

LABOR AND EMPLOYMENT

CHAPTER 380

SENATE BILL NO. 2352
(Senators Holmberg, Olson, Kilander)
(Representatives Martinson, A. Hausauer, Rydell)

STATE AND POLITICAL SUBDIVISION EMPLOYEES RELATIONS ACT

AN ACT to provide a State and Political Subdivision Employees Relations Act; and to provide a penalty.

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

SECTION 1. Definitions. In this Act unless the context otherwise requires:

1. "Agency" means any department, institution, board, or other similar body of state government, or any political subdivision within the state.
2. "Appointing authority" means the individuals in any agency who have authority to fill job vacancies.
3. "Employee" means any person, whether employed, appointed, or under contract, providing services for the state, county, city, or other political subdivision, for which compensation is paid. "Employee" also includes a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision. "Employee" does not include:
 - a. A person elected to public office in the state or in a political subdivision;
 - b. A member of the legislative council staff;
 - c. A person holding an appointive statutory office;
 - d. One deputy or principal assistant for each elected official or appointive statutory official;
 - e. One secretary for each elected or appointive statutory official; and
 - f. All members of the governor's staff.

4. "Organization" means any organized group of individuals working together for the common good of public employees and government.

SECTION 2. Political activities. Except when on duty or acting in an official capacity and except as otherwise provided by state or federal law, no employee shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

SECTION 3. Membership in organizations. No employee may be denied the right to be a member of an organization of employees or be intimidated or coerced in a decision to communicate or affiliate with an organization. Public employees shall have the right to request payroll deduction of dues for membership in an organization of employees.

SECTION 4. Violations for misuse reported by employee - Reprisals prohibited - Furnishing false information.

1. An employee may, without fear of reprisal, report in writing to their respective agency head, a state's attorney, the attorney general, or an employee organization the existence of:
 - a. A job related violation of state or federal law.
 - b. A job related violation of state or federal agency rules.
 - c. The job related misuse of public resources.
2. For having made a report under subsection 1 no employee will:
 - a. Be dismissed from employment.
 - b. Have salary increases of employment-related benefits withheld.
 - c. Be transferred or reassigned.
 - d. Be denied a promotion which the employee otherwise would have received.
 - e. Be demoted.
 - f. Be discriminated against in any term or condition of employment.
3. An employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal as determined by the employee's appointing authority or designee. An employee dismissed under this

subsection may appeal first to the state personnel board and then to the district court in the manner prescribed by chapter 28-32, or to other appropriate offices and then to district court if the employee is not under the jurisdiction of the state personnel board.

SECTION 5. Prohibited acts. No agency, appointing authority, organization or employee shall directly or indirectly:

1. Require or coerce any agency employee to participate in any way in any activity or undertaking unless the activity or undertaking is related to the performance of official duties.
2. Require or coerce any agency employee to make any report concerning any activities or undertaking unless the activity or undertaking is related to the performance of official duties.
3. Require any agency employee to invest or contribute earnings in any manner or for any purpose, except for participation in the employees retirement program.
4. Restrict or attempt to restrict after-working-hour statements, pronouncements, or other activities of any agency employee not otherwise prohibited by law which pertains to matters of public concern, if the employee does not purport to speak or act in an official capacity.

SECTION 6. Penalties or threats prohibited. No employee shall suffer a penalty or the threat of a penalty because that employee exercised rights under this Act.

SECTION 7. Other rights or legal remedies unimpaired. Nothing in this Act shall disparage, impair, or limit any other right or legal remedy of an employee.

SECTION 8. Penalty. A violation of the provisions in this Act is a class B misdemeanor.

Approved April 11, 1985