-3:07)

**Rep. Ben Koppelman** What if a person has to be gone for 90 days? I think with the 20 days, any business can find some way to get by without an individual without actually replacing them permanently. If it gets to be long term how can that employer be expected to keep that job open?

**Alan Dohrmann** Again, the law would provide for that. I can tell you whether it is a federal deployment or response to a state disaster, when there are stresses put on our members because of employment or family situations, we work very hard to mitigate those. Unless this is one of a kind guardsman and he is the only one that can do this job and is critical to the mission, those guardsmen are going back to their employment if it becomes a hardship on their employer. The other thing we do is one of our sections go around the state and meet with employers to explain how all this works. If an employer doesn't think we are doing our part as the National Guard, they can go to these ESGR on buds men who aren't there to protect the rights of the guardsmen necessarily. They are there to make sure the right thing is done in regard to employment and to balance all the equities of the parties concerned. We have processes in place to address those situations if they would come up. In 2011 we had some guardsmen on well over 90 days. During the 2011 flood, we did not have a single complaint from employers. Part of that is we are proactive. We send out letters ahead of time saying we are bringing your guy on state active duty. We really encourage employees to communicate with their employers to let them know their status. We encourage the employees to come to us if there is a conflict with their work to make sure we can do everything we can to mitigate that and work with the business.

**Rep. Vernon Laning** This is in cases of guardsmen being called to duty? I have seen cases where guardsmen actually like their guard duty more than they do their regular job



and volunteer to stay on extended periods of time. This would I assume not include the voluntary type extra duty?

**Alan Dohrmann** We have three statuses. In the case of a flood our authority to bring them on state active duty is governed by state law. When that disaster is ended, there isn't an ability for them to stay on. I think 2011 is the longest duration we have ever had a disaster open where we had guard support and that ran from May through August. There also is the federal side where folks can leave their employment, come to work full time for the National Guard in a federal status, and their job has to remain open for them for a period of time while they are in guard duty.

**Rep. Vernon Laning** In a case where he was called up and he is allowed to go back and doesn't really want to go back and wants to keep serving; if he voluntarily stays on, does that apply to his permanent employment?

**Alan Dohrmann** After they volunteer, they are involuntarily called active duty. If he wasn't really needed but because of a particular skill set, he just wanted a summer job with the National Guard on state active duty, he could be involuntarily brought on to state active duty. They are ordered on to active duty. If a guardsman wants to be deceptive with his employer and try to get more state active duty time, there is not much we can do about that until it comes to our attention, and if it does, we will sit down with the employee and say if you want your job, it is time to go back.

The hearing was closed.

**Rep. Karen Karls** made a motion for a Do pass.

**Rep. Karen Rohr** seconded.

**Rep. Ben Koppelman** It appears we have a good working relationship between employers and the guard in our state and that in the last few years they have had this, there hasn't been any employer complaints. Why change the law with the great atmosphere already?

**Rep. Karen Rohr** I think this is a proactive move on the part of the National Guard, because if you are in a catastrophic situation, you don't want to have to wait until a situation comes up and take the time to deal with it. Taking this barrier away just enhances that opportunity so that it does move forward in a positive manner.

A roll call vote was taken and resulted in **DO PASS, 12-0, 2 ABSENT**. **Rep. Steven Zaiser** was assigned as carrier at a later date.

Date: 3-7-13  
 Roll Call Vote #: \_\_\_\_\_

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2062**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Karls Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden	X	
Rep. Karen Karls	X		Rep. Steven Zaiser		
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner					

Total (Yes) 12 No 0

Absent 2

Floor Assignment Zaiser

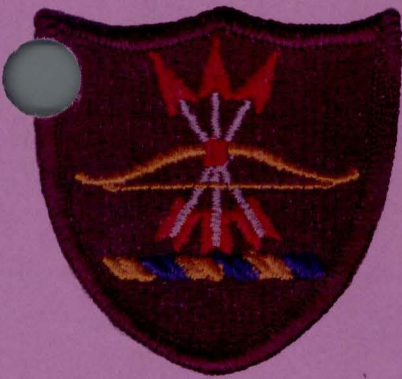
If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2062: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
SB 2062 was placed on the Fourteenth order on the calendar.

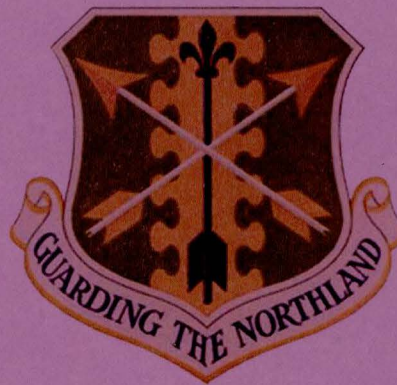
**2013 TESTIMONY**

**SB 2062**



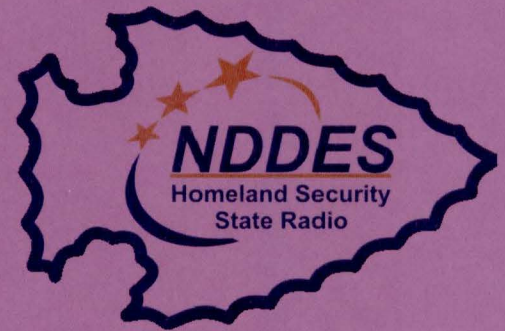
*Army National Guard*

*“The Straight Arrows”*



*Air National Guard*

*“The Happy Hooligans”*



*Department of  
Emergency Services  
Homeland Security &  
State Radio*

*The  
Office of the  
Adjutant General*

*Testimony of  
Brigadier General Alan Dohrmann  
Deputy Adjutant General*

*before the*

*Government and Veteran  
Affairs Committee  
January 11, 2013*

*SENATE BILL 2062*

**TESTIMONY OF**  
**BRIGADIER GENERAL ALAN DOHRMANN**  
**THE ADJUTANT GENERAL**  
**BEFORE THE**  
**GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**  
**JANUARY 11, 2013**  
**SENATE BILL 2062**

Mr. Chairman and Members of the Committee:

I am Brigadier General Alan Dohrmann, Deputy Adjutant General for the State of North Dakota and I am here to speak in support of Senate Bill 2062.

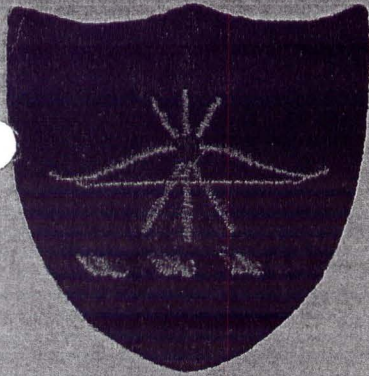
As you are well aware the North Dakota National Guard (NDNG) has both a state and federal mission. When we are called to federal active duty, our jobs are protected by the Uniformed Services Employment and Re-employment Rights Act (USERRA), which ensures service members are not discriminated against when serving their country. In the last two decades the state has relied more on the National Guard to respond to natural disasters and assist in recovery. Noteworthy, are the Guard's support to the 1997 and 2009 Red River flooding, and the 2011 statewide flooding.

Even with this increased reliance on the NDNG, the state did not have a employment protection law until 2009, when House Bill 1181 was introduced by Representatives DeKrey, Belter, Martinson and Metcalf as well as Sentators Dotzenrod and Hogue. This bill provided protection for state active duty similar to the federal protection. It was overwhelmingly supported by the legislative assembly and is codified at North Dakota Century Code 37-29-03.

Subsection 3 of this law provides 20 working days of protection in a calendar year for our Guard members when responding to an emergency or disaster. In most cases 20 days of job protection for our members would be more than sufficient; however, the disasters of 2009 and 2011 have demonstrated that our guard members may need more then 20 days of protection when involuntarily called to state active duty. The bill before you today would extend job protections for our members involuntarily called to state active duty for the duration of the involuntary activation.

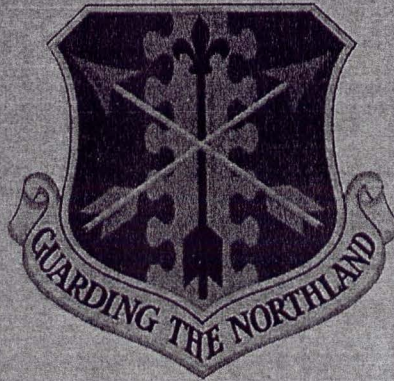
In introducing this Bill we are mindful of the burden carried by our state employers when guard members are called to state or federal active duty. We do not believe this will cause an undue additional burden on our employers when their employees are involuntarily called to state active duty. First, I can only think of 3 events in the past 20 years that our guard members would need more then a few days of protection - the 1997, 2009, and 2011 flood events. Second, we have decades of experiences, staff members dedicated to working with employers, and a cadre of Employer Support of the Guard and Reserve (ESGR) volunteers who work with our Guard employers to ensure everyone's needs are considered. I can assure this legislative committee and our employers that we will only involuntarily activate their employees when it is essential to protect the lives and property of the citizens of this state.

On behalf of the Adjutant General and the women and men of the NDNG, I ask your support of SB 2062. I'd be pleased to answer your questions.



*Army National Guard*

*"The Straight Arrows"*



*Air National Guard*

*"The Happy Hooligans"*



*Department of  
Emergency Services  
Homeland Security &  
State Radio*

*The  
Office of the  
Adjutant General*

*Testimony of  
Brigadier General Alan Dohrmann  
Deputy Adjutant General*

*before the*

*Government and Veteran Affairs  
Committee*

*March 7, 2013*

*SENATE BILL 2062*

**TESTIMONY OF**  
**BRIGADIER GENERAL ALAN DOHRMANN**  
**THE ADJUTANT GENERAL**  
**BEFORE THE**  
**GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**  
**MARCH 7, 2013**  
**SENATE BILL 2062**

Mr. Chairman and Members of the Committee:

I am Brigadier General Alan Dohrmann, Deputy Adjutant General for the State of North Dakota and I am here to speak in support of Senate Bill 2062.

As you are well aware the North Dakota National Guard (NDNG) has both a state and federal mission. When we are called to federal active duty, our jobs are protected by the Uniformed Services Employment and Re-employment Rights law (USERRA), which ensure service members are not discriminated against when serving their country. In the last two decades the state has relied more on the National Guard to respond to natural disasters and assist in recovery. Noteworthy, are the NDNG's support to the 1997 and 2009 Red River flooding, and the 2011 statewide flooding.

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