

**FISCAL NOTE**  
**Requested by Legislative Council**  
**04/02/2015**

Amendment to: HB 1244

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, the bill allows 6 weeks of sick leave to be used upon adoption or placement under NDCC 50-12 or 14-15-12.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Allowable use of sick leave for adoption or placement will increase use of sick leave somewhat. It is impossible to determine or estimate the potential use as there are not records identifying adoptions or placements with state employees.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No specific expenditures other than lost productivity and potential 'back-fill' of positions where determined to be necessary.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

**Name:** Ken Purdy

**Agency:** HRMS - OMB

**Telephone:** 328-4735

**Date Prepared:** 04/02/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**04/02/2015**

Amendment to: HB 1244

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	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
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**Name:** Ken Purdy

**Agency:** HRMS - OMB

**Telephone:** 328-4735

**Date Prepared:** 04/02/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/12/2015**

Amendment to: HB 1244

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
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**Name:** Ken Purdy

**Agency:** HRMS - OMB

**Telephone:** 328-4735

**Date Prepared:** 02/16/2015

15.0654.02000

## **FISCAL NOTE STATEMENT**

Senate Bill or Resolution No. HB 1244

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, school districts, or townships. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Sheila Sandness  
Senior Fiscal Analyst

**2015 HOUSE HUMAN SERVICES**

**HB 1244**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

HB 1244  
1/19/2015  
22137

- Subcommittee  
 Conference Committee

Committee Clerk Signature  
*Christina Muschla*

## Explanation or reason for introduction of bill/resolution:

Relating to use state employee sick leave for birth or adoption of a child.

## Minutes:

Jessica Haak Testimony 1  
Jessica Haak Testimony 2  
Stuart Savelkoul Testimony 3

Chairman Weisz opened the hearing on HB 1244.

Julie Hoffman: Adoption Administrator for the DHS. Adoption can happen many ways, from foster care, as an infant from the child placing agency, foreign born, and step child. There are several different areas of adoptions. Average of 311 adoptions a year, 160 was agency adoptions and was adopted from foster care. We don't have data because it is not a field where we collect on how long the child has lived in the home prior to adoption but you can make an assumption that most children who are adopted by their foster parents have lived in the home for more than a year and some of those step-parent adoptions as well. Adoptions through the infant and foreign agencies probably have not lived in the home previously.

Chairman Weisz: In the foster care example it appears in the bill that even if the child was in foster care for two years they could still get the extra 12 months because being a foster care that is not a pre-condition for adoption.

Hoffman: Foster care is not a precondition for adoption. They may have lived in a home for 12 months prior to adoption.

Chairman Weisz: It says per 12 months following birth or placement so would you consider that placement to include foster care?

Hoffman: We would consider the foster care placement as part of the placement. In terms of adoption there is the 6 month requirement for a child to live in a home prior to finalization and the foster care period counts as part of that. If I were to be consistent in interpreting this statute with the residency statute for adoption I would call that foster care period part of the placement as well.

Chairman Weisz: Do you see the same need if you adopted a newborn versus a seven old?

Hoffman: I think it is an individual kind of thing. It would be hard to make a wide statement but I think there are changes in families when you are doing foster care versus when you are adopting. There is a difference in how you view that child and how that child becomes a part of the family. In those cases there are some adjustments but it will vary.

Rep. Porter: On the word placement, if someone adopts a child in a foreign country and they go over to get the child. Is the time frame of placement the same as approval for adoption? Or does placeman limit it to when they get back to the US and start inside of their home?

Hoffman: When the child begins to reside with the family. I think it clarifies in paragraph two. Generally speaking the paperwork for a foreign adoption is done prior to the family actually having custody or the care of the child. That is a process done by a paper. So they may actually have adopted the child and not have possession of the child. By virtue of the definition here I would call the placement when the child begins living with them.

Rep. Jessica Haak: Introduced and supported the bill. (See Testimony #1)

Rep. Mooney: Are there other states that have already implemented this type of legislation?

Rep. Haak: There are, it's not a very large number so we would be ahead of the ball.

Rep. Haak handed in testimony for Courtney Rein arts-Workman and read it to the committee, also gave Carly Gad die's testimony. (See Testimony #2)

Rep. Mooney: The 12 weeks is based on accrued leave?

Rep. Haak: Yes. If the employee has only accrued 3 weeks that is all they would be allowed to utilize.

Stuart Savelkoul: Assistant Executive Director of ND United testified in support of the bill. (See Testimony #3)

Rep. Porter: What happens when both parents are state employees? Can both take off the same time?

Savelkoul: My understanding of it is the two parents could use in concurrently.

Tom Richter: President of North Dakota AFLCIO stated his support of the bill. It only changes how they can use the accrued days and it expands on the birth or adds the placement of a child.

Rep. Porter: I have questions for Mr. Purdy.

Ken Purdy: Director of HR management services in the division of OMB. The leave policies and administrative code relating to those leave policies generally has some application to the county social service board employees under the human services. I don't think this would impact political subdivision employees.

Rep. Porter: If a mother gives birth and takes leave, does that mean the father can use maternity leave also at the same time (state employees)?

Purdy: At the present time the sick leave of child would be for the mother. Generally agencies will accept or doctors will support anywhere from 4-6 weeks. There is a limited sick leave for the father under the family sick leave. Agencies would allow sometime for the immediate time of birth and time in the hospital for the mother and baby for the father to take some sick leave under our family leave. The father would have no sick leave. It could be concurrent or consecutive leaves. The mother and father could take an initial 12 weeks off of they have those sick leave time.

Rep. Porter: Does this proposal exceed what the current medical policy of the state of North Dakota?

Purdy: In general it would be more. If it is related to the medical necessity they can have all their sick leave. The current medical leave act is up to 12 weeks.

Rep. Porter: If you adopted a child you have access to your sick leave for 12 weeks if you have that amount accrued. If you give birth to a child you get 4-6 weeks unless there are other medical circumstances.

Purdy: This would extend to 12 weeks for birth or adoption for the mother or father.

Rep. Porter: This would also extend on the birth side for both employees?

Purdy: Yes.

Chairman Weisz: Under this scenario, I could take 12 weeks sick leave paid and then under the family medical evict I would take an additional 12 weeks of unpaid.

Purdy: Some agencies treat that concurrently and others will not apply medical leave until you exhausted or paid leave.

Chairman Weisz: Can other employees donate their sick leave in these cases?

Purdy: The sick leave donation statute is for a severe or major health issue. A normal pregnancy does not rise to the level of the severe serious health issue, if there is complication certainly but normally no.

Rep. Hofstad: I'm confused on the fiscal note. We are talking about state employees only, but in the fiscal note statement they are talking about they cannot produce a fiscal note statement because we are going to affect revenues and expenditures of cities, school

districts, etc... You said in your testimony we affect only state employees so why can't we produce a fiscal note?

Purdy: I haven't seen or asked for one, I think this was done by council.

Chairman Weisz: At some time that cost will occur anyway because when they retire they will take their sick leave right?

Purdy: Only 10%.

Rep. Porter: Give us a breakdown how employees accumulate the sick leave.

Purdy: At a rate of 8 hours a month. 1 day a month and 12 days a year.

Rep. Porter: So there is no escalator then after 15 years of service?

Purdy: Not on sick leave.

No Opposition

Chairman Weisz: Closed the hearing

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

HB 1244  
1/21/2015  
22329

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Amanda Muscha*

## **Explanation or reason for introduction of bill/resolution:**

Relating to use state employee sick leave for birth or adoption of a child.

## **Minutes:**

Chairman Weisz took up HB 1244.

Rep. Seibel: I know one of the questions that came up was if this would cost more money to the agencies. To me if someone has sick leave, the sick leave is there. Either they will use it for this or use it something. I don't see where it will add anything to the costs.

Chairman Weisz: We also had a couple of concerns initially and the one was if you can give up your sick leave to someone else but he addressed that. It is only for serious health issues. From Representative Seidel's perspective about it not costing, it does cost from the stand point that they are only going to give you 10% for retirement.

Rep. Oversen: I totally support the concept of the bill. I don't think it is an additional cost. The important thing is that it might be cost saving in the long run if we allow parents who are adopting if people don't have that time of bonding it could go poorly and might not end well costing the state more in the long run with foster children and adoptions. As a state we want to encourage adoptions and this is a way to do that.

Rep. Mooney: I echo what Rep. Seibel and Rep. Oversen said.

Chairman Weisz: One question was do both parents get leave at same time? At birth using the maternity leave and then more leave after that is used up. Is it right to let them piggy back? In the case of birth is using the maternity and then taking the 12 weeks?

Rep. Oversen: I think they clarified that it would still be capped at 12 weeks on the maternity leave.

Rep. Muscha: I had written down to that the 12 weeks is in FMLA so they said that is where that all came from.

Chairman Weisz: Well that is of course sick leave. If you use the 12 weeks. Both parents would be able to take 12 weeks. Together or consecutively.

Rep. Muscha: They have to have earned it so they can't take it unless they have earned it.

Rep. Rich Becker: Rep. Jessica Haak's testimony says, "this bill allows for no more than 12 weeks of sick leave to be used under this section following the birth or the placement of a child."

Chairman Weisz: Well that is per individual. She could take 12 then he could take 12 or they could take them together. The only is for state employees.

Rep. Damschen: I support this bill. The only thing that this wouldn't be super important for is for a family who is adopting a foster child and the child has been with them for a year already.

Chairman Weisz: I believe that the placement starts when the child went in to foster care so they wouldn't qualify. That was the same concern I had.

Rep. Mooney: I think on line 13 of the bill it referenced that where it is limited to the first 12 months of the child living in the employee's home. It is only limited to that first year. If it is a foster placement they need to do it in the first year.

Chairman: I'm getting the sense everybody supports this. I'll get the answers for this. Closed the hearing.

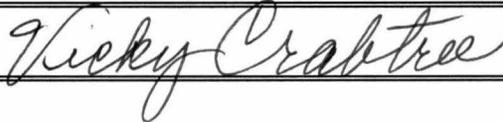
# 2015 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

HB 1244  
1/26/2013  
Job #22538

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Minutes:

Chairman Weisz: Let's take up HB 1244. We talked about piggybacking between the Family Maternity Leave Act and sick leave. Under this bill the way they would interpret it, there wouldn't be an issue and you could take 12 weeks unpaid maternity leave and your 12 weeks of sick leave. Family maternity leave does apply to both parents. It stops both parents taking it concurrently.

Rep. Porter: On the age of the adopted child there is no limitation of age. So if the child were 10 it would be the same as an infant?

Chairman Weisz: Correct.

Rep. Damschen: If the child was in the home as a foster child and then adopted, there wouldn't be (inaudible).

Chairman Weisz: Then this would not apply unless they would have been in their foster care for less than 12 months.

Rep. Oversen: I move a Do Pass on HB 1244

Rep. Seibel: Second.

ROLL CALL VOTE: 12 y 0 n 1 absent

MOTION CARRIED

Bill Carrier: Rep. Muscha

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

HB 1244  
2/10/2015  
Job #23602

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Minutes:

Attachments 1-2

Chairman Weisz: I need a motion to reconsider our actions.

Rep. Seibel: Motioned reconsideration of HB 1244.

Rep. Fehr: Seconded it.

## VOICE VOTE: MOTION CARRIED

Chairman Weisz: We have HB 1244 back in front of us. I visited with the bill sponsor. (Handed out amendments. See Attachments #1, 02002 and #2, 01001) One amendment I don't understand whatsoever. The other set of amendments are fairly simple. There were concerns in the pregnancy area that you already have 12 weeks of leave and then this would give another 12 weeks of paid sick leave that could go on top of that. The one amendment in front of you narrows it to adoption and it takes the 12 weeks to 4 weeks of paid sick leave. The other set of amendments, 01001 there would 4 weeks of paid and an additional 8 weeks of unpaid. I would suggest we look at amendment 02002. They can already take up to 12 weeks of family leave for adoption and this would give them the 4 additional paid sick leave.

Rep. Oversen: I would be open to the amendment if we can start at 6 weeks. I would Move the amendment 02002 on page 1, line 15 to change 12 to 6.

Rep. Seibel: Second.

Chairman Weisz: So you understand, the whole section of pregnancy is gone and this strictly applies to adoption. The only policy is that you could take up to 6 weeks of accrued sick leave.

Rep. Seibel: On line 16 do we need to get rid of the words, "birth or"?

Chairman Weisz: It probably would make it less confusing if you took birth out of line 16. We will do that as a separate amendment.

VOICE VOTE: MOTION CARRIED

Rep. Seibel: I Move the amendment on line 16 to remove the words "birth or".

Rep. Rich Becker: Second.

VOICE VOTE: MOTION CARRIED

Rep. Hofstad: I would Move a Do Pass as amended on HB 1244.

Rep. Seibel: Second

ROLL CALL VOTE: 12 y 0 n 1 absent

MOTION CARRIED

Bill Carrier: Rep. Muscha

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1244

Page 1, line 2, remove "birth or"

Page 1, line 6, remove "**birth or**"

Page 1, line 7, remove "birth or"

Page 1, line 8, remove "the"

Page 1, line 9, remove "employee's newborn child or to care for"

Page 1, line 12, replace "In the case of an adoption or a placement as a precondition to adoption, the" with "The"

Page 1, line 15, replace "twelve" with "four"

Page 1, after line 16, insert:

"3. The sick leave required by this section supplements any leave otherwise available to an employee."

Renumber accordingly

8/10/15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1244

Page 1, line 2, remove "birth or"

Page 1, line 6, remove "birth or"

Page 1, line 7, remove "birth or"

Page 1, line 8, remove "the"

Page 1, line 9, remove "employee's newborn child or to care for"

Page 1, line 12, replace "In the case of an adoption or a placement as a precondition to adoption, the" with "The"

Page 1, line 15, replace "twelve" with "six"

Page 1, line 16, remove "birth or"

Page 1, after line 16, insert:

"3. The sick leave required by this section supplements any leave otherwise available to an employee."

Renumber accordingly

Date: 1-26-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1244**

House Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Oversen    Seconded By Rep. Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Mooney	✓	
Vice-Chair Hofstad	✓		Rep. Muscha	✓	
Rep. Bert Anderson	✓		Rep. Oversen	✓	
Rep. Dick Anderson	✓				
Rep. Rich S. Becker	A				
Rep. Damschen	✓				
Rep. Fehr	✓				
Rep. Kiefert	✓				
Rep. Porter	✓				
Rep. Seibel	✓				

Total (Yes) 12    No 0

Absent 1

Floor Assignment Muscha

If the vote is on an amendment, briefly indicate intent:

Date: 2-10-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1244**

House Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Seibel    Seconded By Rep. Fehr

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen	Voice Vote Motion Carried				
Rep. Fehr					
Rep. Kiefert					
Rep. Porter					
Rep. Seibel					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2-10-15  
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1244**

House Human Services Committee

Subcommittee

Amendment LC# or Description: 15.0654.02002

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:     Reconsider     \_\_\_\_\_

Motion Made By Rep. Oversen Seconded By Rep. Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen	<i>Voice Vote</i>				
Rep. Fehr					
Rep. Kiefert	<i>Motion Carried</i>				
Rep. Porter					
Rep. Seibel					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
Change 12 to 6 on page 1, line 15

Date: 2-10-15  
Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1244

House Human Services Committee

Subcommittee

Amendment LC# or Description: Verbal amendment

- Recommendation:  Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar
- Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Seibel Seconded By Rep. Rich Becker

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen					
Rep. Fehr					
Rep. Kiefert					
Rep. Porter					
Rep. Seibel					
<i>Voice Vote Motion Carried</i>					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
*Line 16 remove "birth or"*

Date: 2-10-15  
Roll Call Vote #: 4

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1244

House Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Hofstad Seconded By Rep. Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Mooney	✓	
Vice-Chair Hofstad	✓		Rep. Muscha	✓	
Rep. Bert Anderson	✓		Rep. Oversen	✓	
Rep. Dick Anderson	✓				
Rep. Rich S. Becker	✓				
Rep. Damschen	✓				
Rep. Fehr	✓				
Rep. Kiefert	✓				
Rep. Porter	✓				
Rep. Seibel	✓				

Total (Yes) 12 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Muscha

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1244: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1244: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1244 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "birth or"

Page 1, line 6, remove "birth or"

Page 1, line 7, remove "birth or"

Page 1, line 8, remove "the"

Page 1, line 9, remove "employee's newborn child or to care for"

Page 1, line 12, replace "In the case of an adoption or a placement as a precondition to adoption, the" with "The"

Page 1, line 15, replace "twelve" with "six"

Page 1, line 16, remove "birth or"

Page 1, after line 16, insert:

"3. The sick leave required by this section supplements any leave otherwise available to an employee."

Re-number accordingly

**2015 SENATE HUMAN SERVICES**

**HB 1244**

# 2015 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

HB 1244  
3/11/2015  
Job #24673

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*W. Monson* *Donald Mueller*

## Explanation or reason for introduction of bill/resolution:

A bill relating to use of state employee sick leave for adoption of a child

## Minutes:

Attach #1: Testimony from Rep. Jessica Haak  
Attach #2: Testimony from Courtney Reinarts-Workman  
Attach #3: Testimony from Carly Gaddie,  
Attach #4: Rep. Jessica Haak proposed amendment  
Attach #5: First Engrossment SB 2258

**Representative Jessica Haak** introduced HB 1244 to the Senate Human Services Committee (attachment #1). She also provided:

- **testimony from Courtney Reinarts-Workman** (attachment #2)
- **testimony from Carly Gaddie** (attachment #3)
- **and a proposed amendment** (attachment #4).

**Senator Howard Anderson, Jr.** asked, instead of using sick leave, why the approach wasn't to craft something similar to maternity leave. Not all of that is paid, but wouldn't that seem more reasonable?

**Rep. Haak** wanted to use what is within the system that we have now. Right now a mother is able to use her sick leave for regular birth or caesarean section. This would only be the earned leave so they would only be able to use what they have earned. It is a way to work within the current system.

**Senator Warner** said that his wife's company no longer has sick leave but has Personal Time Off (PTO). If we use the language specifically as sick leave, are we leaving off those other people?

**Rep. Haak** pointed out that this is only for state employees who only have personal leave and sick leave.

**Senator Dever** stated that under family medical leave they can take the time, but this allows them to be paid to the extent they have earned sick leave.

**Senator Oban** testified in support of HB 1244. She reminded the committee of what passed in the Senate. It would allow state employees, under all the reasons the Family and Medical Leave Act (FMLA) exists such as traditional birth, c-sections, adoption of a child, caring for spouse, etc., to be able to use up to 12 weeks of earned leave in one calendar year. This is not granting any more paid leave than what they have already accrued. FMLA allows them to protect their job and this bill allows them to be paid for accrued sick leave. The other bill is SB 2258 (attachment #5)

**Senator Dever** asked if the amendments given by Rep. Haak restore the original language to the bill.

**Sen. Oban** answered that what Rep. Haak is trying to do is to add adoption. She didn't believe that adoption is addressed in current policy that state employees follow. The bill passed out of the Senate is more extended and is 12 weeks. Rep. Haak's bill started at 12 weeks and the House amended it down to six.

**Rep Haak** clarified that, essentially, the house took the birth out and amended it down to 6 weeks. That would allow an adoptive father to take six weeks of earned sick leave but not a birth father. Putting the birth amendment back restores the father's rights.

**V. Chairman Oley Larsen** asked if there has been any research or data done on how many private businesses allow this, not government agencies.

**Rep. Haak** said she could not speak to that. At Farmers Union, they have short-term disability for six weeks, at 60% pay.

**V. Chairman Oley Larsen** said that for certain supplemental policies birth does count for short term disability. He asked if the short term disability would count for the adopted child where she currently works.

**Rep. Haak** answered that Farmers Union does allow for adopted children as well.

**Chairman Judy Lee** indicated that there would be upset people if we said pregnancy was a disability.

**Julie Hoffman**, administrator for Adoption Services for the Department of Human Services, was present to answer questions. She talked about different kinds of adoptions in ND, such as foster care, infants adopted through regular infant adoptions, identified adoptions, adoptions of foreign born children, and adoptions by step-parents. Over the course of 2010-2013, there were 311 adoptions per year and 160 of those were adoptions facilitated by an adoption placement agency. Of those, some children would have lived in the home for 12 months. Many foster care children will have already lived in the home, so the families would not qualify. She pointed out that they did not know how many adoptions are by state employees.

**Stuart Savelkoul**, assistant executive director of North Dakota United, testified in favor of HB 1244. It is worth considering what the status quo is for new parents in ND. This is for all new parents, whether birth parents or adopted parents. Now, all the new parent is

guaranteed is 2 weeks of leave. This is a real issue for children because day cares don't take kids before six weeks. As a matter of practice, mothers are allowed to take up to 6 weeks if they have accrued the sick leave. There is no guaranteed leave for fathers or for mothers. Rep. Haak's bill in the original form was a strong step in the right direction in that it was trying to allot 12 weeks of accrued leave. To accrue 12 weeks, you have to work 5 years and never take a sick day. If you have an employee with 12 weeks of sick accrued, it is safe to say they are dedicated employees and you don't want to risk losing that employee. The new generation looks at things differently. It isn't just salary that matters to them. It's work-life balance. Anything the state legislature can do to make our state a friendlier place for those people to work would be a good thing.

**Chairman Judy Lee** asked all those who had testified if they were visiting with people on the House side to include this in SB 2258.

**Mr. Savelkoul** reported that the bill passed out in the Senate does have adoption in it. If the House would pass that bill out with a small amendment that didn't limit the amount of leave a person could use for personal use, it would be a very good bill and would accomplish what this bill would do and more.

**Senator Warner** assumed that leave isn't transferable between parents. Is that right?

**Mr. Savelkoul** said that there are sick leave sharing provisions that exist in state government, but Ken Purdy indicated no, it is not allowable.

**Senator Warner** wondered if they could leap frog if both parents were state employees.

**Mr. Savelkoul** responded, yes, that would be allowed.

**Tom Ricker**, president of ND AFL-CIO, testified in support of HB 1244 (23:53). He pointed out that state employees do not get short term disability. There are different provisions for different people depending on whether they are private sector employees or state employees. The company he came from the mother could get short term disability. The Family Medical Leave Act protects your job while on the 12 week unpaid leave but the employer must still maintain the health insurance at the current rate.

**Renaë Stromme**, ND Women's Network, offered support for HB 1244.

OPPOSITION to HB 1244

No opposing testimony.

NEUTRAL to HB 1244

**Ken Purdy** clarified that the other bill allows both parents that are state employees, if employed by the same employer, a total of 12 weeks for both together not 12 each. For donated leave, it is applied to a serious health condition so routine birth would not apply. It's an emergency safety net type provision.

**Senator Warner** asked for clarification on the same employer. Is state government or the agency considered the employer? If husband is in one agency and wife is in another agency?

**Mr. Purdy** felt it would be by agency in this case.

**Mr. Purdy** discussed the amendments. In the original amendments from the House the mother would be able to use sick leave for the period of medical need. The mother and/or father could use 6 weeks for adoption or foster placement but the father would have no provision for taking leave for a birth. That got left out so that is the purpose of the amendment. The quirk in SB 2258 which read no more than 12 weeks in a 12 month period applied to all purposes including the employee's use of their own sick leave. The request was to amend that out to avoid that inadvertent occurrence.

There was no further neutral testimony.

**Chairman Judy Lee** closed the public hearing on HB 1244.

# 2015 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Red River Room, State Capitol

HB 1244  
3/11/2015  
24688

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Donald Myeller*

## Explanation or reason for introduction of bill/resolution:

A bill relating to use of state employee sick leave for adoption of a child

## Minutes:

No attachment

The Senate Human Services Committee met on March 11, 2015 for committee work on HB 1244. The recording for this bill is under Job Recording 24688, 26:50.

**Chairman Judy Lee** indicated that we will hold off on this one until we see the SB 2258 does in the House. If SB 2258 gets big changes or killed, we'll hang on to this bill for now.

# 2015 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

HB 1244  
3/17/2015  
24966

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A bill relating to use of state employee sick leave for adoption of a child

## Minutes:

No attachments

The Senate Human Services Committee met on March 17, 2018 for committee work on HB 1244.

**Chairman Judy Lee** indicated that we don't want to take action on this bill until we know what the House does with a related bill (SB 2258).

**Senator Dever** indicated that House GVA is considering extensive amendments to SB 2258 that is said to be an improvement on the bill. He could visit with them.

# 2015 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Red River Room, State Capitol

HB 1244  
3/30/2015  
25615

- Subcommittee  
 Conference Committee

Committee Clerk Signature	<i>Donald Mueller</i>
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**Explanation or reason for introduction of bill/resolution:**

A bill relating to use of state employee sick leave for adoption of a child

**Minutes:**

No attachments
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The Senate Human Services Committee met on March 30, 2015 for HB 1244 committee work.

The intern, Femi, provided an overview in bills that are comparable to HB 1244. This bill speaks specifically to the first 12 months, where other bill talks about first six weeks after placement.

**Chairman Judy Lee** confirmed that we will not cancel one bill with the other. The main point of HB 1244 is that the father has coverage for the adoption.

The committee recognized other bills, HB 1387, HB 1463, and SB 2258. More research is required.

# 2015 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

HB 1244  
3/31/2015  
25665

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A bill relating to use of state employee sick leave for adoption of a child

## Minutes:

No attachments

The Senate Human Services Committee met on March 31, 2015 for HB 1244 committee work.

**Chairman Judy Lee** looked at the other bills related to 1244. 1387 has been passed. Difference in 1387 is first 6 weeks. In our bill, first 12 months following placement. This allows a longer time. If the employee covers fathers in this one, not sure why not in the others. So we can be the last one here.

**Senator Warner** indicated that the 12 months deals with foster care placements.

**Chairman Judy Lee** added it's for adoption placements, isn't it?

**Senator Warner** stated line 13 says, the first 12 months of the child living in the employees home. It would still only be for adoption, but depending on when the countdown starts. Is the term living in the employees home different than the word term placement? Placement would indicate the adoption process has started, where living in the employees home - there may not have been initial intent either, but then he may have been living there for a year before.

**Chairman Judy Lee** added that's true if it is a foster care child being adopted.

**Senator Warner** stated that doesn't determine the initial placement, does it?

**Chairman Judy Lee** answered not for a foster child.

**Senator Warner** stated so he could have been in a foster care for entire year or more before the adoption even starts, and then he would be ineligible for this leave. That is his understanding.

**Chairman Judy Lee** indicated she doesn't remember the foster care discussion.

**Senator Dever** asked if that is the 1387 a precondition to adoption.

**Chairman Judy Lee** indicated they'll often get the baby in the first week, but placed in the home before adoption.

**Senator Warner** responded the term "placed" as opposed to the term "living in the employees home", having the child placed with the employee, he understands that as being the beginning of the adoption process. But on line 12, the wording is different. The first 12 months of the child living in the employees home.

**Chairman Judy Lee** read from the amendment. Asked Femi if 50-12 is for adoption or foster care? In the case of an adoption or a precondition of adoption as a precondition to adoption, the use of sick leave under this section is limited to the first 12 months of the child living in the employees home.

**Senator Warner** understands that to mean that to begin the adoption process, the 13<sup>th</sup> month or the 11<sup>th</sup> month - you are still only eligible for the leave for the first year since the child has been in the home. Presumably, you have bonded sufficiently by that time.

**Femi**, the intern, reported that 50-12 is "child placement agency." This could be foster care.

**Senator Howard Anderson, Jr.** doesn't know if that is a barrier.

**Senator Warner** doesn't think it is a barrier either.

**Senator Howard Anderson, Jr.** stated it is possible you may have multiple children placed in your home in subsequent years.

**Senator Warner** could be in subsequent years, and Chairman Judy Lee until your sick leave is used up.

**Senator Warner** some of these are related to foster care. You have to adopt the kid to get the leave.

**Chairman Judy Lee** there was an amendment. 3001 - added birth or placement, so parent could qualify for it by birth or placement.

**Senator Warner** moved the Senate Human Services Committee ADOPT AMENDMENT 3001. The motion was seconded by **Senator Howard Anderson, Jr.** No discussion.

Roll Call Vote to Amend

6 Yes, 0 No, 0 Absent. Motion passes.

Senate Human Services Committee

HB 1244

03/31/2015

Page 3

**Senator Warner** moved the Senate Human Services Committee DO PASS engrossed HB 1244 AS AMENDED. The motion was seconded by **V. Chairman Oley Larsen**. No discussion.

Roll Call Vote to DO PASS AS AMENDED

6 Yes, 0 No, 0 Absent. Motion passes.

**Senator Warner** will carry HB 1244 to the floor.

3/31/15  
JHP

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1244

Page 1, line 2, after "for" insert "birth or"

Page 1, line 6, after "for" insert "birth or"

Page 1, line 7, after "following" insert "birth or"

Page 1, line 8, after "for" insert "the employee's newborn child or to care for"

Page 1, line 12, replace "The" with "In the case of an adoption or a placement as a precondition to adoption, the"

Page 1, line 15, after "following" insert "birth or"

Renumber accordingly

Date: 03/31 2015  
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1244

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 15.0654.03001 Title 04000

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen. Warner Seconded By Sen. Anderson

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larsen (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 03/31 2015  
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1244

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 15. 0654.03001

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Sen. Warner Seconded By Sen. Larsen

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larsen (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Warner

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1244, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1244 was placed on the Sixth order on the calendar.

Page 1, line 2, after "for" insert "birth or"

Page 1, line 6, after "**for**" insert "**birth or**"

Page 1, line 7, after "following" insert "birth or"

Page 1, line 8, after "for" insert "the employee's newborn child or to care for"

Page 1, line 12, replace "The" with "In the case of an adoption or a placement as a precondition to adoption, the"

Page 1, line 15, after "following" insert "birth or"

Re-number accordingly

**2015 CONFERENCE COMMITTEE**

**HB 1244**

# 2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee  
Fort Union Room, State Capitol

HB 1244  
4/10/2015  
Job #26028

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Ticky Crabtree*

## Minutes:

Rep. Damschen: We will call the conference committee on HB 1244 to order. My understanding that in passing 1387 in the House yesterday, following birth, the mother has 2 weeks plus she can have another 4 weeks? I had a call into Jennifer and didn't get an answer on that.

Stuart Savickel: 1387 would provide 4 weeks of sick leave for parents in the case of birth or adoption placement. It spoke to 2 weeks more annual leave.

Rep. Damschen: There is not two weeks added onto the 4 weeks of sick leave for the mother?

Stuart: No. HB 1387 only grants 2 additional weeks of sick leave for a total of four.

Sen. H. Anderson: We tried to include the birth and adoption in the same bill. The father and mother could take six weeks if they had it accrued. If we pass this bill, it will be the only one we need.

Rep. Damschen: You are referring to 1244?

Sen. H. Anderson: Correct.

Sen. Warner: The 6 weeks is exactly the same way it came from the House. We didn't change that did we?

Rep. Damschen: In 1244, no.

Rep. Muscha: Sen. Anderson could you elaborate on this bill would be the only one we need?

Rep. H. Anderson: This bill has the birth, adoption, and 6 weeks in it. This bill encompasses everything, but the study. Perhaps we could ask Jennifer Clark about the previous bill that was passed in the House and see how it relates to this one.

Rep. Muscha: I believe 1387 also had it in leave for taking care of a spouse or other child.

Rep. Damschen: HB 1387 does have provision for taking care of relatives in it. Jennifer will you elaborate on the differences of the two bills?

Jennifer Clark: From Legislative Council. I can tell you that at looking at 1244 as it left the Senate that will apply to a birth or adoptive father and adoptive mother. As it left the House it would apply to an adoptive father and mother, but not a birth father. Has 1387 passed the House?

Rep. Damschen: Yes, it is on its way to the Governor.

Clark: On that one the birth of a child is limited to the first 6 weeks. You have closed your window a little bit. It is parallel to unpaid family medical leave that we have in our state law. In 1244 is during the first 12 months. The window you can take that differs. The number of hours you can do differ as well.

Rep. Damschen: I think the maximum you can use 1244 is 6 weeks and in 4 weeks is in 1387.

Clark: You are right, 1244 is during that first 12 month period and you can use up to 6 weeks of your sick leave. The hours are 160 which is 4 weeks in the other one. Can you do both?

Sen. Warner: Your concern is the 4 weeks in the other bill which was passed in the House, that this might not pass with the 6 weeks?

Rep. Damschen: Yes and no because we didn't know if it would pass with birth in it. If 1244 was passed would that language supersede that first section in 1387?

Clark: I am not the code reviser. However, we have basic rules to follow and the first thing the reviser would do see if he can (inaudible) the two together. In Section 1 of both of these, I think what he would do is call one of these 14.5 and another 14.6 and they would both go into the code. In this case you are creating two new sections of law.

Sen. Warner: You think the code reviser would have one section relative to birth and another section relative to adoption?

Clark: He would codify 1387 and code it with 14.5 and would put 1244 in as 14.6 so they would be next to each other in the code.

Sen. Larsen: But the timeframe for each one of those bills is different. One is 480 hours of leave and the other one 6 weeks. That won't flow.

Clark: It is creative. There is an overlap by passing both of these. You are not amending anything here. If you want to amend the language in 1244 have to look a little different. Could you take pieces of 1244 and affectively amend 1387, absolutely.

Sen. Damschen: I think that is the end result of what we want, but we have to be careful how we do that.

Sen. Larsen: That is what both houses passed with the timeline. I don't think we want to add and that is what we are doing with this bill.

Sen. Damschen: If we can agree of what we want here we could have Jennifer draft something. Is it our desired goal to extend the sick leave time? I personally think 6 weeks is kind of tight. I think 12 months is more of an envelope than we need.

Sen. H. Anderson: We need to look at 1387 to see if there is anything in here we want.

Rep. Damschen: I would suggest we adjourn and do some homework on that. It may be premature to ask Jennifer to draft anything for us.

Clark: If you are looking at amending the law created in 1387. Your section 1 of that bill, I could prepare a first draft of an amendment to 1244 to do that. In amending 1387, how many weeks are you going to allow? And second, over what period of time. Is that correct?

Rep. Damschen: Yes.

Sen. H. Anderson: Assuming 1387 includes both the father and mother in equal terms should be a consideration as well.

Clark: Can you give me a starting point?

Rep. Damschen: Draft the draft. The meeting is adjourned.

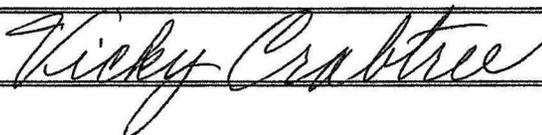
# 2015 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

HB 1244  
4/13/2015  
Job #26065

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

Handout #1

Rep. Damschen: HB 1244 is called to order. I passed out amendments that Jennifer Clark did. (See Handout #1) HB 1387 passed and has similar wording as 1244 and addresses the same subject in Section 1. These amendments do what we discussed at our last meeting. It changes the bill into a bill that will act to amend and reenact section 54-06-14.5 which was created by Section 1 of HB 1387.

Sen. Anderson: I think this is what we intended and what was left from the other bill we need to get fixed.

Sen. Warner: This is excellent and well done and I think that compromise between the six weeks and year to six months allows ample time for both parents.

Rep. B. Anderson: I agree with the two Senators and I think this will work very well.

Sen. Anderson: I move the amendments 15.0654.03003.

Sen. Warner: I second.

ROLL CALL VOTE: 6 y 0 n 0 absent

SC  
4/13/15

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1244

That the Senate recede from its amendments as printed on page 1369 of the House Journal and page 1098 of the Senate Journal and that Engrossed House Bill No. 1244 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, relating to state employee use of sick leave and annual leave.

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

**SECTION 1. AMENDMENT.** Section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, is amended and reenacted as follows:

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

1. During the first six ~~weeks~~months following birth or placement, an employer shall grant an employee's request to use up to ~~one hundred sixty hours~~six weeks of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Renumber accordingly



**REPORT OF CONFERENCE COMMITTEE**

**HB 1244, as engrossed:** Your conference committee (Sens. Anderson, Larsen, Warner and Reps. Damschen, B. Anderson, Muscha) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1369, adopt amendments as follows, and place HB 1244 on the Seventh order:

That the Senate recede from its amendments as printed on page 1369 of the House Journal and page 1098 of the Senate Journal and that Engrossed House Bill No. 1244 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, relating to state employee use of sick leave and annual leave.

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

**SECTION 1. AMENDMENT.** Section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, is amended and reenacted as follows:

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

1. During the first six ~~weeks~~<sup>months</sup> following birth or placement, an employer shall grant an employee's request to use up to ~~one hundred sixty hours~~<sup>six weeks</sup> of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Renumber accordingly

Engrossed HB 1244 was placed on the Seventh order of business on the calendar.

**2015 TESTIMONY**

**HB 1244**

Chairman Weisz, Vice Chairman Hofstad, and members of the House Human Services Committee

I am here to testify in support of HB 1244. The need for this bill came to my attention after I met with a constituent. I will share her story following my testimony. I further looked into her situation, contacting HR and reviewing the century code. It was discovered that all parties were acting within the current law; therefore, I looked into ways to change the law and here we are. This bill allows state employees to use their sick leave whether they give birth to a child or adopt a child; the update is allowing employees who adopt to use their sick leave.

The first section of the bill reinforces the ability to only use the sick leave for the first twelve months following the birth or the placement of a child. This allows parents to be with the child during a critical period of development, which will help the child and the parent develop a routine and become familiar with the adjustment, which as any parent knows, comes with having a child.

The second section of the bill limits the use of sick leave regarding adoption of a child. For example, if a child has already been living with the parent/employee for over a year they would not be able to utilize the sick leave under this section. It is specifically for children that are placed in the home for adoption and limits access of the use of the sick leave to the first twelve months of the child living in the employee's home. Also, this bill allows for no more than twelve weeks of sick leave to be used under this section following the birth or the placement of the child.

This bill has been looked over by Ken Purdy Administrative Director for Human Resources Management Services for the state of North Dakota and he offered the suggestion to limit it to twelve weeks, which has been inserted. Other than that he had no issue with it. With that I will ask for your support for House Bill 1244.

I would be happy to stand for any questions.

Rep. Jessica Haak  
District 12

Chairman Weisz and Members of the Committee:

My name is Courtney Reinarts-Workman. I am providing my testimony in support of Bill 1244.

Our daughter was born August 28<sup>th</sup>, 2013. While my husband and I were in the midst of seeking to adopt a child, our daughter entered this world unbeknownst to us. We only received the news of her birth two days afterward, notifying us that this little girl was ours. Frantically, we contacted family and made travel arrangements to fly to Houston, Texas to bring our little girl home.

Amidst the excitement and anxiety of going through the adoption process, I had the understanding that I would be able to stay home with our child after her arrival in order to spend that time bonding with our new daughter, enabling us to transition from a family of two into a family of three. Imagine the life changing experience of bringing home your infant, without the benefit of the nine month preparation time that birth parents enjoy. As a state employee, I have earned eight hours of sick leave each month since I started working for the Department of Human Services in 2007. Knowing that someday, we would add to our family, I was very diligent in saving my sick leave so I would be able to take time off when the moment arrived, without the foreknowledge or even an approximation of when it would be.

On August 30<sup>th</sup>, 2013, that moment arrived. I notified the Human Resources Department that I would be taking maternity leave, utilizing my accrued sick leave.

Initially, there were no problems. However, a few days after we returned to North Dakota, I was informed that I was not eligible for maternity leave. I was informed that maternity leave was only granted for the mother to recover from the delivery procedure and was not intended to allow parents the necessary time to bond with their child. This struck me as distinctly unfair to adoptive parents and entirely neglecting the importance of parents and their infants spending those initial weeks bonding to each other.

As many of you are aware, the bonding time between infant and parent is one of the most crucial stages in infantile development. When infants form these secure attachments, they have higher self-esteem and healthier relationships later in life. They also tend to have better educational and emotional outcomes whereas infants who are unable to develop secure attachments are at risk for significant developmental and mental health issues in the future. When a woman becomes pregnant, the bonding process usually begins immediately upon learning of the pregnancy. In adoption, this process is delayed by days, months, or even years. This makes the time following placement in an adoption all the more crucial.

As a social worker, I know and understand the importance of this crucial and fundamental time. As part of my job, I must know how to advocate on behalf of my clients. But here I was, finding that I had no one to advocate for my family, save for myself. What were my options? I received various responses from Human Resources over the next week: from using Family Medical Leave Act, using my annual leave, going on unpaid leave. However, all of these options allowed me only limited time with our daughter. I soon found out I didn't qualify for some of these options. I had already used the allotted 40 hours under the Family Medical Leave Act, and I did not qualify

for unpaid leave until my annual leave was used. My thought at that time: Do I not have the same rights as other moms? This was not fair to my family or me and I felt discriminated against. I felt defeated by the system in which I work: a system whereby we teach parents the importance of bonding and in which we advocate for fair treatment.

By this time, I was a wreck emotionally and it was beginning to take a toll physically with the days and nights suddenly spent on late-night feedings and diaper changes, time that new birth-parents would qualify to have off. I was left with no choice by this time and I did what I needed to do for my family, specifically for the long term. I went to my doctor and explained my situation. Not only was I a new mom, I had nothing prepared for our daughter as we had only a two-day notice. I was not sleeping and I was worried about needing to return to work. I was quickly becoming rundown. I am thankful I have a doctor who understands the adjustment required of parents of a newborn and the physical and emotional toll expended by new parents. I was given a doctor's note excusing me from work thereby allowing me to use my sick leave. I still do not feel this is right. Nonetheless, I was able to spend time getting to know my child and develop a bond with her while being able to adjust to our new lives. However, this issue could have been prevented in the first place if adoptive parents were granted the same rights as birth parents.

I believe the bill being presented by Representative Haak provides the same rights to all parents, whether biological or adoptive. This bill stresses the importance of this time for parents bonding with their child and not simply being recuperative time off. It allows parents to use their accumulated sick leave, which they have earned, in caring for their child and building a cohesive bond rather than being concerned with whether they will be able to get the time off from work to get to know their child.

I sincerely wish to thank you for giving this bill your time and attention as I believe it will have a positive impact for those North Dakotans who become adoptive parents, granting them the same rights as biological parents possess in being able to spend the time bonding with their child. Again, I thank you for your time.

With respect,

Courtney Reinarts-Workman  
January 16, 2015

HB 1244 1/19/2015 2.3

HANDED IN #  
January 19, 2015

Chairman Weisz and Committee Members,

I am the Director of Pregnancy, Parenting, and Adoption Services at Catholic Charities North Dakota, a Licensed Child Placing Agency in North Dakota. Through my position I work with adoptive parents who adopt children newborn to teenagers, born in the United States and abroad. I am writing to you in favor of the H.B. 1244.

As you may or may not be aware, when a North Dakota couple finalizes their adoption, they receive the rights and responsibility for that child as through that child were born to them. Adoptive couples spend anywhere from \$10,000 to more than \$40,000 to complete an adoption, depending upon the type of adoption. Following adoptive placement, our agency recommends that at least one parent spend a minimum of 6 weeks at home bonding with the child, and encourages at least one parent to take as long as possible. Time off following placement helps establish the parent-child relationship. While important for all families, it is of particular importance for families who adopt an older child or child born in another country who may have been residing in an institution. Children, who have experienced trauma (residing outside of their birth family) as well as multiple caregivers, take more time to develop attachments to their new adoptive parents. Further, in the first year of placement, many have ongoing medical appointments, therapy, and other interventions which require their parents to take time off from work to attend. Whether becoming parents for the first time or fifth time, each child is different and parents respond different. Parents also need time to adjust to their new family circumstance and assist others (siblings, their partner) adjust as well.

While our agency recommends leave, after a family has spent thousands of dollars on an adoption, many feel the need to rush back to work, especially if their employer does not allow for paid time off or use of sick leave to cover time at home. In 2014, a family we worked with adopted a newborn baby who had to be in the Neonatal Intensive Care Unit (NICU) for 5 weeks. As it was an adoption, the baby was born in a different city than the adoptive family resided in. Because of both parent's employment policies, neither parent was able to take sick time from work to cover time spent with their newly adopted newborn in the NICU. They family was forced to make the excruciating decision of only seeing their baby on the weekend while he was in the NICU and rely on daily updates from nursing staff at the hospital instead of being there, holding him while he got stronger.

Therefore, I urge you to support H.B. 1244. By allowing state employees to use sick time to cover time off following the birth or adoption of a child, will allow them precious time to build the bonds of attachment and adjust to any issues that may arise.

Respectfully,

Carly Gaddie, MSW, LCSW  
Director of Pregnancy, Parenting, and Adoption Services  
Catholic Charities North Dakota



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*Great Public Schools**Great Public Service*

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Testimony before the House Human Services Committee  
Stuart Savelkoul, North Dakota United  
January 19, 2015

Good morning Chairman Weisz and members of the committee. My name is Stuart Savelkoul and I am the Assistant Executive Director of North Dakota United. I am here today representing the interests of educators and public employees across the state of North Dakota including the more than 11,000 members of NDU. We, respectfully, urge you to assign a "do-pass" recommendation to HB 1244. My testimony will provide you with evidence that this bill will benefit many North Dakota children, our state employees, and our state as a whole.

The research is clear; parental leave has been shown to have significant benefits for the health of individual family members and for the well-being of the family overall. The resources and supports available to infants can have critical and lasting effects on their health and well-being. In the early years of life, children experience rapid rates of brain and nervous system development and form important social bonds with their caregivers. Research suggests that access to maternity leave can affect breastfeeding rates and duration, reduce the risk of infant mortality, and increase the likelihood of infants receiving well-baby care and vaccinations.

According to a 2014 study commissioned by the US Department of Labor, research shows that paid leave increases the likelihood that workers will return to work after childbirth, improves employee morale, has no or positive effects on workplace productivity, reduces costs to employers through improved employee retention, and improves family incomes. Research further suggests that expanding paid leave is likely to have economy-wide benefits such as reduced government spending on public assistance and increased labor force participation, which would bring natural economic gains, generating a larger tax base and increased consumer spending. At least one study, cited by the U.S. Government Accountability Office (2007) finds that paid leave for fathers helps to foster gender equity, both in the workplace and in the home, since it shortens leaves for mothers.

Passing HB 1244 will assist the state in the recruitment and retention of employees at a time when increased priority is being assigned to such benefits by millennial employees. Employee turnover is expensive. According to the Society for Human Resource Management, every time a business replaces a salaried employee, it costs 6 to 9 months' salary on average. For an employee making \$50,000 a year, that's \$25,000 to \$37,500 in recruiting and training expenses.

Members of the committee, the evidence is clear. Passing HB 1244 will be a good for children of our state employees. It will help the state in the recruitment and retention of employees, particularly those from the millennial generation. Finally, it is a fiscally prudent and proactive piece of legislation that will save our state money in the long run. Again, I ask for your "do-pass" recommendation.

2-10-15

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1244

Page 1, line 2, remove "birth or"

Page 1, line 6, remove "birth or"

Page 1, line 7, remove "birth or"

Page 1, line 8, remove "the"

Page 1, line 9, remove "employee's newborn child or to care for"

Page 1, line 12, replace "In the case of an adoption or a placement as a precondition to adoption, the" with "The"

Page 1, line 15, replace "twelve" with "four"

Page 1, after line 16, insert:

"3. The sick leave required by this section supplements any leave otherwise available to an employee."

Renumber accordingly

2-10-15

#2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1244

Page 1, line 2, remove "birth or"

Page 1, line 2, after "child" insert "; and to amend and reenact section 54-52.4-02 of the North Dakota Century Code, relating to family leave for state employees"

Page 1, line 6, remove "birth or"

Page 1, line 7, remove "birth or"

Page 1, line 8, remove "the"

Page 1, line 9, remove "employee's newborn child or to care for"

Page 1, line 12, replace "In the case of an adoption or a placement as a precondition to adoption, the" with "The"

Page 1, line 15, replace "twelve" with "four"

Page 1, after line 16, insert:

"3. The sick leave required by this section supplements any leave otherwise available to an employee.

**SECTION 2. AMENDMENT.** Section 54-52.4-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-52.4-02. Family leave.**

1. An employer shall grant an employee's request for a family leave of absence for any 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 family leave in any twelve-month period for not more than twelve workweeks; however, if care for a child placed with an employee under subdivision b of subsection 1 is one of the reasons, the leave may not exceed twenty workweeks. ~~The twelve weeks of family leave may be taken intermittently for leave under subdivisions a or b of subsection 1 if~~

approved by the employer. The ~~twelve weeks~~ of family leave may be taken intermittently for leave under subdivisions 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 employee's normal schedule.

3. In any case in which a husband and wife entitled to family leave under this chapter are employed by the same employer, the aggregate period of family leave to which both are entitled may be limited by the employer to:
  - a. To twelve workweeks during any twelve-month period for leave taken for reasons under subdivision a, c, or d of subsection 1 or any combination of these reasons; and
  - b. To twenty workweeks during any twelve-month period for leave taken to care for a child placed with an employee under subdivision b of subsection 1 or for any combination of reasons under subsection 1 if the reasons include subdivision b.
4. An employee shall reasonably consider the needs of the employer in scheduling family leave under this section or in using leave under section 54-52.4-03.
5. The family leave required by this chapter is not required to be granted with pay unless otherwise specified by agreement between the employer and employee, by collective bargaining agreement, or by employer policy.
6. The family leave required by this chapter supplements any leave otherwise available to an employee."

Renumber accordingly

Attach #1  
HB 1244 03/11/15  
J#24673

Chairman Lee, Vice Chairman Larsen, and members of the House Human Services Committee

I am here to testify in support of HB 1244. The need for this bill came to my attention after I met with a constituent. I will share her story following my testimony. I further looked into her situation, contacting HR and reviewing the century code. It was discovered that all parties were acting within the current law; therefore, I looked into ways to change the law and here we are. This bill allows state employees to use their sick leave whether they give birth to a child or adopt a child; the update is allowing employees who adopt to use their sick leave.

The first section of the bill reinforces the ability to only use the sick leave for the first twelve months following the placement of a child. This allows parents to be with the child during a critical period of development, which will help the child and the parent develop a routine and become familiar with the adjustment, which as any parent knows, comes with having a child.

The second section of the bill limits the use of sick leave regarding adoption of a child. For example, if a child has already been living with the parent/employee for over a year they would not be able to utilize the sick leave under this section. It is specifically for children that are placed in the home for adoption and limits access of the use of the sick leave to the first twelve months of the child living in the employee's home. Also, this bill allows for no more than twelve weeks of sick leave to be used under this section following the birth or the placement of the child.

This bill has been looked over by Ken Purdy Administrative Director for Human Resources Management Services for the state of North Dakota and he offered the suggestion to limit it to twelve weeks, which has been inserted.

I do have some amendments for the bill, from the request of Ken Purdy. After reviewing the policy, it is not guaranteed to parents who give birth to use sick leave, in fact, only the mother is able to use sick leave and typically based on the type of birth this varies. The amendment would insert birth into the bill to ensure that parents of birth children are treated equally. Ken can talk a little more in depth on the details of that.

I would be happy to stand for any questions.

Rep. Jessica Haak  
District 12

Attach #2  
HB 1244  
03/11/15  
J# 24673

Chairman Lee and Members of the Committee:

My name is Courtney Reinarts-Workman. I am providing my testimony in support of Bill 1244.

Our daughter was born August 28<sup>th</sup>, 2013. While my husband and I were in the midst of seeking to adopt a child, our daughter entered this world unbeknownst to us. We only received the news of her birth two days afterward, notifying us that this little girl was ours. Frantically, we contacted family and made travel arrangements to fly to Houston, Texas to bring our little girl home.

Amidst the excitement and anxiety of going through the adoption process, I had the understanding that I would be able to stay home with our child after her arrival in order to spend that time bonding with our new daughter, enabling us to transition from a family of two into a family of three. Imagine the life changing experience of bringing home your infant, without the benefit of the nine month preparation time that birth parents enjoy. As a state employee, I have earned eight hours of sick leave each month since I started working for the Department of Human Services in 2007. Knowing that someday, we would add to our family, I was very diligent in saving my sick leave so I would be able to take time off when the moment arrived, without the foreknowledge or even an approximation of when it would be.

On August 30<sup>th</sup>, 2013, that moment arrived. I notified the Human Resources Department that I would be taking maternity leave, utilizing my accrued sick leave.

Initially, there were no problems. However, a few days after we returned to North Dakota, I was informed that I was not eligible for maternity leave. I was informed that maternity leave was only granted for the mother to recover from the delivery procedure and was not intended to allow parents the necessary time to bond with their child. This struck me as distinctly unfair to adoptive parents and entirely neglecting the importance of parents and their infants spending those initial weeks bonding to each other.

As many of you are aware, the bonding time between infant and parent is one of the most crucial stages in infantile development. When infants form these secure attachments, they have higher self-esteem and healthier relationships later in life. They also tend to have better educational and emotional outcomes whereas infants who are unable to develop secure attachments are at risk for significant developmental and mental health issues in the future. When a woman becomes pregnant, the bonding process usually begins immediately upon learning of the pregnancy. In adoption, this process is delayed by days, months, or even years. This makes the time following placement in an adoption all the more crucial.

As a social worker, I know and understand the importance of this crucial and fundamental time. As part of my job, I must know how to advocate on behalf of my clients. But here I was, finding that I had no one to advocate for my family, save for myself. What were my options? I received various responses from Human Resources over the next week: from using Family Medical Leave Act, using my annual leave, going on unpaid leave. However, all of these options allowed me only limited time with our daughter. I soon found out I didn't qualify for some of these options. I had already used the allotted 40 hours under the Family Medical Leave Act, and I did not qualify

Attach# 3

HB 1244

03/11/15

J# 24673

Chairman Weisz and Committee Members,

I am the Director of Pregnancy, Parenting, and Adoption Services at Catholic Charities North Dakota, a Licensed Child Placing Agency in North Dakota. Through my position I work with adoptive parents who adopt children newborn to teenagers, born in the United States and abroad. I am writing to you in favor of the H.B. 1244.

As you may or may not be aware, when a North Dakota couple finalizes their adoption, they receive the rights and responsibility for that child as through that child were born to them. Adoptive couples spend anywhere from \$10,000 to more than \$40,000 to complete an adoption, depending upon the type of adoption. Following adoptive placement, our agency recommends that at least one parent spend a minimum of 6 weeks at home bonding with the child, and encourages at least one parent to take as long as possible. Time off following placement helps establish the parent-child relationship. While important for all families, it is of particular importance for families who adopt an older child or child born in another country who may have been residing in an institution. Children, who have experienced trauma (residing outside of their birth family) as well as multiple caregivers, take more time to develop attachments to their new adoptive parents. Further, in the first year of placement, many have ongoing medical appointments, therapy, and other interventions which require their parents to take time off from work to attend. Whether becoming parents for the first time or fifth time, each child is different and parents respond different. Parents also need time to adjust to their new family circumstance and assist others (siblings, their partner) adjust as well.

While our agency recommends leave, after a family has spent thousands of dollars on an adoption, many feel the need to rush back to work, especially if their employer does not allow for paid time off or use of sick leave to cover time at home. In 2014, a family we worked with adopted a newborn baby who had to be in the Neonatal Intensive Care Unit (NICU) for 5 weeks. As it was an adoption, the baby was born in a different city than the adoptive family resided in. Because of both parent's employment policies, neither parent was able to take sick time from work to cover time spent with their newly adopted newborn in the NICU. They family was forced to make the excruciating decision of only seeing their baby on the weekend while he was in the NICU and rely on daily updates from nursing staff at the hospital instead of being there, holding him while he got stronger.

Therefore, I urge you to support H.B. 1244. By allowing state employees to use sick time to cover time off following the birth or adoption of a child, will allow them precious time to build the bonds of attachment and adjust to any issues that may arise.

Respectfully,

Carly Gaddie, MSW, LCSW  
Director of Pregnancy, Parenting, and Adoption Services  
Catholic Charities North Dakota

15.0654.03001  
Title.

Prepared by the Legislative Council staff for  
Representative Haak

March 9, 2015

*Attach #4*  
*HB 1244*  
*03/11/15*  
*J#24073*

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1244

Page 1, line 2, after "for" insert "birth or"

Page 1, line 6, after "for" insert "birth or"

Page 1, line 7, after "following" insert "birth or"

Page 1, line 8, after "for" insert "the employee's newborn child or to care for"

Page 1, line 12, replace "The" with "In the case of an adoption or a placement as a precondition to adoption, the"

Page 1, line 15, after "following" insert "birth or"

Renumber accordingly

15.0789.03000

FIRST ENGROSSMENT

Attach #5

HB 1244  
03/11/15

Sixty-fourth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2258 J# 24673

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.

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

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

6 **54-52.4-03. Use of other available leave for care of self, parent, spouse, or child.**

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

- 17 a. To care for the employee's child by birth, if the leave concludes within twelve  
18 months of the child's birth.
- 19 b. To care for a child placed with the employee, by a child-placing agency licensed  
20 under chapter 50-12, for adoption or as a precondition to adoption under section  
21 14-15-12, but not both, or for foster care, if the leave concludes within twelve  
22 months of the child's placement.
- 23 c. To care for the employee's child, spouse, or parent if the child, spouse, or parent  
24 has a serious health condition.

Sixty-fourth  
Legislative Assembly

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

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

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

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

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

4-13-15

#1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1244

That the Senate recede from its amendments as printed on page 1369 of the House Journal and page 1098 of the Senate Journal and that Engrossed House Bill No. 1244 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, relating to state employee use of sick leave and annual leave.

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

**SECTION 1. AMENDMENT.** Section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, is amended and reenacted as follows:

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

1. During the first ~~six weeks~~ months following birth or placement, an employer shall grant an employee's request to use up to ~~one hundred sixty hours~~ six weeks of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Renumber accordingly