

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact section 37-29-03 of the North Dakota Century Code,
2 relating to job protections of emergency responders.

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

4 **SECTION 1. AMENDMENT.** Section 37-29-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-29-03. Discrimination prohibited in employment practices - Limitations -**
7 **Verification - Civil actions.**

- 8 1. An employer may not terminate or demote an employee who is a volunteer emergency
9 responder or in any other manner discriminate against that employee in the terms and
10 conditions of employment based upon the employee being absent or tardy from
11 employment due to serving as a volunteer emergency responder in responding to a
12 disaster or emergency.
- 13 2. An employee who is terminated, demoted, or otherwise discriminated against in
14 violation of this section may bring a civil action against the employer that violated this
15 subsection. In the civil action, the employee may seek reinstatement to the employee's
16 former position; payment of back wages; reinstatement of fringe benefits; and if
17 seniority rights are granted, the employee may seek reinstatement of seniority rights. A
18 civil action under this section must be commenced within one year of the date of the
19 violation.
- 20 3. ~~Subsection~~ Except for an involuntarily activated North Dakota national guard member,
21 subsection 1 does not apply if due to serving as a volunteer emergency responder, the
22 employee is absent or tardy from the employee's place of employment for a period
23 that exceeds twenty regular working days in a calendar year.

- 1 4. In order to receive the protections of subsection 1, an employee who will be absent or
2 tardy from the employee's place of employment while serving as a volunteer
3 emergency responder in the case of a disaster or emergency shall make reasonable
4 efforts to notify the employer of that service.
- 5 5. An employer may request that an employee provide the employer with written
6 verification of times and dates of instances during which the employee was absent or
7 tardy from employment due to serving as a volunteer emergency responder in the
8 case of a disaster or emergency. Verification under this subsection may include a
9 statement from the department of emergency services, the adjutant general's office,
10 the North Dakota wing of the civil air patrol, or other appropriate entity.
- 11 6. This section does not limit an employer from charging against an employee's regular
12 pay the time the employee is absent or tardy from employment while serving as a
13 volunteer emergency responder to a disaster or emergency.