

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2258

Introduced by

Senators Oban, Flakoll, Davison, Mathern

Representatives Haak, Boschee

1 A BILL ~~for an Act to amend and reenact section 54-52.4-03 and subsection 1 of section~~
2 ~~54-52.4-05 of the North Dakota Century Code, relating to state employee leave.~~for an Act to
3 provide for a legislative management study of the state employee leave system.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 ~~SECTION 1. AMENDMENT.~~ Section ~~54-52.4-03~~ of the North Dakota Century Code is
6 amended and reenacted as follows:

7 ~~54-52.4-03. Use of other available leave for care of self, parent, spouse, or child.~~

8 ~~1.~~ An employer that provides ~~annual leave or sick leave, or both,~~ for its employees for
9 illnesses or other medical or health reasons shall grant an employee's request to use
10 that leave to care for the employee's child, spouse, or parent if the child, spouse, or
11 parent has a serious health condition. An employee may take eighty hours of leave
12 under this section in any twelve-month period and, upon approval of the employee's
13 supervisor and pursuant to rules adopted by the director of the office of management
14 and budget, the employee may take, in any twelve-month period, up to an additional
15 ten percent of the employee's accrued sick leave to care for the employee's child,
16 spouse, or parent if the child, spouse, or parent has a serious health condition, ~~in any~~
17 ~~combination, for any one or more of the following reasons:~~

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

20 ~~b.~~ ~~To care for a child placed with the employee, by a child placing agency licensed~~
21 ~~under chapter 50-12, for adoption or as a precondition to adoption under section~~
22 ~~14-15-12, but not both, or for foster care, if the leave concludes within twelve~~
23 ~~months of the child's placement.~~

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

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

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

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

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

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

24 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATE EMPLOYEE LEAVE**

25 **SYSTEM.** During the 2015-16 interim, the legislative management shall consider studying the
26 state employee leave system to determine whether it is preferable to keep the current state
27 employee leave system or for the state to switch to a paid time off (PTO) system for state
28 employee leave. The legislative management shall report its findings and recommendations,
29 together with any legislation required to implement the recommendations, to the sixty-fifth
30 legislative assembly.