

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1476

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1476

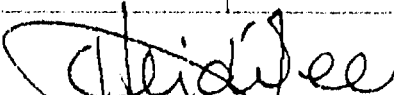
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1476(B)

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Feb. 12, 2001

| Tape Number   | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 2   | X      |        | 38.1-57.2 |
|   |        |        |           |
| Committee Clerk Signature  |        |        |           |

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep N. Johnson: This bill provides unemployment for domestic violence. This is charger against the employer fund.

Chairman Berg: The intent is good but the results aren't right.

Rep Kasper: This is a very loose area.

Rep Klein: I move a do not pass.

Rep Kasper: I second.

Rep Ekstrom: If this motion fails I would like to work on the amendments.

6 yea, 6 nay, 3 absent Carrier Rep N. Johnson

Chairman Berg: motion failed, we will bring up again when Rep Ekstrom has had a chance to work on the amendments.

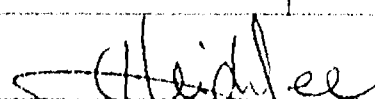
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1476(B)

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Feb. 14, 2001

| Tape Number   | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 2   |        | X      | 1.32-10.8 |
|   |        |        |           |
|   |        |        |           |
| Committee Clerk Signature  |        |        |           |

Minutes: Chairman R. Berg, Vice-Chair C. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep Ekstrom: Amendments provided and explained. Fourteen state have this with little fiscal impact and eleven more are considering. I move the amendments.

Rep Lemieux: Second.

Rep Ekstrom: I move a do pass as amended.

Rep Jensen: Second.

7 yea, 5 nay, 3 absent

Carrier Rep N. Johnson

**FISCAL NOTE**  
Requested by Legislative Council  
2/20/2001

Bill/Resolution No.:

Amendment to: HB 1476

**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.*

|                | 1999-2001 Biennium |             | 2001-2003 Biennium |             | 2003-2005 Biennium |             |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| Revenues       | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| Expenditures   | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| Appropriations | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |

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

| 1999-2001 Biennium |        |                  | 2001-2003 Biennium |        |                  | 2003-2005 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.*

Individuals who voluntarily left employment due to domestic violence issues will now qualify for unemployment insurance benefits. In addition, individuals that are not available for work due to domestic violence will qualify for receipt of unemployment benefits. Data does not exist to verify the specific impact on our Unemployment Insurance Trust Fund.

However, research of states that currently have a similar provision indicates the use of the domestic violence provision has been very limited. New Hampshire has had approximately three (3) claims per year since 1997 and Delaware, who implemented the provision in July 2000, has not yet had a claim that qualifies under this provision.

**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.*

**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.*

**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.*

|                      |              |                       |                          |
|----------------------|--------------|-----------------------|--------------------------|
| <b>Name:</b>         | Wayne Kindem | <b>Agency:</b>        | Job Service North Dakota |
| <b>Phone Number:</b> | 328-3033     | <b>Date Prepared:</b> | 02/20/2001               |

**FISCAL NOTE**  
Requested by Legislative Council  
01/23/2001

Bill/Resolution No.: HB 1476

Amendment to:

**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.*

|                       | 1999-2001 Biennium |             | 2001-2003 Biennium |             | 2003-2005 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                | \$24,000    | \$0                | \$10,000    |
| <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.*

| 1999-2001 Biennium |        |                  | 2001-2003 Biennium |        |                  | 2003-2005 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.*

Individuals who voluntarily left employment due to domestic violence issues will now qualify for unemployment insurance benefits. In addition, individuals that are not available for work due to domestic violence will qualify for receipt of unemployment benefits. Data does not exist to verify the specific impact on our Unemployment Insurance Trust Fund.

However, research of states that currently have a similar provision indicates the use of the domestic violence provision has been very limited. New Hampshire has had approximately three (3) claims per year since 1997 and Delaware, who implemented the provision in July 2000, has not yet had a claim that qualifies under this provision.

**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.*

**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.*

The cost of staff training required by Section 1 of the bill is operating expense for contracted training and would have to be absorbed in the agency Federal Grant for administering the unemployment insurance program.

**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.*

|                      |              |                       |                          |
|----------------------|--------------|-----------------------|--------------------------|
| <b>Name:</b>         | Wayne Kindem | <b>Agency:</b>        | Job Service North Dakota |
| <b>Phone Number:</b> | 328-3033     | <b>Date Prepared:</b> | 01/30/2001               |



Date: 2-12-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~HB 1476~~ HB 1476

House Industry, Business and Labor Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

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

Action Taken Do Not Pass

Motion Made By M. Klein Seconded By Kasper

| Representatives             | Yes | No | Representatives       | Yes | No |
|-----------------------------|-----|----|-----------------------|-----|----|
| Chairman- Rick Berg         | ✓   |    | Rep. Jim Kasper       | ✓   |    |
| Vice-Chairman George Keiser |     |    | Rep. Matthew M. Klein | ✓   |    |
| Rep. Mary Ekstorm           |     | ✓  | Rep. Myron Koppang    | ✓   |    |
| Rep. Rod Froelich           |     |    | Rep. Doug Lemieux     |     | ✓  |
| Rep. Glen Froseth           |     |    | Rep. Bill Pietsch     |     | ✓  |
| Rep. Roxanne Jensen         |     | ✓  | Rep. Dan Ruby         | ✓   |    |
| Rep. Nancy Johnson          |     | ✓  | Rep. Dale C. Severson | ✓   |    |
|                             |     |    | Rep. Elwood Thorpe    |     | ✓  |
|                             |     |    |                       |     |    |
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|                             |     |    |                       |     |    |
|                             |     |    |                       |     |    |

Total (Yes) 6 No 6

Absent 3

Floor Assignment Rep Johnson

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

**REPORT OF STANDING COMMITTEE (410)**  
February 13, 2001 8:22 a.m.

**Module No: HR-26-3145**  
**Carrier: N. Johnson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1476: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends**  
**DO NOT PASS** (6 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING). HB 1476 was  
placed on the Eleventh order on the calendar.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1476

Page 1, line 8, replace "shall" with "may"

Page 1, line 11, replace "must" with "may"

Page 1, line 15, replace "must include" with "shall consider including"

Page 1, line 17, replace "involve" with "consider involving"

Page 1, line 18, replace "must be at least eight hours in length and must stress" with "may include"

Renumber accordingly

Date: 2-14-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1476

House Industry, Business and Labor Committee

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

Action Taken Do Pass as amended

Motion Made By Ekstrom Seconded By Jensen

| Representatives             | Yes                                 | No                                  | Representatives       | Yes                                 | No                                  |
|-----------------------------|-------------------------------------|-------------------------------------|-----------------------|-------------------------------------|-------------------------------------|
| Chairman- Rick Berg         |                                     | <input checked="" type="checkbox"/> | Rep. Jim Kasper       | <input checked="" type="checkbox"/> |                                     |
| Vice-Chairman George Keiser | <input checked="" type="checkbox"/> |                                     | Rep. Matthew M. Klein |                                     |                                     |
| Rep. Mary Ekstrom           | <input checked="" type="checkbox"/> |                                     | Rep. Myron Koppang    |                                     | <input checked="" type="checkbox"/> |
| Rep. Rod Froelich           |                                     | <input checked="" type="checkbox"/> | Rep. Doug Lemieux     | <input checked="" type="checkbox"/> |                                     |
| Rep. Glen Froseth           |                                     | <input checked="" type="checkbox"/> | Rep. Bill Pietsch     |                                     | <input checked="" type="checkbox"/> |
| Rep. Roxanne Jensen         | <input checked="" type="checkbox"/> |                                     | Rep. Dan Ruby         |                                     | <input checked="" type="checkbox"/> |
| Rep. Nancy Johnson          | <input checked="" type="checkbox"/> |                                     | Rep. Dale C. Severson |                                     | <input checked="" type="checkbox"/> |
|                             |                                     |                                     | Rep. Elwood Thorpe    | <input checked="" type="checkbox"/> |                                     |
|                             |                                     |                                     |                       |                                     |                                     |
|                             |                                     |                                     |                       |                                     |                                     |
|                             |                                     |                                     |                       |                                     |                                     |
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|                             |                                     |                                     |                       |                                     |                                     |

Total (Yes) 7 No 5

Absent 3

Floor Assignment Rep N. Johnson

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

**REPORT OF STANDING COMMITTEE**

HB 1476: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1476 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "shall" with "may"

Page 1, line 11, replace "must" with "may"

Page 1, line 15, replace "must include" with "shall consider including"

Page 1, line 17, replace "involve" with "consider involving"

Page 1, line 18, replace "must be at least eight hour, in length and must stress" with "may include"

Renumber accordingly

2001 TESTIMONY

HB 1476

Testimony  
HB 1477~~o~~

Representative April Fairfield  
District 29

Missed work due to injuries, threatening phone calls at work and the loss of productivity because of mental and emotional distress are examples of how domestic violence can sometimes follow victims to work. In some cases, victims may be attacked on the job and their co-workers may be put at risk.

Situations like these may force survivors of domestic violence to leave work in order to protect themselves, their families or their co-workers.

One study found that abusive husbands and partners harassed 74% of employed battered women at work. Domestic violence caused 56% of the battered women studied to be late for work at least five times a month, 28% to leave work early at least five days a month, and 54% to miss at least three full days of work a month. 25% of these women said they quit work, at least in part, due to domestic violence.

This bill would allow survivors of domestic violence to receive unemployment insurance while they are relocating, recovering or otherwise making themselves safe from domestic violence. (based on model legislation by the National Employment Law Project, a nonprofit group that deals with women's issues)

Thirteen states have now passed laws that explicitly allow survivors of domestic violence to leave their jobs and still collect unemployment, ultimately, allowing these people to avoid having to go on welfare while they deal with this devastating situation. (California, Colorado, Connecticut, Delaware, Maine, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Wisconsin and Wyoming. Some other states do not specifically include domestic violence as a reason to justify leaving a job, but court decisions, rules or agency policies allow survivors to receive unemployment.)

Workers who leave work voluntarily are generally not able to qualify for unemployment unless they have "good cause" for leaving the job. This bill would create a "good cause" exemption for survivors of domestic violence who have to leave work to flee violence, stalking, distress, or to protect themselves or their co-workers from violence.

In addition, because domestic violence survivors may not be able to engage in a search for work or may have to refuse an offer to work because it interferes with achieving safety, this legislation would make an exception to job search requirements for survivors of DV.

This bill is in no way intended to burden employers. Nearly every state that has provided unemployment benefits to DV survivors spread the costs equally between all employers rather than charging an individual employer's unemployment account for the former employee.

I requested in the bill draft that we handle the costs in the same way. Page 4 lines 1-3 of the bill state that the cost of any benefits paid under that exception may not be charged against the account of the employer from whom the individual became separated as a result of illness or injury. However, I think we need to clarify that this section would indeed ensure that individual employer accounts are not charged. If not, I would encourage you to amend the bill to specifically address DV exceptions.

Most states that cover domestic violence under unemployment report that these cases are a very small portion of overall unemployment claims, amounting to probably no more than a handful of claims.

In addition, Job Service may establish reasonable rules to ensure a method for verifying a realistic level of proof of violence, such as police reports or domestic violence programs.

I urge you support of this legislation. It allow survivors of domestic violence to stay in the employment system rather than the welfare system and it will help ensure the safety of the workplace by giving survivors the economic option to leave work if necessary.



BISMARCK  
 Abused Adult Resource Center  
 222-8370  
 BOTTINEAU  
 Family Crisis Center  
 48-2028  
 CLOUD  
 Alternatives for  
 Families  
 1-888-662-7378  
 DICKINSON  
 Domestic Violence and  
 Rape Crisis Center  
 225-4506  
 ELLENDALE  
 Kedish House  
 349-4729  
 FARGO  
 Rape and Abuse Crisis Center  
 800-344-7273  
 FORT BERTHOLD RESERVATION  
 Coalition Against  
 Domestic Violence  
 627-4171  
 FORT YATES  
 Tender Heart Against  
 Domestic Violence  
 854-3861 Ext. 228  
 GRAFTON  
 Tri-County Crisis  
 Intervention Center  
 854-3861 Ext. 228  
 GRAND FORKS  
 Community Violence  
 Prevention Center  
 505  
 JAMUL TOWN  
 S.A.F.E. Shelter  
 888-353-7233  
 McLEAN COUNTY  
 McLean Family  
 Resource Center  
 800-651-8643  
 MERCER COUNTY  
 Women's Action and  
 Resource Center  
 873-2274  
 MINOT  
 Domestic Violence Crisis  
 Center  
 852-2258  
 RANSOM COUNTY  
 Abuse Resource Network  
 683-5061  
 STANLEY  
 Domestic Violence Program,  
 NW, ND  
 628-3233  
 VALLEY CITY  
 Abused Persons Outreach  
 Center  
 215-0078  
 WATFON  
 Survivors Crisis Center  
 215  
 WILLISTON  
 Family Crisis Shelter  
 572-0757

Rep. Rick Berg  
 Chair, Industry, Business and Labor  
 January 31, 2001

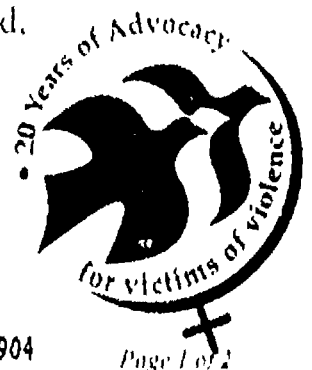
Chairman Berg and members of the Industry, Business and Labor committee:

My name is Linda Isakson from the Council on Abused Women's Services and the Coalition against Sexual Assault in North Dakota. Thank you for this opportunity to speak in support of House Bill 1476. House Bill 1476 would give victims of domestic violence who have been forced out of their job or voluntarily left the job because of circumstances of domestic violence the opportunity to be eligible for unemployment compensation.

The most recent studies done with battered women have supported the fact that abusive partners can adversely affect a victim's experience of work, education and/or training programs. These studies show a very complex relationship between the victim's experience of abuse and their involvement in work activities. Several studies have found that, in general, even women who have experienced recent domestic violence are interested in working and are as likely to be as employed as those who have not. Some have abusive partners who actively interfere with their efforts to work; however, creating a great deal of difficulty sustaining the participation in employment.

The evidence of abusive partner interference with a woman's efforts to obtaining employment and sustaining these efforts has grown over time and become more specific. The rates of active sabotage found in some studies have been disturbingly high. Wisconsin has been one of the states leading the welfare reform effort and designing specialized services for victims of domestic violence. Recently Wisconsin has adopted an enhancement similar to that outlined in HB1476 to their Unemployment Compensation law. The Wisconsin study of women who have experienced current or past abuse found that 43.2 % reported that they did not feel safe from their abusive partner at work. 29.8% reported they had been fired or lost a job because of domestic violence. More specifically, 84.5 % said their abusive partner had kept them from sleeping, or their threats have made them afraid to go to work; the abusive partner also often refused promised daycare.

Unfortunately, I do not have data available from North Dakota that you can compare. Our coalition does not routinely ask the question nor is this information that victims voluntarily reveal. So after surveying members of North Dakota Council on Abused Women's Services organization, we have identified 25 women (1999) who would have qualified under this change in statute. As I visited with directors of domestic violence centers, it became apparent that many of the victims served were highly skilled in their jobs but unable to maintain them because of harassment at home or at work. Some employers go to great lengths to keep these victims on staff and employed, but others can not afford the disruption in their work place. One young woman, after excellent job evaluations, was fired several days after receiving a Protection Order against her husband. The husband had an



account at the same agency. Frequently in rural communities, partners are employed in the same business. The employer faces the difficult choice of who is responsible and lets one or the other go.

Section One of this bill addresses the need for training and implementation of a training program for employees of Job Service. The members of NDCAWS support this effort and will work in conjunction with Job Services North Dakota and others to plan and implement a training program addressing the dynamics, extent, and consequences of domestic violence in North Dakota. Because of the number of victims of domestic violence who are currently recipients of TANF and the JOBS program we are working on a training proposal in conjunction the Department of Human Services to train and implement a similar program for TANF recipients.

The need for section 3 e arises when someone in shelter is required to be actively looking for work when safety is a concern. Safety is always a major consideration for domestic violence victims, and even though a Protection Order might exist, this continues to be the most dangerous time for one who leaves a violent relationship. Harassment and controlling behaviors are often increased during this time period.

The language on page four addresses the need of an individual to leave employment or to relocate because of safety concerns. Employers also must take the safety of their workplace into consideration. This subsection allows an individual to address those safety needs while receiving the unemployment compensation benefit.

Some directors of domestic violence centers talked about individuals leaving their jobs because of unavailable childcare. If the abusive partner has been doing the childcare while the individual is at work, and suddenly cannot, or will not provide that care any longer, partners are forced to voluntarily leave employment until adequate or affordable childcare can be secured. Section four addresses these issues under a good cause for voluntarily leaving a position.

Other states have adopted the broadening of their unemployment compensation laws and have not found it to be overused or abused. In fact, underutilization was a more frequent scenario. But the fact that this little bit of assistance is available to those who need it can help keep people out of the welfare system and in the employment system where they belong and have prospered. They do not need the skills training currently required under TANF nor do they demand the job coaching or other services available under TANF work requirements. What is needed is the time provided under UI to ensure their safety and reestablish themselves in a work environment free of interference from their abuser. I believe the unemployment compensation system is a viable answer for victims with this short term need.

Thank you for your time.

Linda Isakson