

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 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, the employee is responsible to make a good-faith work trial or
10 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. When the first appropriate vocational rehabilitation
17 option is identified for an employee, the organization shall notify the employee of
18 the obligation to make a good-faith work search or good-faith work trial, and
19 provide information to the employee regarding reinstatement of benefits if the work
20 search or work trial is unsuccessful.