

2015 HOUSE JUDICIARY

HB 1403

2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1403
2/3/2015
Job #23089

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Kenneth M. Torkelson

Explanation or reason for introduction of bill/resolution:

Relating to state employee use of sick leave for consequences of domestic violence, a sex offense, stalking, or terrorizing.

Minutes:

Testimony 1, 2, 3

Chairman K. Koppelman: Opened the hearing with testimony in support.

Rep. Mary Schneider: Introduced the bill. (See testimony #1) Read and went over handouts. (1:25-8:00)

Rep. L. Klemin: Permanent relocation, I suppose they're quitting their job then, and they just get to use up their sick leave until it runs out?

Rep. Schneider: It would be to get safe housing, but that takes some time. So they would be asking, generally, to use their sick leave to be able to move to a more protected environment; somewhere where there's a security system, for instance, is probably the most common. Generally in the same city. And if they were leaving their job and moving out of the city, they would only have the opportunity to get sick leave if they had been an employee for over 10 years under our normal state policy, and at that time they get paid for one-tenth, I believe, of the sick leave they have left. So nothing about this bill really changes that. And if they were leaving their job, they wouldn't be using their sick leave.

Chairman K. Koppelman: The stories you were relating, were any of those state employees? Would any of them have been helped by this bill?

Rep. Schneider: All of them would have been helped by a bill like this, The last person, who was shot on Valentine's Day, was a county employee. The others were city employees and some others that I am not sure.

Chairman K. Koppelman: Item B line 21; is that something that would currently be possible?

Rep. Schneider: It may be. Under this, you would be allowed to get those services for a family member who might also be a victim of the violence.

Chairman K. Koppelman: We provide full healthcare for state employees and we allow them to accrue those benefits for a lot longer time than the private sector typically does; we allow them to give those, share that leave with somebody else if they don't use it, and so on. Is there any concern we are creating a special class among state employees with benefits that most of our citizens don't enjoy?

Rep. Schneider: I think we will be taking the lead and being a good example of what employers should provide, and addressing the needs as we see them of our employees. I think it's a responsible and sensible and beneficial thing to do.

Rep. Lois Delmore: This would be a start, at least, for some of the people that need this type of lead?

Rep. Schneider: Other states have developed laws that would apply to all employers over three, or all employers with more than 50 employees. This is a way to see how this law would work, how it would be applied and be able to use the state as a good example, and also as a pilot program, to see if it is positive thing to be using elsewhere.

Rep. Brabandt: What would the additional costs to the state be?

Rep. Schneider: If there is a fiscal note to this bill, I haven't seen it. I think this will be working in a different direction. There is a provision in the sick leave for compensation to be paid if there is accrued sick leave after so many years. This does not add any additional time. This just provides some flexibility in how sick leave is used. And in theory at least, if it increases the use of sick leave long-term, that decreases the amount of money the state has to pay out when an employee ends employment. I think it's a better way, a more flexible way to allow employees to address their needs without adding any additional benefits.

Rep. Brabandt: So initially there would be no additional cost?

Rep. Schneider: No.

Rep. K. Hawken: We did an extensive look at our mental health situation in this state. The report that came back was rather scathing. We don't do much. This would seem to be one of the pieces for that puzzle. There are some other bills out there. I think this is a very nice start.

Rep. Schneider: It dovetails nicely without duplicating the positive behavioral health changes that are proposed.

Rep. K. Wallman: These folks already get this leave. This just helps them identify it and they could use it. Is that right?

Rep. Schneider: They already have the leave, and this not adding more leave. They will take unpaid leave or benefits instead, and this will allow them to expand that pool of benefits that might be available to them.

(16:01)

Stuart Savelkoul, North Dakota United: (See testimony #2)

Truly the chief reason this bill deserves your Do Pass has nothing to do with the fiscal stewardship of the employer. Rather it is because victims of domestic violence are suffering. Their children are often suffering. According to the national survey of children's exposure to violence, one in 15 children are exposed to intimate partner violence each year, and 90 percent of these children are eye-witnesses to this violence. I was once of those children. Please, members of the committee, do the decent thing and help the families impacted by domestic violence in whatever way you can, particularly when it doesn't cost. Assigning a Do Pass to HB 1403 is definitely a step in the right direction.

Vice Chairman Karls: In the workplace in the capital; if you have a two-person work group and one of them is out for an extended period of time on sick leave for domestic violence, what do they do with the vacant position during that time? Do they have to hire temporary help to do the work?

Stuart Savelkoul: Temporary assistance is an option in many cases. Depending on the specificity of the job this person is doing, it might be a little more difficult to bring in temporary work. The quick answer to your question is, his bill doesn't change that. It doesn't matter. In many cases the state employee you reference would not be coming to work anyway. If we put this bill in place, we may be able to, as a state, we would very likely be in a better position to retain that person who does the specific work, that is hard to bring in a temporary replacement for. As opposed to losing them outright.

Vice Chairman Karls: There is no fiscal note? Who picks up the tab for the temporary employee?

Stuart Savelkoul: The same person that would pick up the fiscal note for that temporary employee when the person leaves state government. Assuming that is, of course, that you are able to fill the position at all, as you know we have a difficult time in recruiting state employees in North Dakota. All this bill would say, if something like this is happening to you, the state of ND has your back, insomuch as we're willing to allow you to use sick leave to take care of yourself.

Rep. Mary Johnson: Typically sick days are allotted per position. This is just saying to use those days. These reasons are also available to you. I don't see this as an extra cost to the state.

Rep. K. Hawken: Is it possible that passing this makes the topic less taboo? This isn't something people talk about.

Stuart Savelkoul: That is exactly my point. Until we start acknowledging this is a real issue for victims, I don't see how things are going to get better.

Chairman K. Koppelman: Has your union negotiated in its public employees contract for various types of leave, or is it strictly sick leave and vacation?

Stuart Savelkoul: The only state employees that have collectively bargained contract in ND are those at the State Mill and Elevator, and, as terrible bad luck would have it, we don't represent those people.

Chairman K. Koppelman: Do state employees have other types of leave, or is it strictly sick leave and vacation?

Stuart Savelkoul: Only sick and annual leave are the ones they have. There are occasions where administrative leave is handled, but it is extraordinarily rare, and most common in cases of discipline.

Janelle Moos, Executive Director of the CAWS ND: (See testimony #3) (stopped 31:10)

Rep. Brabandt: In your testimony, it outlines that all employers, public or private, are covered regardless the size. The bill says state employees.

Janelle Moos: This is Washington State. I just included that as an example.

Chairman K. Koppelman: Do you have information on other states that have done this?

Janelle Moos: I can compare notes with Rep. Schneider to see what there is.

Rep. K. Wallman: How do we compare with other states in terms of incidents? Are we high, medium, low?

Janelle Moos: Our number has remained about the same over the past 10 years, between 4300 and 4800 new victims each year. We have not done comparisons even just within our region, but on average, our statistics have remained pretty stable.

Chairman K. Koppelman: How many are repeat victims? Is this a crime that's often repetitive?

Janelle Moos: Our numbers represent an unduplicated count. If you receive services from one of our crisis centers, you can continue to receive other services, but you would only be counted one time in our database, so there is no duplication.

Chairman K. Koppelman: Statistically do you see a lot of repeat offenses?

Janelle Moos: Absolutely. If victims do choose to leave a relationship, it takes victims up to seven times to do that. It takes victims a really long time to even identify themselves as victims, let alone ask for help.

Rep. P. Anderson: So if I was in a terrible car accident, I could use sick time while I'm in the hospital, and if I needed therapy, I could use sick time for therapy. What this bill is saying, really, is if I'm beat up, I can use time off, sick time just as if I was in a car accident.

Chairman K. Koppelman: As far as the physical and the health care, and I notice the bill deals with both treatment by a health care provider and then mental health counseling, do you know if the current sick leave policy would cover that part? I see the expansion is being the legal services and all the other things it talks about. Am I reading that correctly? Do men suffer from this? And there may be all kinds of other issues that relate to that. We talk about the difficulty of women coming forward, and I would guess that men would find it even more difficult to come forward, for a lot of reasons. Does your organization deal with that at all?

Janelle Moos: We provide services to both men and women, if they seek those services at one of our crisis centers. We actually provide quite a large number of services for male child sexual abuse victims, especially in the Fargo-Moorhead area. I think it's a stigma for anybody experiencing violence. And I think Rep. Hawken really talked about this, but this really opens the door for folks to identify who they are. I think there is a lot of work being done across the country. And it's really trickling into ND, too, that we are looking at violence differently now. Not just women experience it; men do, too. We're really working to make sure that our services are accessible and appropriate and relevant for both male and female victims, because often a male comes in to receive services. We won't deny them those services, but they may feel like there are additional things they may need that we don't offer. So we're really making sure that our services really can meet the needs of all the victims that come forward.

Opposition: None

Neutral: None

Hearing Closed

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1403
2/16/2015
#23893

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Beckie Struge

Explanation or reason for introduction of bill/resolution:

A BILL relating to state employee use of sick leave for consequences of domestic violence, sex offense, stalking, or terrorizing.

Minutes:

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Chairman K Koppelman opens discussion on HB 1403

Rep Klemin: On page 1, line 14, I have a question about that section reference, I would like our intern to check on that.

Chairman K Koppelman: Tessa, can you check 12.1-07-14. It's either 04 or 14, dealing with terrorizing.

Tessa: It should be 12.1-17.04

Chairman K Koppelman: Representative Klemin moves that clean-up amendment, changing the section citation on line 14 to 12.1-17-04

Rep D Larson: Seconded

Voice Vote carries.

Rep. K. Wallman: I move a Do Pass on HB 1403.

Rep Maragos: Seconded

Representative Wallman: I want to underscore that this does not add sick leave. It gives employees the ability to say that that's why they are taking sick leave. It also provides protection against retaliation.

Rep. L. Klemin: The question on line 15, it says "an employer" shall grant an employee's request. Does this imply to state or to other public employees, like political subdivisions, or does it apply to all employers in the state.

Chairman K. Koppelman: According to the bill it says state employee. But it probably is wise to check that citation 54-06-14.5.

Tessa: State employees

Rep L Klemin: So where it says "an employer" it's talking about the state.

Chairman K. Koppelman: Yes, unless we are talking about departments of the state.

Rep. L. Klemin: If applies only to the state I don't have a problem with it. But if it applies to all private employers in the state, then I think it's a concern.

Rep. K. Hawken: I believe it is just the state. That was my understanding.

Rep. Maragos: (inaudible, speaker not on)

Rep. K. Koppelman: The title says the state. I agree with your point. If anyone wanted to change this in a future bill, they would just have to change the citation with the term "an employer" in there. They could say it also applies to chapter x, if that's a chapter unemployment then it could apply to everybody and you wouldn't change any wording.

Rep. G. Paur: I spoke to Representative Keiser on this, he didn't like putting "terrorizing" under sick leave. If we are going to do this, it should be a new section.

Chairman K. Koppelman: That section does refer to terrorizing. Apparently it's listing the various offenses that are sited, and they can be included. The whole issue of sick leave, if it's called sick leave, should it be for illness? There is personal leave that you take when you want or need a day off - you use them as you need to. We're not going to change state policy on this bill, but I feel that is wiser.

Rep. Lois Delmore: Except we go to specialists and doctors for problems. I don't understand separating those two out.

Chairman K. Koppelman: I respect that. Part of the bill talks about going to your attorney's office, etc. I'm not saying it's unnecessary, or a good idea, I just don't know if you call it sick leave.

Rep. D. Larson: When I was a city employee we had the same sick leave and annual leave - it gave us a day a month credited in sick leave, and it started that way with annual leave. The longer you were there, the annual leave you accrued. People didn't use their sick leave and it would continue to accrue. The city then stopped using the policy of paying one quarter of your unused sick leave time when employees left. The state still does this. Even though the annual leave gets longer, which can be used for anything you want, but the sick

leave is more restrictive to being used for being sick. If someone is being stalked or terrorized, that is part of mental health. Or after surgery care is still part of being sick. To me this makes sense for the two different types of leave.

Rep. Brabandt: How many days of sick leave do the state employees have?

Speaker not on - someone answered 12 days.

Chairman K Koppelman: Representative Klemin, were you interested in amending that language?

Rep. L. Klemin: I would change line 15 to be more specific.

Chairman K Koppelman: Then we will ask the maker of the motion and seconder to withdraw their motions.

Motion made and seconding was withdrawn.

Rep. L. Klemin: On line 15, it refers to Section 54.06-14 which is annual leave and sick leave for state employees. Instead of employer, let's say "employing unit".

Chairman K. Koppelman: Representative Klemin moves that on line 15, the word "employer" be replaced with "employing unit".

Rep. Maragos: Seconded

Voice Vote carried

Chairman K. Koppelman: Motion carried, we have the bill twice amended before us.

Rep. K. Wallman: I move a Do Pass on HB 1403.

Rep Maragos: Seconded

A roll call vote was taken. Yes: 13 No: 0 Absent: 0

Chairman K. Koppelman: Motion carries.

Representative Wallman will carry the bill.

2/16/15

February 16, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1403

Page 1, line 14, replace "12.1-07-14" with "12.1-17-04"

Page 1, line 15, replace "employer" with "employing unit"

Renumber accordingly

Date: 2-16-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1403

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: see below

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. L. Klemin Seconded By Rep. D. Larson

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

pg. 1 line 14 - changing section citation
to 12.1-17-04

Date: 2-16-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1408

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: see below

Recommendation: ☒ Adopt Amendment #2
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. L. Klemin Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

~~Intest~~
Replace employer with employing unit

Date: 2-16-15
Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1403

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended *twice* ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐ _____

Motion Made By *Rep. Wallman* Seconded By *Rep. Maragos*

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson	✓	
Vice Chairman Karls	✓		Rep. Delmore	✓	
Rep. Brabandt	✓		Rep. K. Wallman	✓	
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. D. Larson	✓				
Rep. Maragos	✓				
Rep. Paur	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Wallman

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

Twice amended.

Motion carries.

REPORT OF STANDING COMMITTEE

HB 1403: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "12.1-07-14" with "12.1-17-04"

Page 1, line 15, replace "employer" with "employing unit"

Renumber accordingly

2015 SENATE JUDICIARY

HB 1403

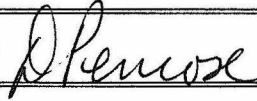
2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1403
3/23/2015
25248

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

1,2,3

Ch. Hogue: We will open the hearing on HB 1403.

Rep. Mary Schneider: Sponsor, support (see attached 1).

Ch. Hogue: If I'm a parent and I have a sick child at home, does the state allow me to use my sick leave to go home and take care of child.

Rep. Mary Schneider: Yes.

Sen. Grabinger: In the bill it talks about the ability to assist a family member. I'm looking at long-term counseling, etc. Are we going to allow a state employee to take sick leave to take their sister to counseling programs every week, etc? Does it go that far? Should it go that far?

Rep. Mary Schneider: Domestic violence victims need a lot of support. It is based on the sick leave that has been earned by that employee, so at least in theory they could do what they needed to do to get that person through the situation. If it was necessary I think it would be allow that. It would be under the circumstances that were needed but is limited by the amount of sick leave that individual had already earned.

Ch. Hogue: Thank you. Further testimony in support.

Gisele Thorson, ND United: I'm here today to represent Stuart Savelkoul, who is out sick today (see attached #2).

Ch. Hogue: I know there is a graduated level that employees earn in terms of their sick time.

Gisele Thorson: Each employee gets 8 hours of sick leave every month.

Ch. Hogue: So that is flat, regardless of longevity.

Gisele Thorson: Yes.

Sen. Luick: Can they bank that sick time.

Gisele Thorson: Yes, the hours are banked, yes.

Sen. Luick: From year to year.

Gisele Thorson: It is cumulative. You could leave your employment after 20 years with 1,000 hours.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony.

Ken Purdy, Director of Human Resources Management Services Division of OMB: We are neutral.

Ch. Hogue: Can you tell the committee how often does this come up for state employees.

Ken Purdy: We really don't know because there is no provision at this point. Some of the issues the care for the employee's well-being or even some counseling opportunities would be covered under the current sick leave policies for employees, but in terms of any issues or how many occurrences of domestic violence. We really wouldn't have any idea.

Ch. Hogue: What do they have to do now; they have to use their paid time off.

Ken Purdy: They would be able to use annual leave.

Ch. Hogue: How does annual leave accrue.

Ken Purdy: Annual leave accrues on a graduated basis, starting out at 8 hours per month for the first 3 years and then graduates up to 10 hours per month, then 12 hours, 14 hours, and ultimately 16 hours, 2 days per month after 16 or 18 years. That's accrued and allowed to carry it over from year to

year of 240 hours. Sick leave is unlimited accrual as the sick leave provides the employees short term disability, in effect. We don't have short term disability like some other employers with a paid time off plan. The sick leave provides that short term disability for employees.

Ch. Hogue: Some employers are stricter than others. I was looking to get a sense from you in terms of the state, if somebody has to go downtown and run an errand for 15 minutes, do they have to record that with the state or their supervisor.

Ken Purdy: I think the practices do vary among the agencies and probably within some agencies depending on the needs of the work unit. Generally, salaried employees have some flexibility and most agencies, especially the office settings, will certainly allow employees to flex their time, run an errand, or stay longer in the afternoon to offset the time they took. Other situations may not have as much flexibility because the staffing has to be there at certain time, certain requirements. There is a variety of applications among agencies.

Ch. Hogue: Okay.

Sen. Grabinger: How far does this go, for example, is it cousins, is it immediate family that can be assisted by this. I had an employee that went to counseling sessions over in Fargo and basically took the day off to do that. How lenient do we go with this?

Ken Purdy: I believe family member is defined and it refers to child, spouse, parent, but I would have to look at that chapter of law, I'm not sure how extensive the list is, where that would apply. In terms of the flexibility, as far as you say, if counseling is in another location, that's something to work out with the employer. The language here says "shall grant".

Ch. Hogue: Thank you. Further neutral testimony. We will close the hearing.

Janelle Moos, Exec. Dir. Of CAWS was not present but her testimony is attached (see #3).

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee

Fort Lincoln Room, State Capitol

HB 1403

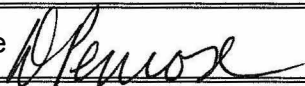
3/24/2015

25355

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Minutes:

Ch. Hogue: Let's take a look at HB 1403. The bill is about granting sick leave to state employees to use for stalking, terrorizing, or domestic violence and it would allow them to go to counseling, attend court proceedings, etc. I tightened it up a little bit. I put in a definition of immediate family member. That is actually a defined term from the stalking offense that you see down on line 15. We added what it means to be in an immediate family member. Under subsection 2, we insert the word "immediate" so that the sick leave can be used for an immediate family member and not a distant relative. The second amendment is on line 13. We talked about putting a cap on the number of hours that can be used. I picked 40 hours, that doesn't mean that they are limited to 40 hours but the management needs to have some control at some point to say, "We need you, you shouldn't be taking more than 40 hours in this calendar year". You can certainly use more than 40 hours of your sick leave, but at that point, we'd put it in the discretion of their supervisor to say that they can use more. Everybody's guaranteed a minimum of 40 hours and the sick leave is limited to stalking, terrorizing, domestic violence of an immediate family member.

Sen. Grabinger: I like the amendments. I think that is what we had discussed. I move the amendments.

Sen. Casper: Second the motion.

Ch. Hogue: Any discussion. We will take a voice vote. Motion carried. We now have the bill before us as amended.

Sen. Armstrong: I move a Do Pass as Amended.

Senate Judiciary Committee

HB 1403

3/24/2015

Page 2

Sen. Nelson: Second the motion.

6 YES 0 NO 0 ABSENT DO PASS AS AMENDED

CARRIER: Ch. Hogue

March 24, 2015

TV
3/24/15

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1403

Page 1, line 12, after "b." insert "Immediate family member" means a spouse, parent, child, or sibling as provided under section section 12.1-17-07.1.

c."

Page 1, line 13, replace "c." with "d."

Page 1, line 14, replace "d." with "e."

Page 1, line 18, after "employee's" insert "immediate"

Page 2, line 1, after "employee's" insert "immediate"

Page 2, line 3, replace the first "a" with "an immediate"

Page 2, line 6, replace "a" with "an immediate"

Page 2, line 8, after "employee's" insert "immediate"

Page 2, after line 12, insert:

"f. In the discretion of the employee's supervisor, the sick leave hours may be limited to forty hours per calendar year."

Renumber accordingly

Date: 3/24/15
Voice Vote # 1

2015 SENATE STANDING COMMITTEE
VOICE VOTE
BILL/RESOLUTION NO. 1403

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: Hogue Amendments (#1)

Recommendation: ☒ Adopt Amendment

☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation

☐ As Amended ☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Seconded By

Motion Made By Sen. Grabinger

Sen. Casper

Senators	Yes	No	Senators	Yes	No
Ch. Hogue			Sen. Grabinger		
Sen. Armstrong			Sen. C. Nelson		
Sen. Casper					
Sen. Luick					

Total (Yes) _____ No _____

Absent _____

Floor
Assignment _____

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

Voice Vote: Motion Carried

Date: 3/24/15

Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTE

BILL/RESOLUTION NO. 1403

Senate

JUDICIARY

Committee

☐ Subcommittee

Amendment LC# or Description: 15.0819.02001 03000

Recommendation: ☐ Adopt Amendment

☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation

☒ As Amended ☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions: ☐ Reconsider

☐ _____

Motion Made By Sen. Armstrong Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	✓	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Hogue

REPORT OF STANDING COMMITTEE

HB 1403, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 12, after "b." insert "Immediate family member means a spouse, parent, child, or sibling as provided under section section 12.1-17-07.1."

c."

Page 1, line 13, replace "c." with "d."

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Page 1, line 18, after "employee's" insert "immediate"

Page 2, line 1, after "employee's" insert "immediate"

Page 2, line 3, replace the first "a" with "an immediate"

Page 2, line 6, replace "a" with "an immediate"

Page 2, line 8, after "employee's" insert "immediate"

Page 2, after line 12, insert:

"f. In the discretion of the employee's supervisor, the sick leave hours may be limited to forty hours per calendar year."

Renumber accordingly

2015 TESTIMONY

HB 1403

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Presentation

HB 1403:

State employee use of sick leave for consequences of domestic violence, a sex offense, stalking or terrorizing

February 3, 2015

Judiciary Committee

Representative Mary Schneider, District 21

Chairman Koppelman and members of the Committee, I'm Mary Schneider, Representative from District 21, Central Fargo. I'm here today to urge your consideration of House Bill 1403, which would allow state employees to use sick leave for consequences of domestic violence, a sex offense, stalking or terrorizing.

State employees trying to combat these problems could use sick leave to:

- Seek legal help, like obtaining a protection order or pursuing criminal prosecution;
- Participate in civil or criminal legal proceedings which only take place during the most common work hours;
- Ensure their own health and safety or the health and safety of their family members;
- Get treatment for physical or mental injuries or assist a family member in doing so;
- Get services for themselves or a family member from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, a sex offense, stalking or terrorizing;
- Engage in safety planning; or
- Relocate, if necessary.

It is in the public interest to combat domestic violence, sexual offenses, stalking or terrorizing and the considerable consequences that arise from these actions. Paid sick leave will allow state employees to take needed actions without fear of losing pay, risking negative work consequences or jeopardizing their employment.

Economic issues are substantial factors in causing victims to stay in, or return to, violent partners or dangerous situations. The degree of economic security a victim has is a major determinant in whether he or she can escape violence. Unfortunately, one of the first things a victim encounters may be problems at work that have adverse economic consequences—not being able to take time off from work, losing benefits or having to forgo pay for dealing with the complicated consequences of domestic violence, a sex offense, stalking, or terrorizing.

The bill is also beneficial for the workplace:

- Leave to get protected from violence, and to get help in dealing with its aftermath, is in the state's interest in getting and keeping good workers.
- We want to provide protection and safe working environments to our state employees.
- We need to protect state employers and co-workers from spillover violence.

You probably know some people who could have used the workplace support this bill provides. In working with violence victims in various ways I have many examples. But just let me give you some short ones.

My first job after college was as a police officer with a model police department in Lakewood, Colorado. One of my duties was to work a domestic violence "hot car." We used the most modern techniques to deal with violence victims and offenders. My chief, Pierce Brooks, was the most marvelous man, and he was featured prominently in Joseph Wambaugh's book, *The Onion Field*. But when his secretary came in repeatedly with bruises and black eyes, he did nothing to support her in trying to break free of it, in part because he didn't want to "embarrass" her, in part "because it was her personal business" and not a workplace issue. This bill says it's not just a personal issue to be ignored--it's a health, safety, and workforce issue, and as important to deal with as other things that impact our health and well-being.

When I became an attorney representing domestic violence victims, I had to repeatedly deal with clients who didn't show up for protection order hearings because their employer wouldn't allow them time off, or they were afraid of work retaliation or firing if they took time off. Some had employers that were supportive to a point--they felt they had been generous allowing court time off, but wouldn't allow them to take their child victims to needed treatment or counseling. Over the years there were many workers who quit or were fired that would have been protected by a bill like this one.

Even more concerning was when I became an employer with three regional offices, and had employees who had the need for a bill like this one. One, I'll call her Lisa, said she would try to fill out her own protection order because she didn't have any vacation time. Even though we didn't have the proper policies in place, we together made arrangements to get her the help she needed--for her benefit, and also because we had to deal with her abuser. He was making threatening calls and gestures to our office, sitting across the street in a pick-up with a gun rack and air-shooting at me.

At this time of year I also think of the social worker who helped my clients. On Valentine's Day on year her abusive husband just walked in, shot and killed her.

This bill is a good one and sends a message to state employees that we want to eliminate violence and its effects, that we care enough and think it's critical enough to provide the policy and support needed to eradicate violence and its effects.

Other states such as Washington, Connecticut and Massachusetts, plus the District of Columbia have such sick leave bills but they are even more extensive, applying to more or all employers.

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Because we do things a little more slowly and conservatively in North Dakota, let's start with this bill. We'll be able to see its positive effects, attest to its benefits and dispel fears about it-- so that someday all employers will implement similar policy.

Chairman Koppelman, members of the Committee, I urge passage of HB 1403, and would be happy to answer any questions that I can.

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FACTS ABOUT DOMESTIC VIOLENCE IN NORTH DAKOTA

January – December 2013

- ☐ **4,801 new victims** (new = unduplicated for calendar year) received services from crisis intervention centers in North Dakota.
- ☐ **5,177 incidents** of domestic violence were reported to crisis intervention centers in North Dakota.
- ☐ At least **4,250 children** were directly impacted by these incidents.
- ☐ **161 women (3% of total new victims)** were pregnant at the time they were assaulted.
- ☐ **94%** of the victims were **women**.
- ☐ At least **23%** of the victims were **under the age of 25**. At least **1%** were under the age of 18.
- ☐ **14%** of the new victims were **disabled**. Of those disabled, **14% were developmentally delayed, 34% were physically disabled and 52% suffered from mental illness**.
- ☐ **33%** of the victims were **self-referred** to domestic violence programs; **28%** were referred by **law enforcement**.
- ☐ **Weapons** were used in at least **11%** of the cases identified. **Guns** were used in **26%** of the cases involving weapons and **knives** were used in **34%** of the cases involving weapons.
- ☐ **Law enforcement officers** were called to respond in **53%** of the incidents. In at least **42%** of those incidents, an arrest was made.
- ☐ At least **77%** of victims served were **physically abused**.
- ☐ **1,338 (28%)** of victims served were abused by a **former spouse or former partner**.
- ☐ **Alcohol use by abuser only** was indicated in **36%** of the new cases. **Alcohol use by both victim and offender** was indicated in **11%** of the cases.
- ☐ The abuser had a history of **abusive behavior with other adults, including prior partners**, in at least **45%** of the cases.
- ☐ Domestic violence programs provided victim assistance with **618 emergency protection orders**.

Domestic Violence Statistics are compiled by CAWS North Dakota
for the State Health Department
525 N 4th Street Bismarck, ND 58501
701-255-6240
www.ndcaws.org

March 2014

**Facts About Sexual Assault In North Dakota
January – December 2013**

- ❖ **913 primary victims** and **327 secondary victims** were served by 20 sexual assault crisis centers throughout North Dakota.
- ❖ At least **369(40%)** of primary victims were under the age of 18 years old at the time of the assault/s.
- ❖ At least **806(88%)** of the victims were female.
- ❖ At least **877 (96%)** of the assailants were male.
- ❖ At least **24 (3%)** of the assailants were female.
- ❖ **71% of the crimes** were reported to law enforcement.
- ❖ At least **33% of adult victims** contacted a sexual assault center about the crime **within 2 days** of the assault. **22% of adult victims** contacted a sexual assault center within **3-30 days** after the assault.
- ❖ At least **85% (780)** of the cases were **male assailant/female victim**.
- ❖ At least **11% (97)** of the cases were **male assailant/male victim**.
- ❖ At least **66%** of the adult assaults were **rape**, **7% attempted rape**, and **23%** were **sexual contact** other than rape or attempted rape.
- ❖ In adult cases **12%** of the assailants were **strangers**. In child cases **3%** of the assailants were **strangers**.
- ❖ In at least **40%** of all cases the assailant was a **friend/acquaintance/date** of the victim.
- ❖ At least **27%** of all cases were **incest or indicated a history of incest**. In at least **5%** of adult sexual assault cases reported, the victim also experienced **sexual abuse/incest as a child**.
- ❖ At least **9,132** services to **primary victims** were provided by crisis center advocates from January to December 2013.
- ❖ At least **38%** of the assaults occurred in the **victim's or assailant's home**.
- ❖ At least **24%** of the victims were referred to sexual assault service providers by **themselves, friends, or family members**.

Sexual Assault Statistics are compiled by CAWS North Dakota
for the State Health Department
525 N. 4th St., Bismarck, ND 58501 701-255-6240
www.ndcaws.org

March 2014

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2-3-15



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[RCWs](#) > [Title 49](#) > [Chapter 49.76](#)

Chapter 49.76 RCW

DOMESTIC VIOLENCE LEAVE

[Complete Chapter](#)

RCW Sections

[49.76.010](#) Legislative findings.

[49.76.020](#) Definitions.

[49.76.030](#) Domestic violence leave -- Victims and family members -- Purpose.

[49.76.040](#) Documentation of leave -- Notice of purpose -- Confidentiality.

[49.76.050](#) Retention of pay or benefits -- Exceptions -- Health coverage.

[49.76.060](#) Scope -- Application -- Expansion of rights.

[49.76.070](#) Enforcement -- Complaint -- Investigation -- Notice of infraction.

[49.76.080](#) Enforcement -- Penalty for infraction.

[49.76.090](#) Enforcement -- Record confidentiality -- Exceptions.

[49.76.100](#) Enforcement -- Remedies -- Civil actions.

[49.76.110](#) Effect of administrative findings and conclusions on civil action.

[49.76.120](#) Retaliation against employee.

[49.76.130](#) Notice to employees -- Department of labor and industries.

[49.76.140](#) Notice to employees--Prosecutors -- Victims' advocates.

[49.76.150](#) Authority to adopt rules.

[49.76.900](#) Effective date -- 2008 c 286.



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Beginning of Chapter << [49.76.010](#) >> [49.76.020](#)

RCW 49.76.010

Legislative findings.

(1) It is in the public interest to reduce domestic violence, sexual assault, and stalking by enabling victims to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries, and to reduce the devastating economic consequences of domestic violence, sexual assault, and stalking to employers and employees. Victims of domestic violence, sexual assault, and stalking should be able to recover from and cope with the effects of such violence and participate in criminal and civil justice processes without fear of adverse economic consequences.

(2) One of the best predictors of whether a victim of domestic violence, sexual assault, or stalking will be able to stay away from an abuser is his or her degree of economic independence. However, domestic violence, sexual assault, and stalking often negatively impact victims' ability to maintain employment.

(3) An employee who is a victim of domestic violence, sexual assault, or stalking, or an employee whose family member is a victim, must often take leave from work due to injuries, court proceedings, or safety concerns requiring legal protection.

(4) Thus, it is in the public interest to provide reasonable leave from employment for employees who are victims of domestic violence, sexual assault, or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

[2008 c 286 § 1.]



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[49.76.020](#) << [49.76.030](#) >> [49.76.040](#)

RCW 49.76.030

Domestic violence leave — Victims and family members — Purpose.

An employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, with or without pay, to:

(1) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

(2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;

(3) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

(4) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or

(5) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

[2008 c 286 § 3.]



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[49.76.030](#) << [49.76.040](#) >> [49.76.050](#)

RCW 49.76.040

Documentation of leave — Notice of purpose — Confidentiality.

(1) As a condition of taking leave for any purpose described in RCW [49.76.030](#), an employee shall give an employer advance notice of the employee's intention to take leave. The timing of the notice shall be consistent with the employer's stated policy for requesting such leave, if the employer has such a policy. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

(2) When an employee requests leave under RCW [49.76.030](#) the employer may require that the request be supported by verification that:

(a) The employee or employee's family member is a victim of domestic violence, sexual assault, or stalking; and

(b) The leave taken was for one of the purposes described in RCW [49.76.030](#).

(3) If an employer requires verification, verification must be provided in a timely manner. In the event that advance notice of the leave cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, and the employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave.

(4) An employee may satisfy the verification requirement of this section by providing the employer with one or more of the following:

(a) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

(b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;

(c) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An

advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this section does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection (4)(c) pursuant to RCW 5.60.060, 70.123.075, 70.123.076, or 70.125.065; or

(d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in RCW 49.76.030.

(5) If the victim of domestic violence, sexual assault, or stalking is the employee's family member, verification of the familial relationship between the employee and the victim may include, but is not limited to, a statement from the employee, a birth certificate, a court document, or other similar documentation.

(6) An employee who is absent from work pursuant to RCW 49.76.030 may elect to use the employee's sick leave and other paid time off, compensatory time, or unpaid leave time.

(7) An employee is required to provide only the information enumerated in subsection (2) of this section to establish that the employee's leave is protected under this chapter. An employee is not required to produce or discuss any information with the employer that is beyond the scope of subsection (2) of this section, or that would compromise the employee's safety or the safety of the employee's family member in any way, and an employer is prohibited from requiring any such disclosure.

(8)(a) Except as provided in (b) of this subsection, an employer shall maintain the confidentiality of all information provided by the employee under this section, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this chapter, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.

(b) Information given by an employee may be disclosed by an employer only if:

- (i) Requested or consented to by the employee;
- (ii) Ordered by a court or administrative agency; or
- (iii) Otherwise required by applicable federal or state law.

[2008 c 286 § 4.]



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[49.76.040](#) << [49.76.050](#) >> [49.76.060](#)

RCW 49.76.050

Retention of pay or benefits — Exceptions — Health coverage.

(1) The taking of leave under RCW [49.76.030](#) may not result in the loss of any pay or benefits to the employee that accrued before the date on which the leave commenced.

(2) Upon an employee's return, an employer shall either:

(a) Restore the employee to the position of employment held by the employee when the leave commenced; or

(b) Restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(3)(a) This section does not apply if the employment from which the individual takes leave is with a staffing company and the individual is assigned on a temporary basis to perform work at or services for another organization to support or supplement the other organization's workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects, all under the direction and supervision of the organization to which the individual is assigned.

(b) This section does not apply if an employee was hired for a specific term or only to perform work on a discrete project, the employment term or project is over, and the employer would not otherwise have continued to employ the employee.

(4) To the extent allowed by law, an employer shall maintain coverage under any health insurance plan for an employee who takes leave under RCW [49.76.030](#). The coverage must be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave.

[2008 c 286 § 5.]



Great Public Schools

Great Public Service

Testimony before the House Judiciary Committee
In support of HB 1403 re State Employee Leave/Domestic Violence
Stuart Savelkoul, North Dakota United
February 2, 2015

Good morning Chairman Koppelman and members of the committee. My name is Stuart Savelkoul and I am the Assistant Executive Director of North Dakota United. I am here today representing the interests of educators and public employees across the state of North Dakota including the more than 11,000 members of NDU. We, respectfully, urge you to assign a "do-pass" recommendation to HB 1403.

The statistics are staggering. According to the National Coalition Against Domestic Violence:

- On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men (National Center for Injury Prevention and Control).
- 1 in 3 women and 1 in 4 men have been victims of [some form of] physical violence by an intimate partner within their lifetime (NCIPC).
- Intimate partner violence accounts for 15% of all violent crime (Bureau of Justice Statistics).
- Women between the ages of 18-24 are most commonly abused by an intimate partner (BJS).

Domestic Violence has a terrible economic impact as well. According to an article in the Journal of Occupational Health Psychology:

- Victims of intimate partner violence lose a total of 8.0 million days of paid work each year.
- The cost of intimate partner violence exceeds \$8.3 billion per year.
- Between 21-60% of victims of intimate partner violence lose their jobs due to reasons stemming from the abuse.

As of last night, there was no fiscal note assigned to HB 1403. This means that its passage is not expected to have a significant negative fiscal impact on the state. To that, I submit that failing to pass 1403 could, indeed, have a negative fiscal impact on North Dakota. Employee turnover is expensive. According to the Society for Human Resource Management, every time a business replaces a salaried employee, it costs 6 to 9 months' salary on average. For an employee making \$50,000 a year, that's \$25,000 to \$37,500 in recruiting and training expenses. If passing HB 1403 helps to keep even one employee with the state, this bill will, in fact, make a positive impact on the agency for which he or she works. Thank you for your time and I will now stand for any questions.



ing sexual and domestic violence

Testimony on HB 1403

House Judiciary Committee

February 2, 2015

#3
HB 1403
2-3-15
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My name is Janelle Moos and I am the Executive Director of the CAWS North Dakota. Our Coalition is a membership based organization that consists of 20 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf in support of HB 1403.

Last year alone nearly 4,300 victims of domestic violence received services from one of the 20 crisis centers in North Dakota. Many victims of domestic violence must miss work in order to protect themselves, their families, and their coworkers in order to seek protections from the court (protection orders or divorce), receive medical treatment and/or seek services or counseling from an advocate at one of our crisis centers.

If enacted, HB 1403 is a step towards providing victims with meaningful safeguards especially in emergency and potentially lethal situations involving domestic violence. Thirty five other states, the District of Columbia, and the US Virgin Islands have included additional provisions like those outlined in HB 1403 that address domestic violence and the workplace. The laws vary widely but some do offer a victim time off from work to address the violence in their lives. Washington State recently enacted a law very similar to what is being proposed in North Dakota. It outlines that:

- Victims of domestic violence may take reasonable leave from work for legal or law-enforcement assistance, medical treatment, or counseling.
- Family members may also take reasonable leave to help a victim obtain needed treatment or services.
- Employees may use sick leave or other paid time off, compensatory time, or unpaid leave time.
- "Family member" includes a child, spouse, parent, parent-in-law, grandparent or person with whom the employee is dating.
- All employers, public or private, are covered, regardless of size.

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Domestic violence impacts every part of a victim's life including work. In order for them to seek safety they need time to do that and employers that support them in doing that. HB 1403 is one way the state can offer a meaningful way for victims to seek that help while not fearing loss of pay while doing so therefore I urge a DO PASS on HB 1403.

Thank you.

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Presentation

HB 1403:

State employee use of sick leave for consequences of domestic violence, a sex offense, stalking or terrorizing

March 23, 2015

Senate Judiciary Committee

Senator David Hogue, Chairman

by

Representative Mary Schneider, District 21

Chairman Hogue and members of the Committee, I'm Mary Schneider, Representative from District 21, Central Fargo. I'm here today to urge your consideration of House Bill 1403, which would allow state employees to use sick leave for consequences of domestic violence, a sex offense, stalking or terrorizing.

State employees trying to combat these problems could use sick leave to:

- Seek legal help, like obtaining a protection order or pursuing criminal prosecution;
- Participate in civil or criminal legal proceedings which only take place during the most common work hours;
- Ensure their own health and safety or the health and safety of their family members;
- Get treatment for physical or mental injuries or assist a family member in doing so;
- Get services for themselves or a family member from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, a sex offense, stalking or terrorizing;
- Engage in safety planning; or
- Relocate, if necessary.

It is in the public interest to combat domestic violence, sexual offenses, stalking or terrorizing and the considerable consequences that arise from these actions. Paid sick leave will allow state employees to take needed actions without fear of losing pay, risking negative work consequences or jeopardizing their employment.

Economic issues are substantial factors in causing victims to stay in, or return to, violent partners or dangerous situations. The degree of economic security a victim has is a major determinant in whether he or she can escape violence. Unfortunately, one of the first things a victim encounters may be problems at work that have adverse economic consequences--not being able to take time off from work, losing benefits or having to forgo pay for dealing with the complicated consequences of domestic violence, a sex offense, stalking, or terrorizing.

The bill is also beneficial for the workplace:

- Leave to get protected from violence, and to get help in dealing with its aftermath, is in the state's interest in getting and keeping good workers.
- We want to provide protection and safe working environments to our state employees.
- We need to protect state employers and co-workers from spillover violence.

You probably know some people who could have used the workplace support this bill provides. In working with violence victims in various ways I have many examples. But just let me give you some short ones.

My first job after college was as a police officer with a model police department in Lakewood, Colorado. One of my duties was to work a domestic violence "hot car." We used the most modern techniques to deal with violence victims and offenders. My chief, Pierce Brooks, was the most marvelous man, and he was featured prominently in Joseph Wambaugh's book, *The Onion Field*. But when his secretary came in repeatedly with bruises and black eyes, he did nothing to support her in trying to break free of it, in part because he didn't want to "embarrass" her, in part "because it was her personal business" and not a workplace issue. This bill says it's not just a personal issue to be ignored--it's a health, safety, and workforce issue, and as important to deal with as other things that impact our health and well-being.

When I became an attorney representing domestic violence victims, I had to repeatedly deal with clients who didn't show up for protection order hearings because their employer wouldn't allow them time off, or they were afraid of work retaliation or firing if they took time off. Some had employers that were supportive to a point--they felt they had been generous allowing court time off, but wouldn't allow them to take their child victims to needed treatment or counseling. Over the years there were many workers who quit or were fired that would have been protected by a bill like this one.

Even more concerning was when I became an employer with three regional offices, and had employees who had the need for a bill like this one. One, I'll call her Lisa, said she would try to fill out her own protection order because she didn't have any vacation time. Even though we didn't have the proper policies in place, we together made arrangements to get her the help she needed--for her benefit, and also because we had to deal with her abuser. He was making threatening calls and gestures to our office, sitting across the street in a pick-up with a gun rack and air-shooting at me.

At this time of year I also think of the social worker who helped my clients. On Valentine's Day one year her abusive husband just walked in, shot and killed her.

This bill is a good one and sends a message to state employees that we want to eliminate violence and its effects, that we care enough and think it's critical enough to provide the policy and support needed to eradicate violence and its effects.

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Testimony before the Senate Judiciary Committee
In support of HB 1403 re State Employee Leave/Domestic Violence
Stuart Savelkoul, North Dakota United
March 23, 2015

Good morning Chairman Hogue and members of the committee. My name is Stuart Savelkoul and I am the Assistant Executive Director of North Dakota United. I am here today representing the interests of educators and public employees across the state of North Dakota including the more than 11,000 members of North Dakota United. We, respectfully, urge you to assign a "do-pass" recommendation to HB 1403.

The statistics are staggering. According to the National Coalition Against Domestic Violence:

- On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men (National Center for Injury Prevention and Control).
- 1 in 3 women and 1 in 4 men have been victims of [some form of] physical violence by an intimate partner within their lifetime (NCIPC).
- Intimate partner violence accounts for 15% of all violent crime (Bureau of Justice Statistics).
- Women between the ages of 18-24 are most commonly abused by an intimate partner (BJS).

Domestic Violence has a terrible economic impact as well. According to an article in the Journal of Occupational Health Psychology:

- Victims of intimate partner violence lose a total of 8.0 million days of paid work each year.
- The cost of intimate partner violence exceeds \$8.3 billion per year.
- Between 21-60% of victims of intimate partner violence lose their jobs due to reasons stemming from the abuse.

As of last night, there was no fiscal note assigned to HB 1403. This means that its passage is not expected to have a significant negative fiscal impact on the state. To that, I submit that failing to pass 1403 could, indeed, have a negative fiscal impact on North Dakota. Employee turnover is expensive. According to the Society for Human Resource Management, every time a business replaces a salaried employee, it costs 6 to 9 months' salary on average. For an employee making \$50,000 a year, that's \$25,000 to \$37,500 in recruiting and training expenses. If passing HB 1403 helps to keep even one employee with the state, this bill will, in fact, make a positive impact on the agency for which he or she works. Thank you for your time.



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Testimony on HB 1403
Senate Judiciary Committee
March 23, 2015

My name is Janelle Moos and I am the Executive Director of the CAWS North Dakota. Our Coalition is a membership based organization that consists of 20 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf in support of HB 1403.

Last year alone nearly 4,300 victims of domestic violence received services from one of the 20 crisis centers in North Dakota. Many victims of domestic violence must miss work in order to protect themselves, their families, and their coworkers in order to seek protections from the court (protection orders or divorce), receive medical treatment and/or seek services or counseling from an advocate at one of our crisis centers.

If enacted, HB 1403 is a step towards providing victims with meaningful safeguards especially in emergency and potentially lethal situations involving domestic violence. Thirty five other states, the District of Columbia, and the US Virgin Islands have included additional provisions like those outlined in HB 1403 that address domestic violence and the workplace. The laws vary widely but some do offer a victim time off from work to address the violence in their lives. Washington State recently enacted a law very similar to what is being proposed in North Dakota. It outlines that:

- Victims of domestic violence may take reasonable leave from work for legal or law-enforcement assistance, medical treatment, or counseling.
- Family members may also take reasonable leave to help a victim obtain needed treatment or services.
- Employees may use sick leave or other paid time off, compensatory time, or unpaid leave time.
- "Family member" includes a child, spouse, parent, parent-in-law, grandparent or person with whom the employee is dating.
- All employers, public or private, are covered, regardless of size.

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Domestic violence impacts every part of a victim's life including work. In order for them to seek safety they need time to do that and employers that support them in doing that. HB 1403 is one way the state can offer a meaningful way for victims to seek that help while not fearing loss of pay while doing so therefore I urge a DO PASS on HB 1403.

Thank you.

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PROPOSED AMENDMENTS TO ENGROSSED HB 1403
(Sen. Hogue)

1 A BILL for an Act to create and enact section 54-06-14.5 of the North Dakota Century
2 Code, relating to state employee use of sick leave for consequences of domestic
3 violence, a sex offense, stalking, or terrorizing.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 SECTION 1. Section 54-06-14.5 of the North Dakota Century Code is created
6 and enacted as follows:

7 **54 - 06 - 14.5. Sick leave for consequences of domestic violence, a sex**
8 **offense, stalking or terrorizing.**

9 1. As used in this section:

10 a. "Domestic violence" has the same meaning as provided under
11 section 14 - 07.1 - 01 .

12 b. "Immediate family member" means a spouse, parent, child, or
13 sibling as provided under section 12.1-17-07.1.

14 c. "Sex offense" means an offense under chapter 12.1 - 20 .

15 d. "Stalking" means an offense under section 12.1 - 17 - 07.1 .

16 e. "Terrorizing" means an offense under section 12.1 - 17 - 04 .

17 2. Under section 54 - 06 - 14, an employing unit shall grant an employee's
18 request to use sick leave to:

19 a. Seek legal or law enforcement assistance or remedies to ensure
20 the health and safety of the employee or employee's immediate
21 family members, including preparing for or participating in any civil
22 or criminal legal proceeding related to or derived from domestic
23 violence, a sex offense, stalking, or terrorizing;

24 b. Seek treatment by a health care provider for physical or mental
25 injuries caused by domestic violence, a sex offense, stalking, or
26 terrorizing, or to attend to health care treatment for a victim of
27 such offenses who is the employee's immediate family member;

28 c. Obtain or assist an immediate family member in obtaining
29 services from a domestic violence shelter, rape crisis center, or

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1 other social services program for relief from domestic violence, a
2 sex offense, stalking, or terrorizing;

3 d. Obtain or assist ~~a~~an immediate family member in obtaining
4 mental health counseling related to an incident of domestic
5 violence, sex offense, stalking, or terrorizing, in which the
6 employee or the employee's immediate family member was a
7 victim of domestic violence, a sex offense, stalking, or terrorizing;
8 or

9 e. Participate in safety planning, temporary or permanent relocation,
10 or take other actions to increase the safety of the employee or
11 employee's immediate family members from future domestic
12 violence, a sex offense, stalking, or terrorizing.

13 f. In the discretion of the employee's supervisor, the sick leave hours
14 may be limited to forty hours per calendar year.