

Introduced by

Senators Oban, Flakoll, Davison, Mathern

Representatives Haak, Boschee

1 A BILL for an Act to amend and reenact section 54-52.4-02 of the North Dakota Century Code,
2 relating to family leave for state employees.

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

4 **SECTION 1. AMENDMENT.** Section 54-52.4-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-52.4-02. Family leave - Rules.**

7 1. An employer shall grant an employee's request for a family leave of absence for any of
8 the following reasons:

9 a. To care for the employee's child by birth, if the leave concludes within twelve
10 months of the child's birth.

11 b. To care for a child placed with the employee, by a child-placing agency licensed
12 under chapter 50-12, for adoption or as a precondition to adoption under section
13 14-15-12, but not both, or for foster care, if the leave concludes within twelve
14 months of the child's placement.

15 c. To care for the employee's child, spouse, or parent if the child, spouse, or parent
16 has a serious health condition.

17 d. Because of the employee's serious health condition that makes the employee
18 unable to perform the functions of the employee's job.

19 2. For any combination of reasons specified in subsection 1, an employee may take
20 family leave in any twelve-month period for not more than twelve workweeks. The
21 twelve weeks of family leave may be taken intermittently for leave under
22 subdivisions a or b of subsection 1 if approved by the employer. The twelve weeks of
23 family leave may be taken intermittently for leave under subdivisions c or d of
24 subsection 1 if the leave is medically necessary. If an employee normally works a

- 1 part-time schedule or variable hours, the amount of leave to which an employee is
2 entitled must be determined on a pro rata or proportional basis by comparing the new
3 schedule with the employee's normal schedule.
- 4 3. In any case in which a husband and wife entitled to family leave under this chapter are
5 employed by the same employer, the aggregate period of family leave to which both
6 are entitled may be limited by the employer to twelve workweeks during any
7 twelve-month period.
- 8 4. An employee shall reasonably consider the needs of the employer in scheduling family
9 leave under this section or in using leave under section 54-52.4-03.
- 10 5. The family leave required by this chapter is ~~not~~ required to be granted with pay unless
11 otherwise specified by ~~agreement between the employer and employee, by collective~~
12 ~~bargaining agreement, or by employer policy.~~
- 13 6. The family leave required by this chapter supplements any leave otherwise available
14 to an employee.
- 15 7. The director of the office of management and budget may adopt rules to implement
16 this section which may include standard forms, timelines, qualification requirements,
17 and exceptions.