

HOUSE BILL NO. 1058

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota
2 Century Code, relating to the state's leave sharing program; to amend and reenact section
3 54-06-14.4 of the North Dakota Century Code, relating to state employee leave for organ or
4 bone marrow donation; and to repeal sections 54-06-14.1 and 54-06-14.2 of the North Dakota
5 Century Code, relating to the state's leave sharing program.

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

7 **SECTION 1. AMENDMENT.** Section 54-06-14.4 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **54-06-14.4. State employee leave for organ or bone marrow donation.**

10 The executive officer in charge of a state agency may grant a leave of absence, not to
11 exceed twenty workdays, to an employee for the purpose of donating an organ or bone marrow.
12 Notwithstanding the limitations for the donation and use of donated leave under ~~sections-~~
13 ~~54-06-14.1 and 54-06-14.2~~ section 2 of this Act, an employee may request and use donated
14 annual leave or sick leave for the purpose of donating an organ or bone marrow. If an employee
15 requests donations of sick leave or annual leave, but does not receive the full amount needed
16 for the donation of an organ or bone marrow, the executive officer of the state agency may grant
17 a paid leave of absence for the remainder of the leave up to the maximum total of twenty
18 workdays. The executive officer of the state agency may require verification by a physician
19 regarding the purpose of the leave requested and information from the physician regarding the
20 length of the leave requested. Any paid leave of absence granted under this section may not
21 result in a loss of compensation, seniority, annual leave, sick leave, or accrued overtime for
22 which the employee is otherwise eligible.

23 **SECTION 2.** A new section to chapter 54-06 of the North Dakota Century Code is created
24 and enacted as follows:

1 **State leave sharing program - Rulemaking.**

2 1. The human resource management services division of the office of management and
3 budget shall establish ~~and administer~~ a state leave sharing program for permanent
4 employees of the state. The program must provide for a mechanism for state
5 employees to donate accrued annual and sick leave to an employee who does not
6 have available leave who is suffering from a severe, extreme, or life-threatening
7 condition or who is caring for an immediate relative or household member who is
8 suffering from a severe, extreme, or life-threatening condition.

9 2. A probationary, temporary, or contracted employee with a limited-term appointment is
10 not eligible to participate in the leave sharing program. An employee may not use
11 more than four months donated leave in any twelve-month period and an employee
12 may not retain leave beyond the occurrence necessitating the leave.

13 3. The human resource services division shall ~~require~~:

14 a. Require medical certification from a physician ~~or health care provider~~, physician
15 assistant, psychologist, or advanced practice nurse practitioner verifying the
16 severe, extreme, or life threatening nature of the medical condition and the
17 expected duration of the condition;

18 b. Track the amount of leave taken by permanent state employees under the
19 program; and

20 c. Adopt rules in accordance with chapter 28-32 to implement this section.

21 **SECTION 3. REPEAL.** Sections 54-06-14.1 and 54-06-14.2 of the North Dakota Century
22 Code are repealed.