

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.~~ for an Act to amend and reenact section 54-52.4-03
3 and subsection 1 of section 54-52.4-05 of the North Dakota Century Code, relating to state
4 employee leave.

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

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

8 ~~**54-52.4-02. Family leave - Rules.**~~

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

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

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

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

19 ~~d. Because of the employee's serious health condition that makes the employee~~
20 ~~unable to perform the functions of the employee's job.~~

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

1 family leave may be taken intermittently for leave under subdivisions c or d of
2 subsection 1 if the leave is medically necessary. If an employee normally works a
3 part-time schedule or variable hours, the amount of leave to which an employee is
4 entitled must be determined on a pro rata or proportional basis by comparing the new
5 schedule with the employee's normal schedule.

6 ~~3. In any case in which a husband and wife entitled to family leave under this chapter are~~
7 ~~employed by the same employer, the aggregate period of family leave to which both~~
8 ~~are entitled may be limited by the employer to twelve workweeks during any~~
9 ~~twelve-month period.~~

10 ~~4. An employee shall reasonably consider the needs of the employer in scheduling family~~
11 ~~leave under this section or in using leave under section 54-52.4-03.~~

12 ~~5. The family leave required by this chapter is not required to be granted with pay unless~~
13 ~~otherwise specified by agreement between the employer and employee, by collective~~
14 ~~bargaining agreement, or by employer policy.~~

15 ~~6. The family leave required by this chapter supplements any leave otherwise available~~
16 ~~to an employee.~~

17 ~~7. The director of the office of management and budget may adopt rules to implement~~
18 ~~this section which may include standard forms, timelines, qualification requirements,~~
19 ~~and exceptions.~~

20 **SECTION 1. AMENDMENT.** Section 54-52.4-03 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **54-52.4-03. Use of other available leave for care of self, parent, spouse, or child.**

23 1. An employer that provides annual leave or sick leave, or both, for its employees ~~for~~
24 ~~illnesses or other medical or health reasons~~ shall grant an employee's request to use
25 that leave ~~to care for the employee's child, spouse, or parent if the child, spouse, or~~
26 ~~parent has a serious health condition. An employee may take eighty hours of leave~~
27 ~~under this section in any twelve-month period and, upon approval of the employee's~~
28 ~~supervisor and pursuant to rules adopted by the director of the office of management~~
29 ~~and budget, the employee may take, in any twelve-month period, up to an additional~~
30 ~~ten percent of the employee's accrued sick leave to care for the employee's child,~~

~~spouse, or parent if the child, spouse, or parent has a serious health condition, in any combination, for any one or more of the following reasons:~~

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

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

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

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

2. For any combination of reasons specified in subsection 1, an employee may take leave under this section in any twelve-month period for not more than twelve workweeks. The twelve weeks of leave under this section may be taken intermittently for leave under subdivision a or b of subsection 1 if approved by the employer. The twelve weeks of leave under this section may be taken intermittently for leave under subdivision c or d of subsection 1 if the leave is medically necessary. If an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled must be determined on a pro rata or proportional basis by comparing the new schedule with the employees normal schedule.

3. The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness or for annual leave.

SECTION 2. AMENDMENT. Subsection 1 of section 54-52.4-05 of the North Dakota Century Code is amended and reenacted as follows:

1. If an employee requests family leave for the reasons described in subdivision c or d of subsection 1 of section 54-52.4-02 or ~~leave under~~other leave for the reasons described in subdivision c or d of subsection 1 of section 54-52.4-03, the employer may require the employee to provide certification, as described in subsection 2, from the provider of health care to the child, spouse, parent, or employee.