

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2433

Introduced by

Senator O'Connell

1 A BILL for an Act to amend and reenact subsection 4 of section 65-05.1-04 of the North Dakota
2 Century Code, relating to work searches by disabled workers.

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

4 **SECTION 1. AMENDMENT.** Subsection 4 of section 65-05.1-04 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 4. If ~~the first an~~ appropriate rehabilitation option under subsection 4 of section
7 65-05.1-01 is ~~return to the same, modified, or alternative occupation, or return to~~
8 ~~an occupation that is suited to the employee's education, experience, and~~
9 ~~marketable skills~~ selected, the employee is responsible to make a good-faith work
10 trial or work search. If the employee fails to perform a good-faith work trial, the
11 organization may not pay additional disability benefits unless the employee meets
12 the criteria for reapplying for benefits required under subsection 1 of section
13 65-05-08. If the employee meets the burden of proving that the employee made a
14 good-faith work trial or work search and that the work trial or work search was
15 unsuccessful due to the injury, the organization shall reevaluate the employee's
16 vocational rehabilitation claim. The organization shall contact the employee by
17 regular mail within six months after selecting a rehabilitation option to determine if
18 the employee has returned to substantial gainful employment. If the employee
19 notifies the organization that there has been no return to substantial gainful
20 employment and if the employee asserts that there has been a good-faith work trial
21 or unsuccessful work search due to the injury, the organization shall provide the
22 employee with an application for renewed disability benefits.