

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1387

Introduced by

Representative Keiser

Senator Oban

1 A BILL for an Act to create and enact section 54-06-14.5 of the North Dakota Century Code,
2 relating to state employee use of sick leave and annual leave; and to amend and reenact
3 ~~section~~sections 54-21-18 and 54-52.4-03 of the North Dakota Century Code, relating to parking
4 on the capitol grounds for pregnant employees and employees with infants and state employee
5 use of sick leave.

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

7 **SECTION 1.** Section 54-06-14.5 of the North Dakota Century Code is created and enacted
8 as follows:

9 **54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave**
10 **priority.**

11 1. During the first six weeks following birth or placement, an employer shall grant an
12 employee's request to use up to one hundred sixty hours of sick leave under section
13 54-06-14 to care for the employee's newborn child or to care for a child placed with the
14 employee, by a child-placing agency licensed under chapter 50-12, for adoption or
15 placed with the employee as a precondition to adoption under section 14-15-12, but
16 not both. The employer shall compensate the employee for leave used by the
17 employee under this subsection on the same basis as the employee would be
18 compensated if the leave had been taken due to the employee's illness, medical
19 needs, or health needs. This subsection does not prevent an employee from using
20 sick leave for the employee's illness, medical needs, or health needs following the
21 birth of a child or from using leave under section 54-52.4-03.

22 2. If an employee requests to use annual leave under section 54-06-14 for any of the
23 reasons identified under subsection 1 of section 54-52.4-02, the employer shall give
24 priority to the request.

1 **SECTION 2. AMENDMENT.** Section 54-21-18 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-21-18. ~~Custody of office building -- Considered~~Office building part of capitol**
4 **building - Director has control of ~~public property~~capitol grounds - Parking for pregnant**
5 **employees and employees with infants - Rules - Penalty.**

6 1. The director of the office of management and budget shall control, manage, and
7 maintain the state office building. The building must be considered a part of the state
8 capitol building within the meaning of statutes relating to the custody, maintenance,
9 and control of the state capitol building and grounds, and within the meaning of
10 statutes requiring state departments or agencies to maintain their offices in the state
11 capitol building.

12 2. Except as otherwise provided by law, the director of the office of management and
13 budget has charge and control of the executive mansion, the capitol, and the park and
14 public grounds connected therewith. Except as provided by sections 39-10-48,
15 39-10-50, 44-08-18, and 54-21-17.1, the director may adopt rules to promote the
16 health, safety, and general welfare, to prohibit disturbances and disorderly assemblies,
17 to keep the peace, and to regulate nuisances on the capitol grounds and in any of the
18 buildings located on the capitol grounds. The rules may include regulation of public
19 assemblies and accessibility to the buildings and grounds, obstructions, fees,
20 insurance, forms, indemnification by users, and waiver of insurance and indemnity
21 requirements by the director. A person who violates a rule adopted by the director
22 under this section is guilty of an infraction.

23 ~~3. If an individual is allowed by a state agency housed on the capitol grounds to bring an~~
24 ~~infant to work, the office of management and budget shall provide the individual a~~
25 ~~temporary permit or use some other means that allow the individual to park in any~~
26 ~~parking area in which a member of the public is allowed to park, not including parking~~
27 ~~for the mobility impaired, emergency or fire zones, or zones for which another permit is~~
28 ~~required, on the capitol grounds for the time the individual is allowed to bring an infant~~
29 ~~to work.~~

30 3. The office of management and budget shall provide to a state employee a temporary
31 permit or some other means that allow that employee to park on the capitol grounds in

1 any parking area in which a member of the public is allowed to park, if the state
2 employee is pregnant and employed by a state agency housed on the capitol grounds
3 or if the state employee is allowed by a state agency housed on the capitol grounds to
4 bring an infant to work. This subsection does not authorize a state employee to park in
5 an emergency or fire zone, in parking for the mobility impaired, or in a zone for which
6 another permit is required. The special parking authorized under this subsection
7 expires when the employee is no longer pregnant or no longer authorized to bring an
8 infant to work.

9 **SECTION 3. AMENDMENT.** Section 54-52.4-03 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **54-52.4-03. Use of other available leave for care of parent, spouse, or child.**

12 An employer that provides leave for its employees for illnesses or other medical or health
13 reasons shall grant an employee's request to use that leave to care for the employee's child,
14 spouse, or parent if the child, spouse, or parent has a serious health condition. An employee
15 may take ~~eighty~~four hundred eighty hours of leave under this section in any twelve-month
16 period ~~and, upon approval of the employee's supervisor and pursuant to rules adopted by the~~
17 ~~director of the office of management and budget, the employee may take, in any twelve-month~~
18 ~~period, up to an additional ten percent of the employee's accrued sick leave to care for the~~
19 ~~employee's child, spouse, or parent if the child, spouse, or parent has a serious health~~
20 ~~condition~~. The employer shall compensate the employee for leave used by the employee under
21 this section on the same basis as the employee would be compensated if the leave had been
22 taken due to the employee's own illness.