

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Dosch

1 A BILL for an Act to amend and reenact subsection 1 of section 37-19.1-04 of the North Dakota
2 Century Code, relating to veterans' preference.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 37-19.1-04 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 1. If a veteran, or a qualified veteran's spouse, hereafter known as the applicant, is
7 not given the preference provided in section 37-19.1-02 or 37-19.1-03, the
8 applicant, within fifteen business days after notification by certified mail that
9 employment has been refused, may request a hearing as provided in subsection 3.
10 The notification from the employer must include the justification cause for the
11 refusal, inform the applicant of the right to appeal, inform the applicant of the
12 requirement that the request for a hearing be filed within fifteen business days after
13 the notification, inform the applicant an appeal to the commissioner of veterans
14 affairs at the commissioner's mailing address by certified mail, and inform the
15 applicant that if the applicant requests an appeal, the applicant must mail a copy of
16 the request for a hearing to the employer or employing agency. The applicant's
17 request for a hearing must be in writing, must include a copy of the employer's
18 notification that employment has been refused, and must be delivered to the
19 commissioner of veterans' affairs by certified mail. A copy of the written request
20 must be mailed to the employer or employing agency. The applicant is entitled to
21 immediate employment in the position for which application was originally made, or
22 an equivalent position, together with backpay and benefits from the date the
23 appointment should have been made less amounts otherwise earnable through
24 due diligence, if the hearing officer finds in favor of the applicant.