

**FISCAL NOTE**  
**Requested by Legislative Council**  
**04/10/2015**

Amendment to: SB 2258

- 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).*

The amendment makes no change to existing law or practice for the 15-17 biennium, therefore, no fiscal impact is anticipated.

- 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.*

No fiscal impact other than costs of providing information and data for the study.

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.*

There is no way to estimate how much additional leave might be taken or how many temporary replacements may 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:** OMB - HRMS

**Telephone:** 328-4735

**Date Prepared:** 04/10/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/06/2015**

Amendment to: SB 2258

- 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).*

The amendments, resulting in engrossed bill 15.0789.03000, remove the 12 weeks of additional paid leave provided to employees. The engrossed bill provides additional reasons allowed for use of 12 weeks of paid leave (annual or sick) if leave is available.

- 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.*

The fiscal impact cannot be determined as there is no way to estimate how much additional leave or how many temporary replacements may be necessary.

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.*

There is no way to estimate how much additional leave might be taken or how many temporary replacements may 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:** OMB - HRMS

**Telephone:** 328-4735

**Date Prepared:** 02/09/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/19/2015**

Bill/Resolution No.: SB 2258

- 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			\$13,599,187	\$9,066,125	\$14,687,121	\$9,791,415
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).*

Provides 12 weeks of paid leave, separate from annual and sick leave, for birth or adoption of a child, care for family member with serious health condition, and for an employee's serious health condition.

- 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.*

Section 1, #5 changes the time off from unpaid to paid.

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.*

The following data estimates the impact of paid leave under 1a and 1b. It is not possible to determine potential costs of 1c and 1d.

According to health insurance enrollment data from ND Public Employees Retirement System:

- \* 15,402 employees enrolled in health insurance coverage (state agencies and higher ed)
- \* 709 dependents have been added to coverage each year on average over the past 5 years

Assumptions:

- \* 12 weeks of paid leave taken for each of the 709 dependents added per year
- \* Average classified salary including benefits - \$1,332/wk
- \* Cost for 12 weeks - \$15,984
- \* \$15,984 \* 709 new dependents \* 2 yrs biennium = \$22,665,312 (60% gf-\$13,599,187; 40% fed/spec-\$9,066,125)
- \* 2017-19 biennium estimated based on 8% increase over 2015-17.

- 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:** OMB - HRMS

**Telephone:** 328-4735

**Date Prepared:** 01/21/2015

**2015 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2258**

# 2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2258  
1/29/2015  
Job# 22787

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carie Winings*

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

A BILL for an Act to amend and reenact section 54-52.4-02 of the North Dakota Century Code, relating to family leave for state employees.

## Minutes:

Attachments 1-6

**Chairman Dever:** Opened the hearing on SB 2258.

**Senator Oban, District 35:** See Attachment #1 as sponsor and testimony in support of the bill.

**(7:35)Chairman Dever:** Do you know if we have had this before us before?

**Senator Oban:** Fully paid leave, I am not sure. I think there have been efforts to expand it but I am not sure that it has been offered as the 12 weeks fully paid.

**Chairman Dever:** My recollection is that the family medical leave act on a federal level was adopted during the Clinton administration and it applied to employers with more than 50 employees and all public of any size. Are you familiar with the state employee compensation commission?

**Senator Oban:** I am not.

**Senator Dever:** It is a group that includes one or two legislators I think as well as the director of OMB and also representatives of state employee associations. (Others in the room stated that it was 5) Do you know if this kind of proposal has been made to them?

**Senator Oban:** I do have people that are from a group representing the employees that are here. This has come up specifically from people in my district who are trying to make ends meet while they grow their families.

**Chairman Dever:** You are talking about state employees?

**Senator Oban:** Correct.

**Chairman Dever:** What about people that are not state employees? How do they feel about state employees receiving a benefit that they do not receive?

**Senator Oban:** I am guessing if we talk to them about the differences between some of the things they get in the private sector vs. the public sector we can have that conversation. I know there are also efforts to provide some tax credits for businesses that start providing things like this for their employees. There are efforts to further those in the private sector.

**Chairman Dever:** I understand that some departments allow for a parent to bring their child to work up to 6 months?

**Senator Oban:** That is correct. I think those have been individual departments that have made those decisions which is also a good thing.

**(10:58) Brianna Ludwig, State Employee:** See Attachment #2 for testimony in support of the bill.

**(14:50) Chairman Dever:** Do you have one child?

**Brianna Ludwig:** One and one on the way.

**(15:45) Matthew Perry, Bismarck Resident:** See Attachment #3 for testimony in support of the bill.

**(22:35) Chairman Dever:** Do think that if a husband and wife both work for the state that we should provide paid leave for both?

**Matthew Perry:** I think that the way the bill is worded it would be for 12 weeks total between the two.

**Chairman Dever:** Personal comments.

**(23:40) Stuart Savelkoul, North Dakota United:** See Attachment #4 for testimony in support of the bill.

**(27:30) Stuart Savelkoul:** (Addressed a previous question by Chairman Dever) You asked about the state employee compensation commission and whether or not it has been addressed in the past and to my knowledge at least over the last 3 years of that committee it has not been addressed in a significant way. In this case we are seeing that large employers in the private sector have set the standard and the state needs to catch up. If for a year or two the state ends up leading the market in regard to family leave, I think there are worse reputations that we could have in this state.

**Chairman Dever:** North Dakota United represents teachers as well and what is the situation for teachers?

**Stuart Savelkoul:** Correct. That would be negotiated on a district by district level in contracting.

**Senator Flakoll:** Do you have any data on the average age of state employees and how that corresponds with other states that offer a similar program?

**Stuart Savelkoul:** I don't have it with me but I can get that to you.

**Senator Flakoll:** On page 2, lines 8-9, how will that work in the smaller agencies in terms of total numbers and they have a few employees with specific abilities that cannot be easily covered for?

**Stuart Savelkoul:** I cannot speak to each individual agency. I imagine each agency would have different methods by which they tackle it. In some agencies it is not uncommon to have a retired employee come back and work for temporary periods of time to cover the position.

**Senator Flakoll:** The Attorney General's office has a provision that they have adopted similar to the bill, are you aware of any other state agencies that have similar provisions?

**Stuart Savelkoul:** No. Not at all familiar with any agencies that practice anything outside what is currently mentioned in existing code. I did not know about the AG's office either.

**(32:00) Renee Stromme, Executive Director, North Dakota Women's Network:** See Attachment # 5 in support of the bill.

**(35:00) Senator Flakoll:** A number of people have more than one job so what would be the expectation there? How do we make that right in the eyes of everyone?

**Renee Stromme:** I am not sure that I see your point. It is too bad that they need two jobs, but if they need two jobs than they should get the leave from both if they need the income from both. I do not think that it should be rejected for that reason.

**Senator Flakoll:** I am state employee in some respects. Sometimes the office politics of it is, if you have someone leaving and have others in the department to absorb some of that, sometimes the ones absorbing the work get frustrated if the person is still working a second job. I am just trying to work my way through an answer to that.

**Renee Stromme:** Trying to develop policy that will avoid any office politics seems rather difficult because personality conflicts will be in place regardless. I think it is worth thinking through, but I think it is more a supervisory positions role to work in that department about how that plays out in the morale of the group. The reality is that people are more generous than we give them credit for.

**(38:52) Josh Asvig, AARP of North Dakota:** Testified in support of the bill. We have been raising the issue of caregiving and the needs to support family caregivers all over. When I read the bill, everyone has talked about caring for kids, but I also see it to provide for an ailing parent or family member. It is important to be able to do that. In North Dakota in any given year there are over 100,000 individuals that provide caregiving at approximately \$130 million in uncompensated care. Those are not all state employees but certainly some of them are. Having the ability to have leave to do that is important to the voters in North Dakota. 91% of

the voters asked in a recent survey said that it was very or extremely important to provide care for their loved ones to remain safely at home. 67% of them believe that it was important to have more resources available for caregivers; paid leave certainly being one of those.

**(40:40) Chairman Dever:** (Asked for someone to speak to the fiscal note) How much of an increase is in Governor's budget for compensation for state employees?

**Ken Purdy, Director of HR Management Services Division, OMB:** For the state employees excluding Higher Ed is about \$93 million counting increases, health insurance premium, retirement contribution.

**Senator Davison:** Can you explain the policy now for maternity/family leave?

**Ken Purdy:** The current policy in current statute and rules regarding leave for a pregnancy would be having sick leave available to the mother for the period of need. Generally agencies will, without requiring a medical statement, allow 4-6 weeks. With a doctors statement they will give whatever is necessary. There is also a provision in the sick leave statute that provides up to 80 hours for the care of a family member with a serious health condition. With other justified circumstances, that can be increased to an additional 10% of the employees existing balance of leave. It is contingent on the employee having a balance of leave.

**Senator Davison:** So can they use their entire sick leave to care for a new baby?

**Ken Purdy:** It would be contingent upon medical need. There has to be medical need for it. The father is generally would not be eligible. Potentially the 80 hours if there are complications and the additional 10%.

**Vice Chairman Poolman:** If I have a baby and I have 12 weeks of sick leave banked up, I cannot use that under the family medical leave act? I still have to be approved for only 6 and then I am out of luck and have to use unpaid leave and my sick leave sits there?

**Ken Purdy:** Correct.

**Senator Nelson:** You used to be able to share sick leave with colleagues. Is that still an option and what are the parameters on that?

**Ken Purdy:** It is available for both annual and sick leave. As the need builds, the employees can put out a request for shared leave. Other employees can share leave and again in the case of sick leave it has to qualify as a medical necessity. In the case of annual leave it would extend into other care for a family member that goes beyond the normal time frame

**Senator Flakoll:** Not to get too far away; sometimes I wonder if we shouldn't have personal days instead of sick leave days. I get tired of reading what the employees have to put down as to why they have to take sick leave. Do you track forfeited sick leave or leave not used?

**Ken Purdy:** The current accrual for sick leave is 8 hours per month that is unlimited accrual. The statute provides that an employee can be paid out for 10% of the value of that leave upon separation after 10 years of continuous service. I do not have any numbers of hours that

employees lose because of that. The whole concept of the unlimited sick leave accrual is a short term disability plan. We don't have any other type of short term disability. A paid time off plan has issues. If you go that route then there is an obligation or normal practice in employment to provide a sort term disability insurance plan. Sick leave is a short term disability plan for employees.

**Senator Cook:** What is the accrual plan for annual leave?

**Ken Purdy:** The annual leave accrual is on a graduated scale. Employees start at 8 hours per month and increases throughout employment. It is maxed out at 240 hours of carry-over from year to year.

**Senator Cook:** If you retire or leave you get paid for 100% of your annual leave?

**Ken Purdy:** You get paid for all of your annual leave if it if you leave at any time.

**Senator Cook:** And that can be used for maternity?

**Ken Purdy:** Annual leave can be used for anything you desire.

**Senator Cook:** Can you get our written policy on maternity leave?

**Ken Purdy:** I don't think it is specifically spelled out in terms of maternity leave. It is spelled out in use of sick leave under a medical necessity.

**Vice Chairman Poolman:** Just to clarify again, if I have my baby and I have 12 weeks of paid leave banked up, and the state only allows me to use 6 of them, the remaining 6 weeks stay banked and I take it unpaid. I was able to take all 12 weeks of my paid sick leave due to my husband's car accident last year along with 2 extra weeks unpaid, now is that different since we are talking about an illness?

**Ken Purdy:** I believe that would have then applied the provision in sick leave to allow for first up to 80 hours and then 10% of banked. I would need to specifically look that up to get the specifics.

**Vice Chairman Poolman:** So I would still have paid time left that I cannot use?

**Ken Purdy:** That is correct and again a major part of the intent of the sick leave is care and making sure you don't lose pay as an employee when you are sick.

**Senator Marcellais:** You mentioned shared leave, is that within agency or statewide?

**Ken Purdy:** It is statewide.

**Senator Nelson:** My daughter had to go on extended maternity leave due to a medical issue from a non-state company, when she got back to work six months later she had accumulated vacation time and had health care benefits during the entire time, now would those things be available to state employees if they were on longer term disability?

**Ken Purdy:** There is language in the state family medical leave act (and there is conflict between the federal and the state acts) that states that the state does not have to continue the health coverage. They have to make it available to the employee as it was before but not pay for it. The federal family leave act requires continuation of the health insurance coverage for the period of time covered by the federal act which is 12 weeks. I think that would have run out after 12 weeks. See attachment #6 for additional info.

**Chairman Dever:** Closed the hearing on SB 2258.

# 2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2258  
1/29/2015  
Job # 22850

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

No Attachments

**Chairman Dever:** Opened SB 2258 for committee discussion. I wonder what the general public thinks when we do something like this that they don't have as a benefit.

**Senator Davison:** There are a couple of concerns that I have. I am concerned that they are not able to use more of their sick leave that they have accumulated as state employees. I understand that there is some discretion in each department, but it is somewhere from 4 to 6 weeks for maternity leave. I think they should be able to use more of that time that they have earned. I am not sure how to go about fixing that. I would not be for people being able to donate their sick time to someone that is on maternity leave. I am not completely clear on what can and cannot be done.

**Chairman Dever:** This does not just apply to maternity. So the factor of using sick leave or borrowing sick leave does not exist because they get 12 weeks paid.

**Senator Davison:** Maybe we should just kill the bill because I do not understand it. I cannot figure out what is in place now and what they are asking for. The more I talk about it the more confused I get. I don't know if I am the only one.

**Chairman Dever:** The one three letter word that is removed on page 2, line 10 changes it from family leave required by this chapter is "not" required to be granted with pay to "is" required to be granted with pay.

**Senator Flakoll:** With state employees I think one of the recruitment and retention tools is the benefit side verses the private sector. The private sector may pay more in terms of salary but some people like the concept of the benefits. On page 2 I think it changes basically from opting in to negotiating it out of an agreement. I think if this was to pass and it happens then they have to provide that unless it is negotiated by collective bargaining to take it out.

**Chairman Dever:** State employees don't have collective bargaining.

**Senator Flakoll:** Or through an agreement.

**Chairman Dever:** I think the only place that has collective bargaining is the state mill.

**Senator Cook:** Why are we talking just state employees?

**Chairman Dever:** Chapter 54 is state government.

**Senator Davison:** Clarifies what section of the code the bill contains.

**Senator Nelson:** I would like to clarify exactly what Senator Oban intended in section 5 before we act on this bill.

**Chairman Dever:** Closed the committee's discussion on SB 2258.

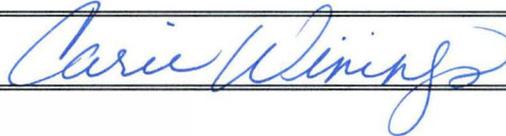
# 2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2258  
2/5/2015  
Job # 23339

- Subcommittee  
 Conference Committee

Committee Clerk Signature



Minutes:

Attachments 1

**Chairman Dever:** Opened SB 2258 for committee discussion.

**Senator Flakoll:** See Attachment #1 for amendments brought to the committee.

**Committee Discussion:** The committee reviewed the amendments and if adopted the fiscal note would be no longer necessary. It was clarified among the committee members the amount of sick leave a state employee could currently take now in the different circumstances that could occur whether it would be for maternity or caring for a family member, etc. The committee members were under the understanding that some departments do allow for more than others and it varies from department to department. There was a consensus that it should be equally available across the state agencies. Some members of the committee were embarrassed that the sick leave worked in the way that it does. The committee clarified that the fiscal note goes away because it allows the employees to take their sick leave that they have or get paid for it when they retire.

**Senator Flakoll: Moved Amendments 15.0789.02001**

**Senator Poolman: Seconded.**

**A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.**

**Motion carried.**

**Senator Nelson: Moved a Do Pass As Amended.**

**Senator Poolman: Seconded.**

**Chairman Dever:** Is there any discussion?

**Senator Davison:** I voted for the amendments because I think they make this a better bill, but I have a concern for this bill regarding the use of it for the care of a serious health condition of a family member. On what floor of the capitol and who is going to determine

what is a serious health condition? Childbirth is easily defined but when you include the serious health condition of a child, spouse, or a parent, you are creating havoc within many departments.

**Senator Poolman:** I have personal experience with this because I had to do this last year. When you try to take leave under the federal family leave act, there is federal paperwork that you fill out and that your doctor fills. It is extensive. In fact the treating physician was a little bit annoyed by how intensely personal and how much information because they do take into consideration all sorts of factors in the issue. It is really in depth. The idea that someone could have a broken leg or someone with the flu, it would just not qualify to take that leave in the first place. That is the assumption under this bill, is that if they qualify under the family medically leave act federally, that is when they would be able to take their sick or annual leave.

**Chairman Dever:** If I understand they can use their sick leave for a family member now who is sick. In fact they can get donated sick leave from other state employees.

**Senator Poolman:** The same rules apply as we discussed before. It is 80 hours and then 10% of remaining.

**Senator Cook:** I had asked for the written state policy but I never received it.

**A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.**

**Motion Carried.**

**Senator Poolman will carry the bill.**

February 5, 2015

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2/5/15  
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PROPOSED AMENDMENTS TO SENATE BILL NO. 2258

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-52.4-03 and subsection 1 of section 54-52.4-05 of the North Dakota Century Code, relating to state employee leave.

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

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

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

1. An employer that provides annual leave or sick leave, or both, for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take eighty hours of leave under this section in any twelve-month period and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition, in any combination, for any one or more 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 leave under this section in any twelve-month period for not more than twelve workweeks. The twelve weeks of leave under this section may be taken intermittently for leave under subdivision a or b of subsection 1 if approved by the employer. The twelve weeks of leave under this section may be taken intermittently for leave under subdivision 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 employees normal schedule.

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

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

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

Renumber accordingly

Date: 2/5  
 Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2258**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.0789.02001

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 Flakoll    Seconded By Poolman

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7    No 0

Absent 0

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

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

Date: 2/5  
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2258

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.0789.02001

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

Motion Made By Nelson Seconded By Poolman

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Podman

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

**REPORT OF STANDING COMMITTEE**

**SB 2258: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2258 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-52.4-03 and subsection 1 of section 54-52.4-05 of the North Dakota Century Code, relating to state employee leave.

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

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

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

1. An employer that provides annual leave or sick leave, or both, for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take eighty hours of leave under this section in any twelve-month period and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition, in any combination, for any one or more 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 leave under this section in any twelve-month period for not more than twelve workweeks. The twelve weeks of leave under this section may be taken intermittently for leave under subdivision a or b of subsection 1 if approved by the employer. The twelve weeks of leave under this section may be taken intermittently for leave under subdivision 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 employees normal schedule.
3. The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would

be compensated if the leave had been taken due to the employee's own illness or for annual leave.

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

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

Renumber accordingly

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2258

# 2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union, State Capitol

SB 2258  
3/5/2015  
24394

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

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

Relating to state employee leave

## Minutes:

Attachments 1-8

**Chairman Kasper** opened the hearing on SB 2258.

**Senator Erin Oban**, District 35, appeared in support. Attachment 1 (:25-6:37) Attachment 2 was handed out. The amendment just removes any reference to care for self in case that employee has built up longer than 12 weeks of leave in the event that they would get sick and would want to use their own sick leave.

**Rep. Laning** If two state employees are married, is there any restriction that only one of them can take the 12 weeks at a time?

**Senator Oban** I believe there is. I believe if there are two state employees married and would take leave for the birth of a child, it would be a combined 12 weeks.

**Rep. Laning** Can they take it at the same time? Does it have to be staggered?

**Senator Oban** I believe they perhaps could take it at the same time.

**Rep. B. Koppelman** Is documentation like a doctor's note applied for this 12 weeks?

**Senator Oban** I will have to defer that to Mr. Purdy.

**Rep. M. Johnson** Pretty much a, b, c, and d are out of FMLA. Aren't all employers governed by FMLA?

**Senator Oban** FMLA just allows them to take unpaid leave and have job security. What this bill would do is allow them to use any leave they have built up for those reasons provided under FMLA.

**Rep. M. Johnson** Which is also FMLA? This language seems to be right out of FMLA.

**Senator Oban** It is parallel to FMLA. FMLA just requires that an employer can grant you that 12 weeks leave for any of those reasons unpaid.

**Rep. M. Johnson** It is a little more definitive than FMLA?

**Senator Oban** It is allowing them to collect a paycheck because of the leave that they have already earned to use for those same reasons.

**Rep. M. Johnson** FMLA also provides a military caregiver portion. Was there any discussion about including that in this?

**Senator Oban** There was no discussion on the military.

**Vice Chair Rohr** Are there department specific policies within the state government that already address this?

**Senator Oban** There are departments who have more generous policies.

**Chairman Kasper** What is the current state policy, and why did you include an expansion when I thought your intent was to deal more with childbirth?

**Senator Oban** This is not specifically to deal with childbirth. It is just to allow more flexibility with how people use their own leave. This language just mirrors what is available as unpaid leave under FMLA.

**Senator Tim Mathern** appeared in support. Attachment 3 (14:26-17:59)

**Senator Nicole Poolman** appeared in support. She answered Rep. Koppelman's and Rep. Johnson's questions. It was asked if they need some sort of proof that this has occurred. Under the FMLA, speaking from experience when my husband was in a car accident, I had to utilize this. There is a multipage application that you have to fill out which you take to the doctor. It will be virtually impossible to abuse it in terms of caring for another family member, because it is really specific. If you didn't pass this bill at all, yes, employees could still take 12 weeks of unpaid leave and nothing would change there. The quirk we are trying to fix is that right now state employees can't use more than two weeks of their leave even if they have it banked up. Attachment 4 (20:36-23:19)

**Rep. Mooney** Do employees lose their accrued sick leave at a certain point in time?

**Senator Poolman** I know that their annual leave, not their sick leave, can't be banked up very much. The sick leave continues to be banked, and I believe they pay out a certain percentage upon retirement.

**Stuart Savelkoul**, Assistant Executive Director of ND United, appeared. Attachment 5 (25:00-27:59)

**Josh Askvig**, Associate State Director of Advocacy for AARP North Dakota, appeared in support. Attachment 6. (28:22-30:56)

**Vice Chair Rohr** When you did this study, were they landlines and cell phones?

**Josh Askvig** All landlines.

**Vice Chair Rohr** That would be a little bit of a selection bias.

**Josh Askvig** It may be some, but again, it was 45 and older. They all indicated that they have voted in at least one of the last two elections. There is some selection bias, undoubtedly, but even those of us that are under this survey age generation have some landlines as well.

**Chairman Kasper** Would you be able to provide the committee the study that you cite at the top of Page 2?

**Josh Askvig** Yes. The scorecard measures long term care and support systems across states on an apples to apples basis on a number of different indicators. Attachment 7.

**Renee Stromme**, Executive Director of the North Dakota Women's Network, appeared in support. Attachment 8. (32:48-35:05)

No opposition.

Neutral

**Ken Purdy**, Director of the Human Resource Management Services Division of OMB, appeared in a neutral position.

**Chairman Kasper** Lines 23-24 where the bill expands beyond child care--can you tell us what the current state policy is on those other expansion areas? What impact would that expansion have from your perspective?

**Ken Purdy** I think that would be a modest expansion of the time allowed. An employee may take 80 hours of leave on any 12 month period upon approval of the employee's supervisor for care of the employee's child, spouse, or parent if they have a serious health condition. If approved by the agency, they can take an additional 10% of their accrued sick leave.

**Rep. B. Koppelman** Can a father take off essentially the same as a mother? If a father or a mother wanted to take off 12 weeks instead of 6 when a child is born without any medical condition, would this allow that without any reasoning?

**Ken Purdy** My understanding of this bill is that this would allow 12 weeks upon birth of a child for either parent. That is a change and includes adoption or foster placement. The current situation is that the mother can take sick leave, and, frankly, most agencies default to allowing 6 weeks. I don't know that they require medical certification for that basic. What isn't allowed presently would be any sick leave for adoption, foster placement, or for the father. They could take their available annual leave. Annual leave is available to the employee for any purpose.

**Rep. Laning** Are you aware of any provision that requires the leave to be staggered for the mother and the father, or do you allow 12 weeks coinciding? I have had instances in the past where the father used it as an opportunity to golf for several weeks. Is there any provision that restricts that?

**Ken Purdy** The previous section of this section of the law, Section 2, states that in any case in which 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 12 work weeks during the 12 month period. If both spouses are working for the agency, they can combine for a total of 12 weeks.

**Chairman Kasper** This bill does not restrict that type of circumstance as far as staggered? This bill would allow 12 weeks for the husband and wife consecutively or concurrently?

**Ken Purdy** I am not sure.

**Rep. Laning** What sort of payout is at the end?

**Ken Purdy** The sick leave provision is that an employee with 10 years of continuous service can be paid for 10% of their sick leave balance as they leave. The annual leave is more restrictive with an annual cutoff of 240 hours which is the maximum number an employee can carry over from year to year. Annual leave is paid out in full when an employee leaves.

**Rep. Laning** Is there unlimited accumulation for sick leave?

**Ken Purdy** Sick leave accumulation is unlimited. That serves as essentially a short-term disability plan for employees.

**Chairman Kasper** How does an employee earn one week of sick leave?

**Ken Purdy** Sick leave accrues at 8 hours a month. In 5 months, you have a week. 12 weeks would be 480 hours. 480 hours at 8 hours a month accrued would take 5 years to accrue the 12 weeks that would be allowed by this bill.

**Vice Chair Rohr** When you quoted the law of 03, did I hear you say that if they would do the FMLA, they would have to first take 80 hours of their annual leave and then they could go into their sick leave?

**Ken Purdy** No. The allowance is for 80 hours of their sick leave and then an additional 10% of their sick leave, and they both refer to serious health conditions. It is kind of an awkward phrasing in that section.

**Rep. M. Johnson** We are not eliminating those provisions of FMLA by enacting this?

**Ken Purdy** That is right. This does not in any way limit the federal family medical leave act. That does apply in full. That is unpaid. This provides circumstances under the state family medical leave that would be paid via the sick leave.

**Rep. M. Johnson** Does this just get around that paperwork that Senator Poolman referred to?

**Ken Purdy** I don't think that level of paperwork is required under the state act. If the federal act is invoked, then we are covered by that. The state family medical leave act was enacted a couple years before the federal act. The federal act says that if there are state regulations paralleling, the more liberal of the two have to be applied. Initially, our state act was 16 weeks. Subsequently, the state act was amended back to 12 weeks to match up to the federal, and they are very parallel at the present time. They still have the federal act to fall back on for uncompensated leave as a safety net. Their employment would be protected and their health insurance would continue to be paid under the federal act. In reference to your question about the amendment, the inadvertent piece of this was that limiting to 12 weeks because of an employee's serious health condition makes the employee unable to perform the function of the employee's job. Essentially, it limited the employee's ability to take sick leave for a serious injury or health condition to 12 weeks even though they may have 1,000 hours accrued on the books. It appeared they couldn't take all of their sick leave in a serious condition. That is the fix there.

**Kris Wallman** Is there an unintended consequence to this bill that would have a negative impact on the state?

**Ken Purdy** The original intent of sick leave was to provide short term disability for the employee and that was the narrow focus. Over the years we have provided some limited use of that for illness of family members and so forth. The primary issue is still to protect that employee's income in case of a serious or longer term illness that falls short of full disability. I haven't heard of an agency policy that says the mother only gets two weeks.

**Kris Wallman** Do you see a negative impact of this bill for our state?

**Ken Purdy** No I don't.

**Vice Chair Rohr** Do you know of any departments within state government that have already expanded their policy such to this degree? I am just wondering if we even need the bill.

**Ken Purdy** No, I am not aware of any agencies that provide this much time. To my knowledge agencies can't be giving sick leave to the father upon birth of a child unless there are extenuating circumstances. This does clarify the coverage for both parents, and it clarifies coverage for the adoption or foster placement.

**Rep. Mooney** This is earned time, and if it is not used at some point in time, except for the annual leave, if it is sick leave, they will lose most of what benefit they had accrued. Correct?

**Ken Purdy** That is correct. In a sense, it is a little bit like insurance. You have that protection throughout but at the end, you get 10% back.

**Rep. B. Koppelman** What is going to happen when we extend this to 12 weeks and there isn't a requirement for a medical affirmation of that illness? Could this possibly be abused?

**Ken Purdy** I think the reference was that our paperwork would not be as onerous as required for the federal act. It still is incumbent upon the agency to validate the situation as in any use of sick leave by employees.

**Rep. B. Koppelman** We are expanding it to fatherhood and that can be 12 weeks, maternity leave can be 12 weeks regardless of circumstance or surgical procedure, and adoption can be 12 weeks. I don't know if this bill would allow you to ask these questions. Could you require any reasoning behind that, or is it just granted?

**Ken Purdy** By virtue of having a child, it is granted if they have the hours on the books. The validation would come more into play under item c with a family member's serious health condition requesting documentation.

**Rep. B. Koppelman** There wouldn't be any reason for a new parent of either gender to take less than 12 weeks under this bill?

**Ken Purdy** Unless they don't have accrued leave of 12 weeks or unless they don't feel that they need to and that they feel their work responsibilities require them to return sooner.

**Chairman Kasper** Are we expanding the leave to 12 weeks for everyone even if they haven't accumulated 12 weeks?

**Ken Purdy** No.

**Chairman Kasper** On Page 2, Line 3, an employee may take leave under this section in any twelve-month period for not more than twelve workweeks.

**Ken Purdy** I don't believe that is the intent. It may warrant clarification.

**Rep. Karls** How would using donated time enter into this say, in the case of a sick child that needs care for a lot longer than 12 weeks?

**Ken Purdy** The leave donation programs are specified for serious health conditions. That would probably be allowed under Item C.

**Rep. Karls** What is the time frame on that?

**Ken Purdy** I would have to look at the statues again. There are limits on how much an employee can donate so that they retain a balance of their own. There is also a limitation on how much an employee can receive.

The hearing was closed.

# 2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union, State Capitol

SB 2258  
3/13/2015  
24795

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

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

Relating to state employee leave

## Minutes:

Attachments 1-2

**Chairman Kasper** opened the meeting on SB 2258.

**Jennifer Clark**, Legislative Council, appeared and explained amendment. Attachments 1-2. This is a hoghouse amendment. Section 1: We are going to create a presumption that if you give birth to a child, we are going to assume you get six weeks of authorized sick leave without any verification required. Ken Purdy says that informally the policy in most of the agencies is six weeks. Subsection 2: This is a recognition that it is more than spending some time at a lake. It raises that priority.

**Rep. Wallman** The new section codifies what is already allowed?

**Jennifer Clark** Yes, it could happen without this. We are also talking about adoptions in Sub 2.

**Chairman Kasper** Subsection 1a we are talking about six weeks?

**Jennifer Clark** We are talking about use of sick leave for an authorized sick leave purpose.

**Chairman Kasper** Subsection 1 is not dealing with adoption? It is dealing with birth only?

**Jennifer Clark** Yes. We are dealing with the medical reasons that follow the birth of a child that the mother would experience.

**Chairman Kasper** Subsection 2, we are dealing with childbirth and adoption?

**Jennifer Clark** Correct. We are now not gender specific.

**Chairman Kasper** Now we are looking at the first 12 months instead of the first 6 weeks?

**Jennifer Clark** Correct.

**Chairman Kasper** That is still kind of the same as what our policy is but not codified law is?

**Jennifer Clark** That is what I understand. I wasn't in the committee when Mr. Purdy testified, but I did find an opportunity to visit with him. Informally, this is pretty much what they are doing.

**Chairman Kasper** Does this allow the employer to make exceptions to what we are codifying if the employer finds additional or other extenuating circumstances to be more generous?

**Jennifer Clark** As I read Section 1, it does not tie their hands that way. It would not limit them.

**Rep. B. Koppelman** One of the reasons why I requested that this be a codified maternity leave was that in testimony we heard that some state employees are allowed two weeks and others, six weeks. Sometimes it depends on what a doctor would designate as recovery for the mother, some don't.

**Rep. Mooney** I am wondering if there isn't the opportunity for us to consider this a little bit more thoroughly before we take action on it, and I also I would really like to hear from Ken Purdy or somebody from Human Resources to kind of walk us through what the functionality of this is?

**Chairman Kasper** If it is the wishes of the committee after we go through this discussion this morning to take it up next Thursday again, I have no objection.

**Jennifer Clark** Section 2: This is what I call the pink card leave which is using your sick leave for something other than your medical need. The law says now that if I have 80 hours, I can use up to 80 hours a year on my family members. In addition, there is 10% of what my balance. We have increased that 80 hours to 240 hours per year, and we have kept that 10%.

**Rep. Schneider** Where did the 10% come from?

**Jennifer Clark** I don't know the history of this law. It is an existing law.

**Chairman Kasper** For sick leave besides yourself, if the employee wishes to do so, they now will be increased from the 80 hours to the 240 hours in any 12 month period of time, and they don't really have to have anything banked? It is just automatic?

**Jennifer Clark** You have to have the hours you are using.

**Chairman Kasper** This is sort of confusing. Section 2, Subsection 1: An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant

an employee's request to use that leave. That is where we are stipulating you have to have it banked or earned and not automatically going to the 240 hours?

**Jennifer Clark** That is my understanding. We are not granting you leave here. We are telling you how you can use it.

**Chairman Kasper** It is up to 240 hours?

**Jennifer Clark** Personally, this would probably increase the number of hours I could use for a family member. I may want to think twice before I tap all my sick leave out to 0, but I don't have 240. Right now I would do 80 plus 10% and that would not get me to 240. Under this I could do that straight 240, and I would exhaust it right there. I would never get to my 10%.

**Chairman Kasper** The 10% below would be 10% of their current accrued leave whatever that might be?

**Jennifer Clark** That is my understanding. You are looking at 10% of your balance.

**Rep. Wallman** Bottom of Page 1 when it is talking about time off for the care of others, it says upon the approval of the employee's supervisor, and so this gives a lot of latitude to the employer rather than the employee having that be allowed for them. Could someone clarify this?

**Rep. B. Koppelman** The employer's approval is only if you want to use the 10% rule above and beyond the number of weeks. They have to grant you the 80 under current law if you have it in your bank or 240 under the proposed language. Let us say you use your 240 and the 10% still allowed you another 20 hours, you would have to get the employer's or supervisor's approval to use that extra 20 above the 240.

**Chairman Kasper** The overstrike on Line 10 of the original bill is where it discusses that. In current law anything over 80 hours you have to have the approval of the employee's supervisor.

**Jennifer Clark** I am not sure that shall relates to for this reason or if it is a directive that I make that request that you shall grant it to me. I would defer to Ken on that one. Page 2, we are dealing with a newborn child or an adoption and we are granting them 80 hours of sick leave use for that. There might be a little bit of overlap on 1 and 2.

**Rep. B. Koppelman** The key words are to care for a child as opposed to the child being ill.

**Jennifer Clark** That is how I read it. We could add a sentence on there that said regardless of the medical need of the child.

**Chairman Kasper** Is this an additional amount of time to Page 1?

**Jennifer Clark** I read it as additional time. Again, you have to have it banked. When you said additional, I was thinking could you stack these two if you had enough time, and I think you could.

**Rep. Amerman** In Section 2 it says leave. Should we put in sick leave?

**Jennifer Clark** Our Subsection 1 talks about medical leave, and in Subsection 2 we say an employer that provides leave for an employee's illness or other medical or health reason. I think that is the language that narrows it down to where we are talking about sick leave.

**Rep. B. Koppelman** I think a concept here is that for caring for a parent, spouse, or child you are able to use your vacation time as an extension of the time you can use in your sick bank. It does say that in Section 1 when you are talking about maternity. It says you can use vacation time to extend that. I was hoping that we would have parallel language to that in the care of a child, a parent, or a serious injury. That was the one kind of hiccup to the amendment.

**Jennifer Clark** If we were to put that language in here, it would probably fit to put it on Page 1, Section 1. The language in family medical leave mentioning the four items covered could be mirrored if we were going to revise this. You want to clarify that you want to support the employee's request to puzzle their leave together. Is that correct?

**Rep. B. Koppelman** Yes, we want to make sure that we have that ability.

**Rep. Schneider** Would it be possible that the bill's proponent, Rep. Koppelman, and Legislative Council could work together to clarify that. That is not what I am reading.

**Chairman Kasper** As we are walking through this amendment, it is still quite confusing. I am going to appoint a subcommittee: Rep. B. Koppelman, Rep. Laning, and Rep. Mooney. Rep. B. Koppelman will chair.

**Rep. Louser** Is maternity leave a subsection of sick leave, and why don't we just call it maternity leave?

**Jennifer Clark** I think we don't call it maternity leave because I think that probably differs depending on who you talk to. We are talking about sick leave. Is there medical necessity?

**Chairman Kasper** Let us say you have a newly hired employee that has been there for five months, gives birth, and she would like to have six weeks paid. Under current law, can they get up to six weeks even though they may have not it banked?

**Jennifer Clark** No. You have what you banked.

**Chairman Kasper** If you don't have six weeks banked, you can take the amount of banked time plus 10% more, and the rest of it if you want to go to six weeks is unpaid leave?

**Jennifer Clark** Let use the example of the pink card and the white card. The white card is for my illnesses. I give birth to a child regardless of whether it is vaginally or C-section. My doctor would have said four weeks, vaginally, six weeks, C-section. I don't have to go through any of that certification. If I had complications after that birth and my doctor fills out a note saying I need eight weeks, if my employer wants to, they can say they want proof.

**Chairman Kasper** You can go up to six weeks right now with your white card for any reason and you are paid?

**Jennifer Clark** Under this bill, for the birth of a child, I can go six weeks regardless of whether I have my doctor's certification saying six weeks.

**Chairman Kasper** Regardless of whether you have the time banked or not, you get six weeks paid?

**Jennifer Clark** Wrong.

**Chairman Kasper** You get six weeks, but you only get paid what you have banked?

**Jennifer Clark** Right.

**Rep. B. Koppelman** The bill sponsor pointed out in her testimony how in the current definition of employee, which is unchanged under the original bill or the amendment, it defines an employee as somebody who has worked there for at least 12 months and has put in a certain number of hours. Possibly for the paid leave portion of some parts of this, there may be a qualification period.

**Rep. Karls** When you need a doctor's slip, is that for your own illness or condition, or for both?

**Jennifer Clark** The employer could say they need certification for a family member.

The meeting ended.

(HOUSE) (SENATE) BILL NO. 2258 SUBCOMMITTEE OF THE

GVA STANDING COMMITTEE

Meeting location: Fort Union

Date of meeting: 3/26/15

Time meeting called to order: 4:05

Members present: B. Koppelman, Mooney, Loring

Others present (may attach attendance sheet):

Topics discussed:

Maternity leave, parental leave, and family medical leave.

Motion and vote:

Recommend DNP on 2258 in favor of supporting Senate version of 1387 that passed 3/26/15. This represents many of the ideas that we supported in amendments to 2258.

Time of adjournment: 4:20

Note: If a motion is made, a description of the motion must be provided along with the member seconding the motion. A recorded roll call vote must be taken and reported for any nonprocedural motion.

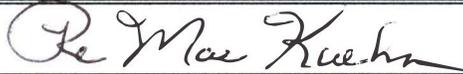
# 2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union, State Capitol

SB 2258  
3/27/2015  
Job #25558

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to state employee leave

## Minutes:

Attachments #1& 2

**Chairman Kasper:** Opened the meeting on SB 2258.

**Rep. B. Koppelman:** Referred to a handout at a previous meeting (Attachment #2). Christmas tree version of HB 1387 (Attachment #1). We were trying to deal with maternity leave and with leave upon the placement of a child from adoption. We were also trying to make it equal for both genders as well as deal with the circumstances.

What I had proposed was set aside six weeks maternity leave for a birth mother. For a birth father or either parent in an adoption, it gave them two weeks of sick leave. It also gave them preference on using vacation time if they wanted more time. In the case of caring for a parent, spouse, or child when they are ill: current law had two weeks plus 10% of your leave with your supervisor's approval. I was proposing to go to six.

HB 1387 was the bill that allowed for the use of closer parking for parents who brought their children to work. The Senate was looking to amend that to include women who are pregnant. There were more discussions of leave that came out of that bill.

I recommend supporting HB 1387 as opposed to the amendments I was originally asking this committee to support. In the case of a parent, spouse, or child when they are ill, HB 1387, Section 3, allows 12 weeks of sick leave if you have it to be used instead of the 6 weeks in my amendment.

**Rep. Wallman:** You are suggesting we kill SB 2258 because it is covered in HB 1387?

**Rep. B. Koppelman:** Yes. That is where I am going with this.

**Rep. B. Koppelman:** We are going from 80 hours which is 2 weeks to the 480 hours which is 12 weeks. That makes the 10% scenario irrelevant so it is struck out.

Section 1 of HB 1387 says during the first six weeks following the birth or placement, an employer shall grant an employee's request to use up to 160 hours which is 4 weeks of sick leave to care for the child. Line 19, page 1 allows a mother to use sick leave for her own recovery which would be the first two weeks after a birth. The father or either parent in an adoption could take four weeks.

This is a better bill than what I was proposing. Our subcommittee agreed. We recommend a Do Not Pass on SB 2258.

**Rep. Schneider:** This seems worse to me. We have given them 4 weeks in Section 1. If you are going to have medical needs to extend it, you are most likely going to have that during the beginning. You have to trigger in one during the first six weeks. That is probably the same time you would be able to use the medical leave for illness. They are overlapping rather than extending.

**Rep. B. Koppelman:** Line 11 says, during the first six weeks following birth or placement an employer shall grant an employee's request to use four weeks. The reason line 19 language is there is because I don't want this to preclude them from being able to use their own sick leave.

**Rep. Schneider:** They used to have eight weeks total. You don't get eight weeks unless you have illness after the six weeks.

**Rep. B. Koppelman:** In my amendment there was a potential for a mother to get eight weeks off after birth. Senator Oban, bill sponsor, wanted one definition for everybody. That is what amended HB 1387 does.

(15:00)

**Rep. Schneider:** We've departed from the original bill. We received a lot of support as being family friendly. This is not an improvement.

**Rep. Louser:** Neither bill has a fiscal note. I was shocked when I heard 15 parents are bringing their babies to work in DOT. Isn't there a temporary employee hired for that essential work. If so, why is that not accounted for here.

**Rep. B. Koppelman:** I also asked that. A fiscal note is difficult to determine. They are thinking of sick time like vacation time. It is something you earn as a benefit. In reality the sick bank is a short-term disability policy. Vacation time can be paid out if not used.

**Rep. Louser:** For the employer there are times they have to hire temporarily.

**Chairman Kasper:** We are not going to be able to change that. Are Senator Oban and Poolman in agreement that we kill 2258?

**Rep. B. Koppelman:** HB 1387 is much more than what the employees have now. Senator Oban doesn't care which bill. She just wants to improve the lack of guaranteed time that we have in current law.

**Vice Chair Rohr:** What was the outcome of HB1244 using sick leave for adoption?

**Rep. B. Koppelman:** That bill is still in Human Services in the Senate. Senator Lee backs this bill. They will make sure that bill does not conflict with this one.

**Chairman Kasper:** We need a motion. With HB 1387 amended as it is, it will likely go to conference committee.

**Rep. Schneider:** If we kill SB 2258, can you make the determination that the changes are alright?

**Chairman Kasper:** When HB 1387 comes to my desk, then I have the choice of concurring or not. I will call a conference committee to discuss it unless I hear that Senator Oban is happy with it the way it is.

**Rep. Amerman:** Once we kill SB 2258, it is gone. What if the Senate takes out the amendments of HB 1387 and we are just left with the parking part?

**Chairman Kasper:** We could amend SB 2258 with a hoghouse and have it exactly the same as HB 1387.

**Rep. Wallman:** What was the problem with the original bill?

**Rep. B. Koppelman:** The original bill had 12 weeks off for a variety of reasons with a combination of leaves. It was concerning as an employer. Twelve weeks is a long time especially for a department with many in that age range. This bill is more defined and pared down and makes it more workable.

**Rep. Wallman:** We all value personal responsibility. We don't need to micromanage how people manage their work flexibility with a new baby or adopted child.

**Rep. B. Koppelman:** Moved Do Not Pass on SB 2258.

**Rep. Laning:** Seconded the motion.

**A Roll Call vote was taken: Yes 7, No 7, Absent 0.**

**Do Not Pass fails.**

# 2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union, State Capitol

SB 2258  
4/2/2015  
25735

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

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

Relating to state employee leave

## Minutes:

"Click to enter attachment information."

**Chairman Kasper** opened the meeting on SB 2258. We are going to hold this bill. I want to see what the Senate does on the bill they had before them. I think this week they will take some action, so we will wait to take our action probably next week Thursday. I have checked with the calendar and we have until next Thursday to get all the bills out of committee so we will not be violating any House rules.

# 2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union, State Capitol

SB 2258  
4/9/2015  
25956 (a)

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

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

Relating to state employee leave

## Minutes:

"Click to enter attachment information."

**Chairman Kasper** opened the meeting on SB 2258. This is the bill we were holding on to see what happened with HB 1387 and HB 1244. These three bills deal with the same circumstance.

**Rep. Amerman** I would like to move the amendment brought forward by Senator Oban at the hearing. It has to do with removing "self." If not adopted, what might happen is if somebody uses sick leave for their own self might have a long battle, and this would limit him to 12 weeks instead of using all the sick leave they have.

**Rep. M. Johnson** seconded the motion.

**Rep. Amerman** He read the statement from Senator Oban's testimony: "Amendment 15.0789.03001 would remove references to care for "self" from the bill, because, as realized after passage in the Senate, there may be situations with long-time state employees who have built up more than 12 weeks of sick leave that would limit the use of their own sick leave if they became seriously ill. That's obviously an oversight and a scenario we hadn't considered."

Voice vote. Motion carries.

**Chairman Kasper** HB 1387 dealt with the parking lot opportunities for pregnant employees here in the capitol. In the Senate's deliberation, they put an amendment on similar to SB 2258. It has passed the Senate. Yesterday, I signed the concurrence on that bill, and Rep. B. Koppelman will be carrying that bill. Human services HB 1244 deals with employee leave as well. In talking with Senator Oban a couple weeks ago I asked if she was okay with what HB 1387 was doing as far as her intent. She indicated that although it does not go as far as her bill did, she was supporting that bill.

**Rep. Laning** made a motion for a DO NOT PASS AS AMENDED.

**Vice Chair Rohr** seconded the motion.

**Rep. M. Johnson** The spirit of Senator Oban's bill was to provide an ability for the individual under certain circumstances to take their accrued annual or sick leave up to 12 weeks. The current HB 1387 is limited to 160 hours of sick leave for certain reasons which are not reflective of FMLA as Senator Oban's bill is. I am wondering how we got from here to here. Please enlighten me.

**Chairman Kasper** The FMLA is still there at all times. What this is doing is expanding the use for the sick leave and putting in code that the employer shall provide for the sick leave for the birth or adoption of a child. In Senator Oban's bill, it expanded that to 12 weeks, and it had other items in it besides the birth or adoption. It had care of parents and other things like that. HB 1387 is not as broad as 2258 and has a less amount of time for the employer being required to grant the sick leave for the birth and adoption of a child, but the employee can request additional beyond and I assume with the employer's consent would be able to do so, but the employer would not be by statute required to do so.

**Rep. B. Koppelman** HB 1387 allows up to 480 hours or 12 weeks for a sickness of a parent, child, or spouse which is the same as Senator Oban's bill. The birth or adoption allows the 160 hours or 4 weeks, and that is within the first weeks after birth or placement. HB 1387 said if you just need time to get situated or to bond with your child after birth or placement, we will allow you to use this even if you can't make the requirement or the threshold of what you normally have to do for sick time, we will let you use 4 weeks.

**Rep. M. Johnson** We are telling the employees for FMLA reasons, do the paperwork and take your 12 weeks. Can they still under FMLA use vacation and sick leave?

**Rep. B. Koppelman** Yes, you can use sick time up to 12 weeks for the sick reasons in FMLA, for your parents, spouse, or child. Look at Page 3, Line 15 of the 1387 Christmas tree version that was handed out at the 3-27 meeting. It used to be 2 weeks. Now it is 12 weeks for any sort of an illness for parent, spouse, or child. Of course, for yourself you can use as much sick leave as you have banked up. In the case of caring for a child after they are born when they are not sick, you would get 4 weeks of the first 6 paid. In the case of a birth mother, she would have 2 weeks of sick leave for herself, the minimum amount that a mother would take normally plus the additional 4 would get her to 6. The dad could take 4 weeks out of those 6 off to be there and help. 1387 gave you a preference about their other employees to get paid out of your vacation pay for those reasons. Yes, you can use vacation pay. The only thing that this bill does not do that Senator Oban's bill would have done is say you could have 12 weeks paid for any reason under FMLA and use that before you touch your vacation time.

**Rep. M. Johnson** In 1387 what is the maximum number of compensable weeks for these reasons?

**Rep. B. Koppelman** The maximum number for sick reasons would be 12.

**Rep. M. Johnson** Sick anybody or sick self?

**Rep. B. Koppelman** Sick self is unlimited. Anybody else it is 12 weeks. Assuming that not only was your child sick that much in one year but they were also born or placed in that year, theoretically, you would have another 4 more paid. It would be 16 in one year if it is the first year of your child being in your life.

**Rep. M. Johnson** You can have 16 compensable weeks under this?

**Rep. B. Koppelman** The first 4 for the bonding time and, theoretically, if the child, parent, or spouse were sick in the rest of the year, you could use those 12. Theoretically, it could be up to 16 if the 2 circumstances aligned.

**Rep. M. Johnson** I am going to resist.

**Rep. Amerman** This is what it means to me. FMLA would come in if you exhausted your sick leave. You wouldn't get paid, but you could put in for FMLA.

**Rep. Louser** Rep. Koppelman, with the passage of 1387 how much more time is compensable than what is currently available today?

**Rep. B. Koppelman** The one category where you have a sick parent, child, or spouse currently is two weeks, and with permission of employer you can use an additional 10% of what you have left after the two weeks. Under this bill, it is simply 12 weeks. In the case of a newborn child, right now if a mother can get the doctor's note, she might get 2-6 weeks off depending on what that says or longer if she has complications, but an adoptive parent gets none. A dad of a birth child gets none. Under this bill they all get 4 weeks plus whatever the mother who had a child has for her own purpose. Both of these categories are greatly increased.

A roll call vote was taken. 7 Yeas, 7 Nays, 0 Absent. Motion fails.

**Rep. Wallman** I would like to change the amount of sick leave allowed in 2258. I would like to amend it in 1387, but that is not before us.

**Chairman Kasper** If you are wishing to amend down the amount of time in 2258...No, you are not wishing to do that. Okay.

**Rep. Laning** I was just curious what the objective or desired result would be by not killing 2258? 1387 is already passed. That is out of our hands.

**Rep. Mooney** In my mind, I think what I would like to see is we either pass this through and get all of it into conference committee so that we can marry whatever needs to get married together at that time.

**Rep. Amerman** I make a motion we send it to the floor with no recommendation.

**Rep. Wallman** seconded the motion.

**Rep. Louser** If we have one bill that we have concurred with, that is going to be on a different order, and then this bill would go on the 14<sup>th</sup> with no recommendation. We have a third bill that references some of this in human services. How do you carry a bill like this when you are referencing another bill that is on a different order that has been concurred?

**Chairman Kasper** Rep. Koppelman is carrying 1387, not 2258. That is the dilemma.

A roll call vote was taken. 7 Yeas, 7 Nays, 0 Absent. Motion fails.

**Rep. B. Koppelman** It is real clear that for some in this committee, 1387 doesn't go far enough. For some of us on the committee, 2258 goes way too far and 1387 goes most of the way to 2258.

**Chairman Kasper** I think you got it.

**Rep. B. Koppelman** If somebody has an amendment suggestion to where we can come up with some recommendation, I would say put it out there. I didn't like the vagueness of 2258 on how you use it. Remember at the hearing I used the example that if things were going good after 2-3 days, I could use that as more vacation time to do something else to relax or do whatever people do when they are not working.

**Rep. Wallman** I don't think it is wise to make policy based on a few people that would use the leave in ways that is not intended. It doesn't set up a good culture and climate in the workplace to be mistrusting of your employees. I don't believe the majority of people want to gain the system and use it for ways where it is not intended. I intend to vote for 2258 if it comes to the floor of the House. I hope everyone else will. I wish we could get over the hump here.

The meeting was recessed until after the morning floor session.

# 2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union, State Capitol

SB 2258  
4/9/2015  
25957(b)

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Carmen Hart*

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

Relating to state employee leave

## Minutes:

Attachment 1

**Chairman Kasper** continued the meeting on SB 2258.

**Rep. Laning** Speaking on 1387, in my mind we are significantly expanding the employee's use of a benefit. In the case of a mother with a newborn, that is staying roughly the same. I think they were allowed 6 weeks in most cases before. They are still allowed 6 weeks under this unless there is illness and then they can go up to 12 weeks. The husband gets 4 weeks. He previously didn't get anything. Under the illness for other family purposes, it has been expanded from 2 weeks to 12 weeks. Again, we are looking at a big expansion of paid time off. They could always get that 12 weeks with unpaid time off under FMLA. 2258 really doesn't do anything. I know Senator Oban originally proposed 12 weeks pretty much regardless of anything, but very few bills make it all the way through the end without some sort of an amendment on it. I don't see this one as being any different, but we are tremendously expanding the benefit to the state employees under 1387. Just because we haven't converted all of their sick leave time to vacation time, I don't personally think that we should feel bad about that.

**Rep. B. Koppelman** This kind of builds on Rep. Laning's points. It seems to me we are at a crux of trying to decide whether or not we are going to have a system that is more like a PTO combined leave system versus an annual and sick leave system. I wonder if the committee would be willing to amend this bill into a study that just looked into that in the interim on whether or not it is desirable to convert to a PTO system as opposed to an annual leave and sick leave system.

**Rep. Amerman** That is one option, of course. With the other two bills out there and if they combine and pass, I doubt legislative management would pick this up as a study since we would already have something in law.

**Rep. B. Koppelman** made a motion to convert this into a study of a PTO system for our state employees or continue with the annual and sick leave system. This would be a hoghouse for the bill.

**Rep. Steiner** seconded the motion.

A roll call vote was taken. 8 Yeas, 6 Nays, 0 Absent.

**Rep. B. Koppelman** made a motion for a DO PASS AS AMENDED.

**Rep. Laning** seconded the motion.

**Rep. B. Koppelman** This is the only way I saw it going to a conference.

A roll call vote was taken. 9 Yeas, 5 Nays, 0 Absent.

**Rep. B. Koppelman** will carry the bill.

Attachment 1 was the amendment the law intern prepared and submitted for review before it went to legislative council.

15.0789.03001  
Title.

Prepared by the Legislative Council staff for  
Senator Oban

March 4, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2258

Page 1, line 6, remove "self,"

Page 2, remove lines 1 and 2

Page 2, line 8, remove "or d"

Page 2, line 19, remove "or d"

Renumber accordingly

April 9, 2015

4/9/15  
JMR

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2258

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the state employee leave system.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATE EMPLOYEE LEAVE SYSTEM.** During the 2015-16 interim, the legislative management shall consider studying the state employee leave system to determine whether it is preferable to keep the current state employee leave system or for the state to switch to a paid time off (PTO) system for state employee leave. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

Date: 3/22/15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2258**

House Government and Veterans Affairs 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. Koppelman Seconded By Rep. Laning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper		X	Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney	X	
Rep. Jason Dockter		X	Rep. Mary Schneider		X
Rep. Mary C. Johnson		X	Rep. Kris Wallman		X
Rep. Karen Karls		X			
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

*Fails*

Total (Yes) 7 No 7

Absent 0

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

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

Date: 4-9-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2258**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.0789.0300/

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 Amerman    Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chair Karen Rohr			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Mary Schneider		
Rep. Mary C. Johnson			Rep. Kris Wallman		
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Jay Seibel					
Rep. Vicky Steiner					

*Vote  
 motion  
 carried*

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

Absent \_\_\_\_\_

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

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

Date: 4-9-15  
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2258**

House Government and Veterans Affairs 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 Laning Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
Rep. Jason Dockter		X	Rep. Mary Schneider		X
Rep. Mary C. Johnson		X	Rep. Kris Wallman		X
Rep. Karen Karls		X			
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 7 No 7

Absent \_\_\_\_\_

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

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

*fails*

Date: 4-9-15  
 Roll Call Vote #: 3

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2258**

House Government and Veterans Affairs 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 Amerman Seconded By Wallman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper		X	Rep. Bill Amerman	X	
Vice Chair Karen Rohr		X	Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson	X		Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman		X			
Rep. Vernon Laning		X			
Rep. Scott Louser		X			
Rep. Jay Seibel		X			
Rep. Vicky Steiner		X			

*fails*

Total (Yes) 7 No 7

Absent \_\_\_\_\_

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

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

Date: 4-9-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2258**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.0789.03006

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 Koppelman Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Mary Schneider		X
Rep. Mary C. Johnson		X	Rep. Kris Wallman		X
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel		X			
Rep. Vicky Steiner	X				

Total (Yes) 8 No 6

Absent 0

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

If the vote is on an amendment, briefly indicate intent:  
Convert this into a study of a PTO system for our state employees or continue with the annual sick leave system

Date: 4-9-15  
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2258**

House Government and Veterans Affairs 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 B Koppelman Seconded By Laning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Mary Schneider		X
Rep. Mary C. Johnson		X	Rep. Kris Wallman		X
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 9 No 5

Absent 0

Floor Assignment B Koppelman

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

**REPORT OF STANDING COMMITTEE**

SB 2258, as engrossed: **Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2258 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the state employee leave system.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATE EMPLOYEE LEAVE SYSTEM.** During the 2015-16 interim, the legislative management shall consider studying the state employee leave system to determine whether it is preferable to keep the current state employee leave system or for the state to switch to a paid time off (PTO) system for state employee leave. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

2015 CONFERENCE COMMITTEE

SB 2258

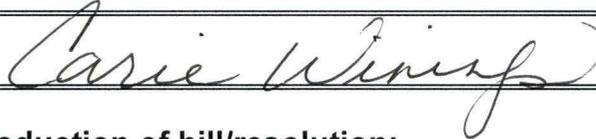
# 2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2258  
4/14/2015  
Job # 26077

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A BILL for an Act to provide for a legislative management study of the state employee leave system.

## Minutes:

No Attachments

**Chairman Poolman:** Opened the conference committee on SB 2258. Asked the House to explain their reasons for the changes.

**Representative Koppelman:** We had this bill in our committee for a while. This is one of 3 bills that dealt with the same topic. One was in the senate and two were in the house. Both of the House bills did return from the Senate and were alive. One was concurred on which I believe was HB 1387. That had some Senate amendments that took care of many of the issues that were dealt with in this bill. I believe it is HB 1444 that went to conference committee in Human Services and I believe they came to a conclusion but we have not seen it on the floor of the House yet. The two things that we discussed in our committee were to do the study or vote the bill down. The reason why the study was chosen was that there seemed to be a difference of opinion as to the purpose of what sick leave was for, how it should be used, and in what areas we should provide exceptions. We have seen other bills that have provided exceptions to it for stalking and other things this session. There has been some discussion as to whether a PTO system would be preferred where the employee had mass flexibility with all the time that they had versus the two separate buckets of time. The purpose for the study - we are hoping to discuss it more.

**Chairman Poolman:** As we have had all of these bills I realized that I certainly made assumptions about certain benefits that we give to state employees. I was wondering if we might even broaden the study; if we might study all leave and benefits offered to state employees including PTO or the possibility of PTO and just making it a little broader. Is that something the House would be interested in? Having someone report back to us all in one place what is available to state employees. Where are we doing well? Where are we not?

**Representative Koppelman:** I do not know if I can speak for the House on that subject at this point just because we have not considered that. When we were looking at this bill I had originally prepared some amendments for this bill that were actually taken care of in

HB 1387 but in the process council was able to lay out, at least as far as leave goes, as to exactly what there was and then we added to that. I think, at least in our committee, we felt we had a pretty good idea of what all the benefits were. I think when we said the PTO system; I think when we were going to look at that and the benefits of that we would also have to look at what we had as a part of that. We don't know if it is more desirable than what we had. Maybe that was implied in the language already. Do you have a suggestion or a proposal on what you are talking about and how it is worded? We would at least read it and consider it if you did.

**Representative Laning:** I think your comment on the leave is already here because it says to consider studying the state employee leave system. I think it is already covered here. The only leaves that I am aware of is your sick leave, your vacation or personal leave, and then you could extend further to family medical leave which is really an unpaid leave authorized by the federal government. Those are really the only three and I think they would all be included in this already by saying the leave system. I do not know that you would need to split out anymore.

**Chairman Poolman:** I was just throwing it out there to say that maybe we could just take a look at generally our leave policies and our benefit policies. I would really be curious to see, in terms of other employers in the state where we have large concentrations of state employees, if we are going to take time to study to make comparisons on what is offered in the private sector to make informed decisions on policies like these in the future.

**Representative Koppelman:** I believe there was discussion on another bill regarding how we should compare benefits and wages and kind of total compensation. We put some language in a bill that ultimately ended in a final bill that said that they had to consider total compensation when comparing pay rates and things of that nature. It also gave them some direction on who they needed to compare it with. I think there is probably some differing of opinion as to whether or not when that is compared it should be compared with a large employer like Microsoft because they have a lot of employees and the state has a lot of employees. The other perspective is that the state may have a lot of employees but the Secretary of State's office might not. You may have some that has only 20 employees so maybe we should be looking at the state public employees more as a lot of small employers under one umbrella. Then we should go out and to compare to employers of comparable size. When we moved that language on, I think we tried to write the language so that OMB would widen their scope a little bit rather than just looking at the larger employers. So they also had to consider things like health insurance, leave, etc. There may be some language to that effect already. I think to what you are asking, it may be better suited to looking at total compensation that OMB is doing. I think they are already directed to look at those leave comparisons. That might be quite a bit broader study than what this is asking and I do not know if we would want to go that broad.

**Chairman Poolman:** I think I do know the bill that you are referencing and I do not think that bill survived in the Senate. So that may be a consideration in terms of language that we want to think about for this one.

**Representative Amerman:** I think your idea of expanding the study is a good one. I liked the original bill to start with out of the three versions. You have a bill that has leave in it and

if we leave the study like this it won't be picked up by management. I think they will say that we passed the bill that already has leave in it. This being chosen becomes pretty slim. I think if we could expand it to other areas it might have a better chance of being chosen when it comes time.

**Chairman Poolman:** I will do my research to see if I am correct in my memory that the language did not survive. Would you be willing to look at some language if I come up with some?

**Representative Koppelman:** We are always willing to look at anything.

**Chairman Poolman:** I will work on that. Adjourned the conference committee on SB 2258.

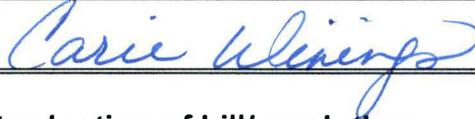
# 2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2258  
4/15/2015  
Job # 26109

Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A BILL for an Act to provide for a legislative management study of the state employee leave system.

## Minutes:

Attachments 1 - 2

**Chairman Poolman:** Opened the conference committee on SB 2258. See Attachments #1 and #2 for proposed amendments. We had discussed yesterday making the study a bit more broad and taking a look at what kind of benefits we are offering state employees especially since the bill that Representative Koppelman referenced yesterday did die in the Senate. So we don't really have anything taking a look at the full package in terms of what it means to work for the state so we thought that maybe making this a bit more broad in its scope would be beneficial.

**Representative Koppelman:** I did go back and do a little more research and you are correct on looking back at the bill that I was talking about. I did look at some of the testimony we heard from OMB on that bill where they came in and told us what they were already doing and this bill directed them to do more in that particular case. They are making comparisons amongst health insurance and some other things as well as numbers of days as they are accrued for different types of leave. I do think we do have some comparison. I think what Representative Streyle's bill was attempting to do was to make sure that we were apples to apples. I don't know that by broadening the study would get us to comparing apples to apples or not. I did speak with Representative Laning and the chairman on our side and I do not know that we are interested in expanding the study. I do not know that the second part of the language, where we strike out the one and put in "including the potential shift' to paid off, is concerning. It was just reworded to put it in context with benefit package. We are probably in either interested in sticking with the study that we have and then we understand that you have to do what you have to do with the bill.

**Chairman Poolman:** Do we have a motion then?

**Representative Koppelman:** Moved the Senate Accede to the House Amendments.

**Senator Davison:** Seconded.

Senate Government and Veterans Affairs Committee  
SB 2258.  
04/15/2015  
Page 2

**Senator Nelson:** Clarified what version was being acceded to.

**A Roll Call Vote Was Taken: 5 yeas, 1 nay, 0 absent.**

**Motion Carried.**

**Senator Poolman and Representative Koppelman will carry the bill.**

Date: 4/15  
 Roll Call Vote #: 1

**2015 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2258 as engrossed

**Senate Government and Veterans Affairs Committee**

- Action Taken  **SENATE accede to House Amendments**  
 **SENATE accede to House Amendments and further amend**  
 **HOUSE recede from House amendments**  
 **HOUSE recede from House amendments and amend as follows**
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Koppelman Seconded by: Davison

Senators	4/14	4/15	Yes	No	Representatives	4/14	4/15	Yes	No
Senator Poolman (Chairman)	✓	✓	✓		Representative Koppelman	✓	✓	✓	
Senator Davison	✓	✓	✓		Representative Laning	✓	✓	✓	
Senator Nelson	✓	✓	✓		Representative Amerman	✓	✓		✓
Total Senate Vote					Total Rep. Vote				

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Poolman House Carrier Koppelman

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2258, as engrossed:** Your conference committee (Sens. Poolman, Davison, Nelson and Reps. B. Koppelman, Lanning, Amerman) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1357-1358 and place SB 2258 on the Seventh order.

Engrossed SB 2258 was placed on the Seventh order of business on the calendar.

2015 TESTIMONY

SB 2258

#1  
Pg 1

## SB 2258

Thursday, January 29, 2015

10:30 am

Senate Government and Veterans Affairs Committee

Mr. Chairman and members of the committee, for the record, my name is Erin Oban, Senator from District 35 here in Bismarck, home to a large population of state employees – an increasing number of those being young, growing families – who live as my neighbors but work on behalf of all North Dakotans.

I'm here today as the sponsor of SB 2258, a bill with a minor overstrike on Page 2, Line 10 that would provide a major impact for families working in state government.

State employees, on average, make less than they could in private sector jobs. For years – at a time when our state is growing and thriving and has such impressive records of unemployment – state employees have taken on more and more work for nominal pay increases. Now, our Governor is asking for nearly 300 more people to join the state government workforce, and I'm wondering not only what we're doing to recruit the best and brightest, but also what we're doing to retain those already working for us.

SB 2258 would certainly help in those efforts. This bill can be described almost as simply as this: instead of providing all full-time state employees with the unpaid 12-week family leave policy, which allows employees time off for the birth or adoption of a child and to care for a sick child, spouse, or parent, this bill would provide those same weeks, paid.

In discussions with Human Resource Management Services (HR), I learned that allowing OMB to adopt some rules within our state agencies during implementation would be important in making this work, hence the bill language added on Page 2, Lines 15-17.

In addition, I think it's worth noting that an "employee", as defined in this section, reads: "an individual... who has been employed... for at least twelve months, and who has worked at least one thousand two hundred fifty hours... over the previous twelve months."

Needless to say, the ND Department of X is not going to be stuck granting 12-weeks paid leave to a man they may have just hired who, unbeknownst to them, is about to have a child in 2 weeks, something that apparently can't be seen as easily on an expectant father as on a mother.

Now, I could stand up here and completely enjoy channeling the former math teacher in me, throw stats and numbers around (including that, in the last month alone, there were 122 job postings for the state of ND), or show graphs and charts with clear visuals about how far (super far) we're lagging behind other countries (see: Attachment A) and states (see: Attachment B) in maternity and paternity leave.

But I won't.

Instead, I want to use these few minutes to share the perspective of my late father-in-law, Bill Oban, who served in the House of Representatives and was the 1989 cosponsor of a similar bill – prime sponsored by Sen. Mathern – that established what has led to the current family leave policy for state employees. In Bill’s 1989 testimony, he started:

“How often have you heard people say that they yearn for the “good old days” when family took care of family? I believe that family still wants to care for family. Our society and our work force have changed. With both spouses working, it becomes more difficult for family to care for family unless some element of employment security is available. It may not be the way we want it, but it’s reality.”

He went on to quote a then-recent article from Newsweek magazine, which said, “We are the only industrialized country (aside from South Africa) that has not faced up to what is happening to young families as they try to cope with working and raising children. Indeed, our disappointing record of supporting families and children suggests that we are one of the least child-oriented societies in the world.” It continued, “Businesses that pay attention to the family concerns of their employees are already reaping rewards. Studies demonstrate that employees of such firms display less burnout, less absenteeism, more loyalty to the company, and significantly more interest in their jobs.”

I take you from that March 1989 Newsweek article to a December 2014 op-ed written by Susan Wojcicki, the CEO of YouTube for the Wall Street Journal (see: Attachment C). In it, she shares her story of being four months pregnant working for a small startup business located in her garage. The company had no revenue and only 15 employees, almost all male. Even then, that startup, known to us now as “Google”, provided Susan with 18 weeks of paid maternity leave. Putting it quite frankly, Susan said, “Paid maternity leave is good for business.... When we increased paid maternity leave to 18 from 12 weeks in 2007, the rate at which new moms left Google fell by 50%. (We also increased paternity leave to 12 weeks from seven, as we know that also has a positive effect on families and our business.)”

I understand the North Dakota state government isn’t Google, but we try to replicate good business practice within our government all the time. Studies from 1989 to 2014 provide substantial evidence that paid leave is good policy not just for the families it benefits, but for their employers as well. In the case of SB 2258, the employer is the state – us – and we get to determine whether or not that business practice is passed on to our employees.

There is no fiscal note worthy – though it appears this one makes a generous effort – of reflecting the value of new parents spending those first few months with their baby nor that of a son or daughter caring for a parent in his/her final days. I’m glad we provide employment security, but financial security has become equally important.

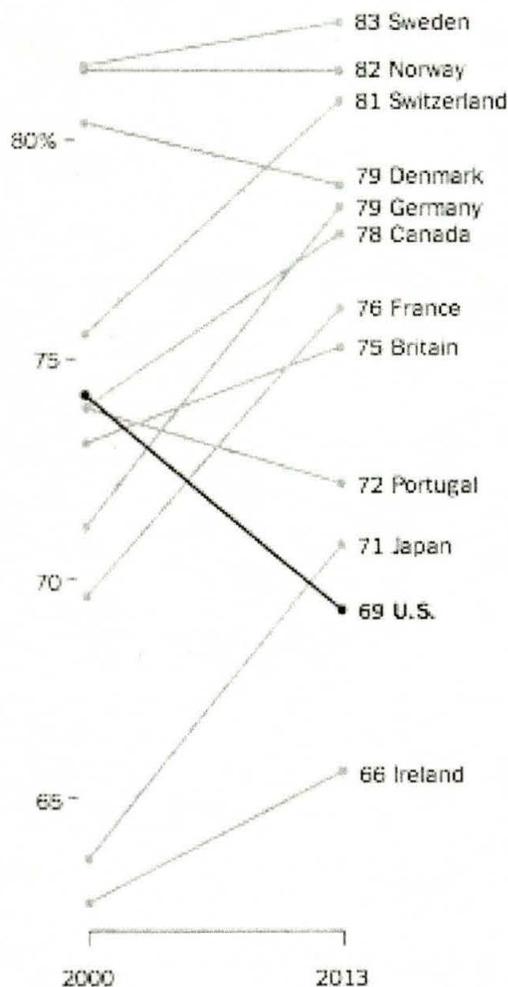
Bill’s testimony concluded, “it [this bill] provides us with a way to not only talk about the importance of family, but to actually do something concrete to allow family to care for family.” I conclude mine with that same sentiment.

## SB 2258 - Attachment A

### American Women, Leaving the Work Force

While rates of employment for women have been rising in other countries, they have declined in the United States, falling to 69 percent from 74 percent.

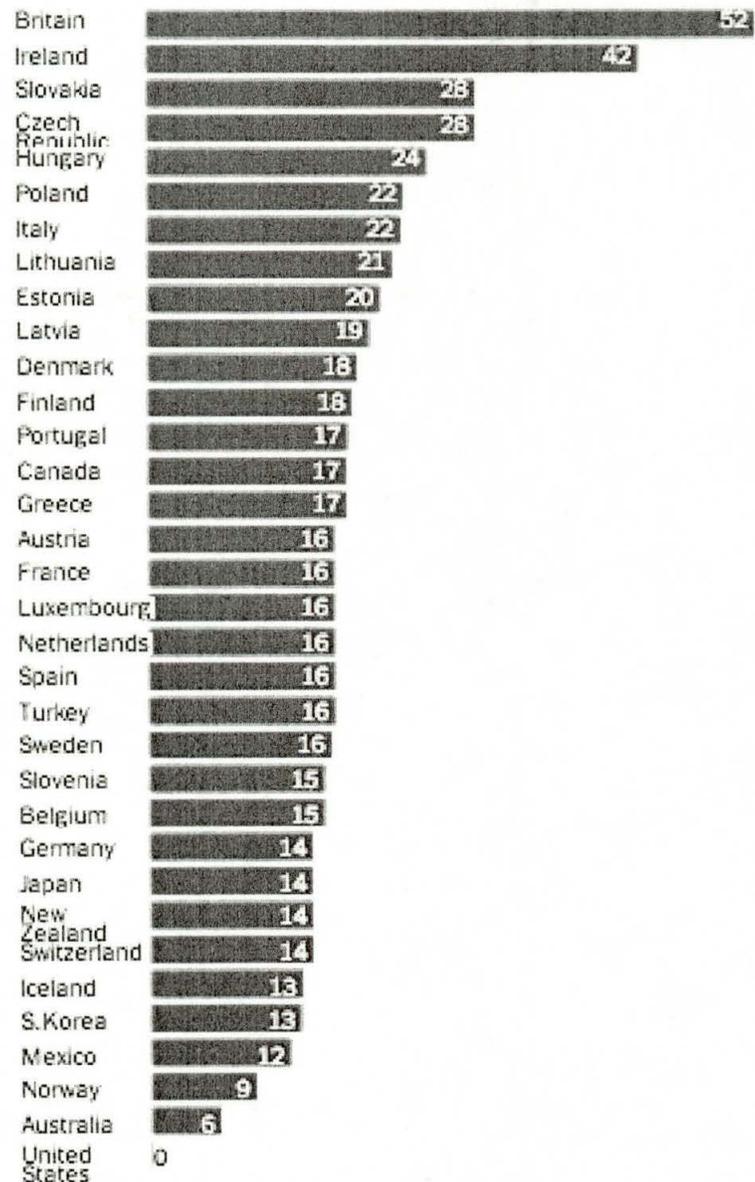
Percentage of women, ages 25-54, who are employed



Source: Organization for Economic Cooperation and Development

### The U.S. Stands Out With No Paid Maternity Leave

Number of weeks of maternity leave, partly or fully paid, as a legal right or part of government policy. All countries except the United States also offer additional weeks of paid parental leave after the immediate post-birth period. In Sweden, for example, mothers can take an additional 44 weeks off, and in Germany an additional 43.



Source: Organization for Economic Cooperation and Development

## SB 2258 - Attachment B

# How Does Your State Measure Up on Maternity Leave?

By: Amy Zinti

All 50 states and Puerto Rico fall under the federal Family and Medical Leave Act (FMLA). In June 2000, the Department of Labor ruled that states may dip into unemployment coffers to help fund family leave, clearing the way for more states to provide paid leave. Proposals are pending in several state legislatures. Call or write your state representative and ask him or her to strengthen leave laws.

The following 18 states -- plus the District of Columbia and Puerto Rico -- have laws that are in some ways more generous than the FMLA. What follows is a state-by-state guide to those benefits.

### *Western/Mountain States*

#### **California**

*Coverage:* Women in workplaces with at least five employees; there are no requirements for number of months or hours worked.

*Leave:* The period of time during which you're disabled due to pregnancy and childbirth, up to a maximum of four months.

*Pay:* Women may collect state temporary disability payments of about two-thirds of their wages -- up to \$490 a week -- for the time during which they're physically disabled due to pregnancy and childbirth (usually six to eight weeks). If a company continues health insurance for employees on other kinds of leave, it must do so for women disabled due to pregnancy and childbirth.

#### **Hawaii**

*Coverage:* All working women are eligible.

*Leave:* The period of time during which you're physically disabled due to pregnancy and childbirth (usually six to eight weeks).

*Pay:* Women may collect 58 percent of their average weekly wages from the state while they're physically disabled due to pregnancy and childbirth, up to a maximum of 26 weeks.

#### **Montana**

*Coverage:* All working women and adopting parents are eligible.

*Leave:* Up to six weeks of leave for disability due to pregnancy and childbirth; adopting parents may take 15 days for family leave.

#### **Oregon**

*Coverage:* Workplaces with at least 25 employees; you need to have worked at least 90 consecutive days. Temporary workers hired for less than six months are not covered.

*Leave:* 12 weeks for birth or adoption of a child up to age 6.

## Washington

*Coverage:* Women at workplaces with at least eight employees.

*Leave:* The period of time during which you're physically disabled due to pregnancy and childbirth (usually six to eight weeks). If a company continues health insurance for employees on other leaves, it must do so for women disabled due to pregnancy and childbirth.

## Midwest

### Iowa

*Coverage:* Women at workplaces with at least four employees.

*Leave:* Up to eight weeks for disability due to pregnancy and childbirth.

### Kansas

*Coverage:* Women at workplaces with at least four employees.

*Leave:* The period of time during which you're physically disabled due to pregnancy and childbirth (usually six to eight weeks).

### Minnesota

*Coverage:* Workplaces with at least 21 employees; you need to have worked for 12 consecutive months at least half time.

*Leave:* Up to six weeks of leave for the birth or adoption of a child. Health insurance must be continued during leave; however, your employer may require that you pay for it.

## East

### Connecticut

*Coverage:* Women at workplaces with at least three employees.

*Leave:* The period of time during which you're physically disabled due to pregnancy and childbirth (usually six to eight weeks).

### New Jersey

*Coverage and leave:* Those eligible for the FMLA -- which New Jersey grants to workers who have worked 1,000 hours in the past year -- are secure in their job for 12 weeks.

*Pay:* All women may collect state payments for four weeks before the birth (if you go on leave at that point) and six weeks afterward for a vaginal delivery; eight weeks for a [cesarean section](#). Payments are approximately two-thirds of your weekly wages, up to \$401 per week. It's possible to collect payments but still lose your job if you don't qualify for the FMLA.

### New York

*Coverage and leave:* Those eligible for the FMLA are secure in their job for 12 weeks.

*Pay:* All women who work in the private sector (as opposed to working for the government) can collect 50 percent of their average weekly wages -- up to \$170 a week -- while they're physically disabled due to pregnancy and childbirth (usually six to eight weeks, up to a maximum of 26 weeks). It's possible to collect payments but still lose your job if you don't qualify for the FMLA.

*New England*

**Maine**

*Coverage:* Workplaces with at least 25 employees at a permanent work site; you need to have worked for 12 consecutive months.

*Leave:* Up to 10 weeks of leave over a two-year period for birth or adoption. Health insurance must be continued during leave; however, your employer may require that you pay for it.

**Massachusetts**

*Coverage:* Workplaces with at least six employees; you need to have completed your employer's initial probationary period or, if there's no probationary period, three consecutive months as a full-time employee.

*Leave:* Eight weeks of leave for birth or adoption of a child under age 18, or adoption of a child under age 23 if the child has a disability. Employers are not required to continue health insurance.

**New Hampshire**

*Coverage:* Women at workplaces with at least six employees are eligible. Nonprofit, religious, educational, fraternal, and charitable corporations are exempt (some private schools and hospitals, for instance, are excluded).

*Leave:* The period of time during which you're physically disabled due to pregnancy and childbirth (usually six to eight weeks). If a company continues health insurance for employees on other kinds of leave, it must do so for women disabled due to pregnancy and childbirth.

**Rhode Island**

*Coverage and leave:* Those eligible for the FMLA are secure in their job for 12 weeks.

*Pay:* All women may qualify to receive about 60 percent of their average weekly wages from the state -- up to \$504 a week -- for the duration of disability (usually six to eight weeks, up to a maximum of 30 weeks). Women with other children may qualify for an additional benefit of up to \$10 for each dependent, up to a maximum of five dependents. It's possible to collect payments but still lose your job if you don't qualify for the FMLA.

**Vermont**

*Coverage:* Workplaces with at least 10 employees; you need to have worked at least 30 hours a week for at least one year.

*Leave:* 12 weeks for birth or adoption of a child age 16 or younger. Health insurance must be continued during leave; however, your employer may require that you pay for it.

*South*

**Kentucky**

*Coverage:* All employees adopting a child under age 7 are eligible.

*Leave:* Six weeks of family leave.

## Louisiana

*Coverage:* Women at workplaces with at least 26 employees.

*Leave:* The period of time during which you're physically disabled due to pregnancy and childbirth (usually six to eight weeks, up to a maximum of four months). Employers are not required to continue health coverage.

## Other

### District of Columbia

*Coverage:* Workplaces with at least 20 employees; you must have worked at least 1,000 hours in the past 12 months.

*Leave:* Up to 16 weeks of leave every two years to care for a newborn or newly adopted child.

### Puerto Rico

*Coverage:* All working women are eligible.

*Leave:* The time during which you're physically disabled due to pregnancy and childbirth (usually eight weeks, though you may add an additional 12 weeks if there are complications).

*Pay:* Women may apply to collect half their pay for eight weeks.

*All content here, including advice from doctors and other health professionals, should be considered as opinion only. Always seek the direct advice of your own doctor in connection with any questions or issues you may have regarding your own health or the health of others.*

<http://www.parents.com/pregnancy/my-life/maternity-paternity-leave/maternity-leave-by-state/>

**SB 2258 - Attachment C**

The Wall Street Journal – Dec 16, 2014

# Paid Maternity Leave Is Good for Business

By: Susan Wojcicki, YouTube CEO

I was Google's first employee to go on maternity leave. In 1999, I joined the startup that founders Larry Page and Sergey Brin had recently started in my garage. I was four months pregnant. At the time the company had no revenue and only 15 employees, almost all of whom were male. Joining a startup pregnant with my first child was risky, but Larry and Sergey assured me I'd have their support.

This month, I'll go on maternity leave once again—my fifth time—joining the nearly 5,000 women who have done so since I joined Google. And though I'm now CEO of YouTube (which is owned by Google), I'll be entitled to the same benefits as every single woman at the company who has a baby: 18 weeks of paid maternity leave.

Having experienced how valuable paid maternity leave is to me, my family and my career, I never thought of it as a privilege. But the sad truth is that paid maternity leave is rare in America, and the U.S. lags behind the rest of the world in providing for the needs of pregnant women and new mothers.

According to a survey released in May by the United Nations' International Labor Organization, the U.S. is the *only* country in the developed world that doesn't offer government-mandated paid maternity leave. Every other developed country offers paid maternity leave benefits through social-security programs, so businesses don't have to shoulder the entire cost. Paid maternity leave isn't just a First World perk—the U.S. is one of only two countries of the 185 surveyed that does not offer it. The other is Papua New Guinea.

There are two ways women in America can receive paid maternity leave. They can work for a generous employer that provides it as a benefit. Or they can live in one of the few states—California, Hawaii, New Jersey, New York and Rhode Island—that have publicly funded paid-maternity-leave laws. According to the Labor Department, that patchwork of corporate and state benefits covers only 12% of private workers. Low-wage earners, those in the bottom income quartile, have it much worse: only 5% get any paid maternity leave. The Family and Medical Leave Act of 1993 is a step in the right direction, but it is unpaid and doesn't cover half the working women in the U.S.

In study after study, the ILO and other labor and health organizations have shown how harmful a lack of paid maternity leave can be for mothers and their babies. Many times when faced with insufficient maternity leave, mothers choose to drop out of the workforce, leading to a considerable loss of income during a woman's most productive years. Or it can force a woman back to work too quickly, with adverse effects on her and her child's health.

A quarter of all women in the U.S. return to work fewer than 10 days after giving birth, leaving them less time to bond with their children, making breast-feeding more difficult and increasing their risk of postpartum depression. According to the American Academy of Pediatrics, suboptimal breast-feeding causes higher rates of infant illness and hospitalization that cost billions of dollars annually.

Paid maternity leave is also good for business. After California instituted paid medical leave, a survey in 2011 by the Center for Economic and Policy Research found that 91% of employers said the policy either boosted profits or had no effect. They also noted improved productivity, higher morale and reduced turnover.

That last point is one we've seen at Google. When we increased paid maternity leave to 18 from 12 weeks in 2007, the rate at which new moms left Google fell by 50%. (We also increased paternity leave to 12 weeks from seven, as we know that also has a positive effect on families and our business.) Mothers were able to take the time they needed to bond with their babies and return to their jobs feeling confident and ready. And it's much better for Google's bottom line—to avoid costly turnover, and to retain the valued expertise, skills and perspective of our employees who are mothers.

Best of all, mothers come back to the workforce with new insights. I know from experience that being a mother gave me a broader sense of purpose, more compassion and a better ability to prioritize and get things done efficiently. It also helped me understand the specific needs and concerns of mothers, who make most household spending decisions and control more than \$2 trillion of purchasing power in the U.S.

I've been lucky to have the support of a company that values motherhood as much as Google. And I've been lucky to live in a state like California that supports working mothers. But support for motherhood shouldn't be a matter of luck; it should be a matter of course. Paid maternity leave is good for mothers, families and business. America should have the good sense to join nearly every other country in providing it.

*Ms. Wojcicki is the CEO of YouTube.*

Chairmen, members of the committee, thank you for your time today. My name is Brianna Ludwig and I am a state employee.

Having a child is an extremely stressful phase in life. Growing a human is not easy by any stretch of the imagination, and once baby is here, building a bond with this little person while tending to his or her needs every 3 hours on a constant 24-hour cycle for months on end tends to be physical and emotionally draining.

Personally, it's the most stressful, overwhelming and amazing thing I've ever been through and more than I could have imagined. Now factor in returning to work, meeting deadlines, attending meetings, and doing presentations all while mother and baby are still learning about each other, building that connection and creating this new routine. It's understandably an extremely stressful position for both baby and mother.

The state currently offers no maternity leave. Mothers must use all of their annual leave and sick leave, and then take unpaid leave through the Family and Medical Leave Act of 1993 for up to 12 weeks to be home with baby. Having to take unpaid leave forces most young moms, like me and others in the room, to come back to work much earlier, mothers who can't afford to miss a paycheck. We shouldn't have to choose between work and being a mother, this is the twenty-first century, and we deserve the right to have both.

I was fortunate enough to have enough sick leave and annual leave to take 8 weeks with our first son, Charlie. With daycare schedules, sickness, doctors' appointments, and a Friday off every once in a while, I estimate I'll have about 6 weeks of AL and SL saved up for baby number two, due in June. That's not even enough time to completely recuperate physically, let alone come back to work with a new baby, unless I choose to take 6 weeks of unpaid leave.

Having 12 weeks, which the least amount of time other countries mandate<sup>1</sup>, would allow us more time together to bond. Time we can never have back, time to appreciate this little gift, time to get comfortable with the idea of dropping baby off at daycare and time to acclimate to the new roles of motherhood.

Workforce challenges are a hot topic during this legislative session, and the state of North Dakota is no different in that it faces hiring challenges itself.

Job Service of North Dakota reports that we have over 22,000 job openings in ND<sup>2</sup>. For every unemployed person, there are 2.5 job openings<sup>3</sup>. It's a competitive market to attract and retain employees.

The State of North Dakota alone has roughly 115 openings<sup>4</sup>, with an average taking 51 days to fill, according to the Society of Human Resource Management<sup>5</sup>, which research shows can cost almost 1.5-3 times the salary to recruit and train a new person<sup>6</sup>. This is another way the state can leverage its benefits package to recruit generation Y and millennials, the largest generation since the baby boomers. This is a generation that expects employers to be family friendly and flexible.

Both Minnesota and Montana offer some sort of paid maternity leave<sup>7</sup>. Our neighboring states are demonstrating that they are flexible and family friendly, which appeals to younger generations. We need to be competitive in our workforce recruitment tactics in order to maintain our workforce and plan for the future.

The Washington Post has it right; North Dakota is the best state in America. It's the best place to live, work and play. Creating a young, loyal workforce like me that feels valued and loves where they work could pay back dividends to the state.

Thank you for your time today and I am happy to respond to any questions you may have.

Sources:

1 <http://www.huffingtonpost.com/2013/02/04/maternity-leave-paid-parental-leave- n 2617284.html>

2 & 3 December 2014 Online Job Openings Report (OJOR) by Job Service of North Dakota  
[https://www.ndworkforceintelligence.com/admin/gsipub/htmlarea/uploads/lmi\\_ojornd.pdf](https://www.ndworkforceintelligence.com/admin/gsipub/htmlarea/uploads/lmi_ojornd.pdf)

4 HRMS website

5 <http://www.shrm.org/research/articles/articles/pages/metricofthemothtimetofill.aspx>

6 <http://www.investopedia.com/financial-edge/0711/the-cost-of-hiring-a-new-employee.aspx>

7 <http://www.parents.com/pregnancy/my-life/maternity-paternity-leave/maternity-leave-by-state/>

Mr. Chairman, members of the committee, my name is Matthew Perry from Bismarck and I am here to testify in favor of Senate Bill 2258.

I could stand up here and talk about how paid parental leave helps with employee retention or I could site some study that shows an economic gain from providing parental leave. But this is one of the rare times where I am representing myself; I don't have to try to persuade you with facts and figures. Instead, I am simply here to tell you how this would impact me. That being said, I will still speak in general terms because I don't think my situation is unique.

I currently don't have any children, my wife is due February 23<sup>rd</sup>, so I'm not speaking from personal experience of having a child. Rather I'm speaking from the personal, and current, experience of expecting a child.

I will start by outlining the current options for parental leave. The Family and Medical Leave Act (FMLA) provides for unpaid leave. Young families starting out can't afford to go without income. Nine months isn't enough time to save months worth of wages; especially when there are added expenses of preparing for the child, not to mention the added expenses that occur after the child is born. Or, like in my case, an unexpected \$2,000 auto repair bill.

I might have interpreted this incorrectly, but I noticed in the fiscal note, that the calculation assumed the average salary including benefits of \$1,332 per week. To me, that implies that if I took leave under FMLA, I would not be enrolled in the health insurance plan. That seems like a pretty horrible idea with a newborn and is not a real viable option.

Public employees are currently allowed to use 80 hours of their already accrued sick leave to care for sick family members. 80 hours of paid family sick leave per year is better than no leave at all, but newborns require numerous doctor appointments even if they are healthy. This leaves few options for parents to care for their children if their child is sick and has to stay home from daycare or, heaven forbid, has any serious medical condition.

To have to explain the importance of a parent being in their child's life seems beyond the pale to me, but I feel like that is what I am doing here today. Like I said, I will leave the facts and figures to the professionals in this instance. That being said, while contemplating the numbers that will be presented to you, I simply ask that you keep this in mind; providing benefits doesn't only have to be about getting a return for the employer. Sometimes, it's just about doing what's right. Nobody is going to abuse this benefit and it could very well lead to employee attraction, in addition to employee retention. Many kids that I grew up with, myself included, were "latchkey kids." We saw our parents working 50-60 hour work weeks, coming home late and exhausted, and having little energy for anything at the end of the day. We saw this, and while we appreciated all of the "stuff" this brought us, many of us don't want that same lifestyle; we crave a better work/life balance. This bill is a step in that direction.

Of all of the elderly people I have talked to, I have never heard anyone say, "I wish had spent more time at the office." A much more common phrase I have heard is, "Cherish the time with your children, they grow up so fast." That is not meant to insinuate that they didn't like what they did for a living. Rather, it is meant to illustrate that with age and reflection, many people realize they missed more of the important things in life so they could be at work. This is a chance to allow public employees an opportunity to spend a little bit of time with their family while it is being formed.

Did you know a newborn's brain grows 20% in his first 3 months? Think of all of the neurological connections and cognitive abilities being formed in that time. Wouldn't it be great if the parents could actually be around for that development in their child's life without having to worry about their job or paycheck? Children grow and develop incredibly fast in the first 3 months of life. They go from not being able to focus their eyes to recognizing faces, from not being able to lift their heads to controlled motor movements, etc. Also, colic is usually dissipated by the end of three months.

Newborns, even the ones that aren't colicky, don't sleep through the night. One or both parents will be up feeding, changing, or comforting the baby. This is not a surprise. Nor is it a surprise that the employee is going to be exhausted from sleep deprivation. There are numerous examples of paid parental leave policies that work for both the employer and the employee. When all of this is known (that parents won't be sleeping and there are paid parental leave plans that work) it almost feels as if the employee is being penalized for starting a family; like it's some sort of penance for having a child or hazing to get into the parent's club.

Think of all the things you have to learn how to do as a new parent... changing diapers, feeding the child, how to comfort a crying child. Think of how much better it would be for the parents and the baby if the parents only had to focus on child rearing instead of worrying about that weekly report that has to be filed tomorrow. This is also true for parents who already have children. While they have already learned the mechanics of parenting, there is a new balance that has to be struck between caring for a newborn and caring for the other children. I have heard from multiple parents that the first child is scarier, but the second one is harder because finding that balance is difficult and some of the tricks that worked with their first child don't work with the second one.

All of the rationale aside, there are four "I wants" that 12 weeks of paid parental leave would provide for me.

I want to learn how to be a parent before I try to learn how to be a working parent.

I want my son to feel the love of our family before I send him to daycare.

I want my son to know me.

Most of all I want a chance to get to know my son.



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*Great Public Schools**Great Public Service*

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Testimony before the Senate Government and Veterans Affairs Committee

In support of Senate Bill 2258

Stuart Savelkoul, North Dakota United

January 28, 2015

29

Good morning Chairman Dever 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 SB 2258. 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 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 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 SB 2258 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 SB 2258 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.



Testimony on Behalf of  
The North Dakota Women's Network (NDWN)  
The North Dakota Economic Security & Prosperity Alliance (NDESPA)  
Senate Bill 2258 –Senate Government and Veterans Affairs Committee  
January 29, 2015

Chairman Dever and members of the Senate GVA Committee, my name is Renee Stromme, Executive Director the North Dakota Women's Network (NDWN). NDWN is a statewide women's advocacy organization working to improve the lives of women. I am also representing the North Dakota Economic Security & Prosperity Alliance. NDESPA is a coalition of citizens and organizations working to build assets for North Dakotans of low and moderate income through public policy change. I am here in support of Senate Bill 2258 that would improve access to paid family leave.

Four in 10 American households with children under age 18 now include a mother who is the sole or primary breadwinner. This number has quadrupled since 1960 and includes 8.6 million single mothers. While women are moving up in the workforce, studies show that they are still primarily responsible for family caregiving. Women (and men) need income replacement when they take time out to care for families.

Nearly all workers need to take time away from work at some point during their careers because of a serious personal or family illness or to care for a new child. Men are now playing a greater role in the household, but women are still far more likely to be the primary caregivers. 70% of women and 30% of men report taking time off from work because of children's needs. Lack of paid leave compounds the financial hardships that many families already face.

SB 2258 provides for paid family leave. Paid leave means workers are less likely to quit for family or medical reasons and so reduces worker replacement costs, which can cost employers one-fifth of an employee's salary. Additionally, turnover declines when workers are able to afford to take time off to care for a new child or address a personal or family illness.

NDWN and NDESPA urges the committee to pass SB 2258 as an investment in North Dakota workers and families. Attached to this testimony is a list of NDESPA partners who stand in support of this legislation. I would be happy to take questions from the Committee.



North Dakota  
Economic Security  
and Prosperity  
Alliance

North Dakota Economic Security & Prosperity Alliance  
(NDESPA)  
2015

AARP-ND

North Dakota Women's Network

CAWS North Dakota

North Dakota Disabilities Advocacy Consortium

North Dakota Community Action Partnership

North Dakota Head Start Association

North Dakota Human Rights Coalition

North Dakota United

Charles Hall Youth Services

Family Voices of North Dakota

American Association of University Women in North Dakota

Charles Hall Youth Services

North Dakota Chapter of the National Association of Social Workers

Childcare AWARE

Mental Health America of North Dakota

Prevent Child Abuse of North Dakota

North Dakota County Social Service Directors Association

*NDESPA works to build and sustain a system of economic security for all North Dakotans through poverty awareness and education, grassroots and community capacity building, research and data development, and promotion of policies and practices to eliminate disparities and obstacles for achieving economic security.*

### Salary Increase History

Year	Parameters	
1983	2.0%	Retirement Contribution in lieu of salary increase
1984	2.0%	Retirement Contribution in lieu of salary increase; in May 1984, \$60/Mo increase allowed by Governor within available agency funds (not appropriated)
1985	5.5%	Minimum increase of \$50; increase given on 4/1/85
1986	4.0%	Minimum increase of \$50; deferred for Governor controlled agencies to January 1, 1987
1987	0.0%	
1988	0.0%	
1989	7.1%	Minimum increase of \$50
1990	0.0%	
1991	4.0%	Minimum increase of \$50
1992	\$40/Mo	Averaged approximately 2%
1993	\$60/Mo	Averaged approximately 3.2%
1994	3.0%	
1995	2.0%	
1996	3.0%	2% across the board; 1% for performance & equity
1997	3.0%	\$30 across the board; remainder of 3% appropriation based on merit & equity
1998	3.0%	\$30 across the board; remainder of 3% appropriation based on merit & equity
1999	2.0%	\$35 across the board; remainder of 2% appropriation based on merit & equity (\$5.4 mill Mkt/Equy Fund)
2000	2.0%	\$35 across the board; remainder of 2% appropriation based on merit & equity (additional 1% allowed with funding from existing appropriations)
2001	3.0%	\$35 across the board; remainder of 3% appropriation based on merit & equity (\$5 mill Mkt/Equy Fund)
2002	2.0%	\$35 across the board; remainder of 2% appropriation based on merit & equity
2003	0.0%	Up to 1% available based on Pooled Vacancy Savings; <b>Exec Branch 0%</b>
2004	0.0%	Up to 2% available based on Pooled Vacancy Savings; <b>Exec Branch 0%</b>
2005	4.0%	Across the board
2006	4.0%	Across the board
2007	4.0%	Based on performance and/or equity; minimum of \$75 (\$10 mill Mkt/Equy Fund)
2008	4.0%	Based on performance and/or equity; minimum of \$75
2009	5.0%	Based on performance and/or equity; minimum of \$100 (\$23 mill Mkt/Equy Fund)
2010	5.0%	Based on performance and/or equity; minimum of \$100
2011	3.0%	Based on performance and equity; minimum of 1.0%
2012	3.0%	Implemented recommendations from the 2009-11 leg study of emp compensation; new job evaluations, grade structure, market-based ranges
2013		Performance based increases of 3-5% plus Mkt Pol increases of 2% 1st Qtl, 1% 2nd Qtl. Total appropriation approx 5%
2014		Performance based increases of 2-4% plus Mkt Pol increases of 2% 1st Qtl, 1% 2nd Qtl. Total appropriation approx 4%

### HR Mission To provide leadership and expertise in Human Resource Management

HRMS's primary responsibility is to provide "... a unified system of personnel administration for the classified service ..."

Beyond the **basic** framework of human resource management rules, job classification, and salary ranges; **HRMS** provides assistance to agencies in their management of human resources. **HRMS** services include:

- Management Consulting
- Supervisor/Employee Training
- Employee Compensation
- Recruitment/Selection Assistance
- Mediation
- Legislative & Regulatory Compliance
- Performance Management Tools
- Model Policies, Handbooks, and Guides
- Student Internship Program

**HRMS** also makes current information available to agencies at:

[www.nd.gov/hrms](http://www.nd.gov/hrms)

**HRMS offices are located on the 14th Floor of the State Capitol.**

**Phone Number: (701) 328-3290**  
**FAX: (701) 328-1475**

**Please feel free to contact any HRMS staff member:**

Name	Phone	Name	Phone
Purdy, Ken Director	328-4735	Hart, Lynn Class & Comp Mgr	328-4739
Dammen, Barbara HR Officer	328-3374	Engelhardt, Travis HR Officer	328-3357
Ramsey, Laura HR Officer	328-1606	Sicble, Becky HR Officer	328-3299
Schmidt, Leanne HR Officer	328-4738	Wassim, Kim HR Officer	328-4737
Cvancara, Justin HR Bus Analyst	328-3363	Schorsch, Darin HR Bus Analyst	328-3347
Schwan, Gerard Training & Dev Admin	328-1638	Vosberg, Maureen Admin Assistant	328-3293
Bartell, Tricia Training Officer	328-1632		

1/29 SB 2258  
**NORTH DAKOTA STATE EMPLOYEE**  
December 2014  
**FACT SHEET**

This fact sheet is prepared by **Human Resource Management Services (HRMS)** to provide a snapshot of state employment. Data are from a variety of sources, and are an accurate, overall reflection of state employment as of December 2014.

The 7,253 state employees in positions classified by **HRMS** are employed in over 50 separate state agencies. 89% of classified employees work in 16 agencies with over 100 employees. The remaining employees work in agencies ranging from 1 to 90 employees.

Agencies > 100 Employees	# Classified Employees
Dept of Human Services	2118
Dept of Transportation	1038
Dept of Cor & Rehab	774
Health Dept	338
Information Tech Dept	325
Workforce Safety & Ins	244
Job Service ND	217
Highway Patrol	199
Adj Gen/Nat'l Guard	181
Attorney General	174
Dept of Public Instr	172
Game & Fish	153
Bank of ND	149
Veterans Home	138
Tax Dept	125
Office of Mgmt & Budget	123

#### Average Classified State Employee

	Years of Age	Years of Service	Annual Salary	Actual Increase	Appropriated	Compa Ratio	Notes
Aug 2001	44.8	12.5	31,467	4.9%	3.0%	0.96	(1)
Dec 2002	45.4	12.6	32,262	2.5%	2.0%	0.96	
Dec 2003	45.7	13.2	32,627	1.1%	0.0%	0.96	
Dec 2004	45.9	13.2	32,604	0.0%	0.0%	0.96	
Dec 2005	46.1	13.6	34,158	4.8%	4.0%	0.96	(2)
Dec 2006	46.2	13.4	35,640	4.3%	4.0%	0.96	
Dec 2007	46.2	13.2	37,834	6.2%	4.0%	0.95	(3)
Dec 2008	46.4	13.2	39,622	4.7%	4.0%	0.96	
Dec 2009	46.6	13.4	42,382	6.9%	5.0%	0.96	(4)
Dec 2010	46.6	13.2	44,698	5.5%	5.0%	0.96	
Dec 2011	46.5	13.2	46,057	3.0%	3.0%	0.96	
Dec 2012	46.4	13.1	48,554	5.4%	3.0%	0.92	(5)
Dec 2013	46.3	13.0	50,942	4.9%	(6)	0.93	
Dec 2014	46.3	12.9	53,297	4.6%	(7)	0.94	

- 1) Included 1999 & 2001 Market/Equity Funds (\$5.4 & \$5.0 mill respectively)
- 2) Leg approp included \$1.5 mill for DOCR & \$413,000 for Hwy Patrol
- 3) Included Market/Equity Fund (\$10 mill)
- 4) Included Market/Equity Fund (\$23 mill)
- 5) July 1, 2012 implementation of employee compensation study; agencies ensured all employees met the new salary range minimums
- 6) July 1, 2013 performance based increases of 3-5% plus Mkt Pol increases of 2% 1st Qtl, 1% 2nd Qtl. Total appropriation approx 5%
- 7) July 1, 2014 performance based increases of 2-4% plus Mkt Pol increases of 2% 1st Qtl, 1% 2nd Qtl. Total appropriation approx 4%

# NORTH DAKOTA STATE EMPLOYEE FACT SHEET

Classified employees under **HRMS** (ND's civil service) are covered by administrative rules adopted by **HRMS**. The rules guide equitable pay, open competitive selection, and protection from arbitrary personnel actions and are designed to provide consistent employment conditions.

Unclassified employees do NOT have employment rights under HRMS. The terms and conditions of employment vary by agency, category of employee, or by individual employee.

Employees under the University System are covered by and subject to the policies adopted by the State Board of Higher Education.

Classified Employee Salary Distribution	# of Employees	Percent
\$ 20,000 to \$ 30,000	368	5.1%
\$ 30,000 to \$ 40,000	1,379	19.0%
\$ 40,000 to \$ 50,000	1,814	25.0%
\$ 50,000 to \$ 60,000	1,501	20.7%
\$ 60,000 to \$ 70,000	1,031	14.2%
\$ 70,000 to \$ 80,000	566	7.8%
\$ 80,000 to \$ 90,000	280	3.9%
\$ 90,000 to \$100,000	180	2.5%
\$100,000 to \$110,000	80	1.1%
\$110,000 to \$120,000	28	0.4%
\$120,000 to \$130,000	20	0.3%
\$130,000 to \$140,000	3	0.0%
\$140,000 to \$150,000	3	0.0%
	<b>7,253</b>	

### In the general population of North Dakota

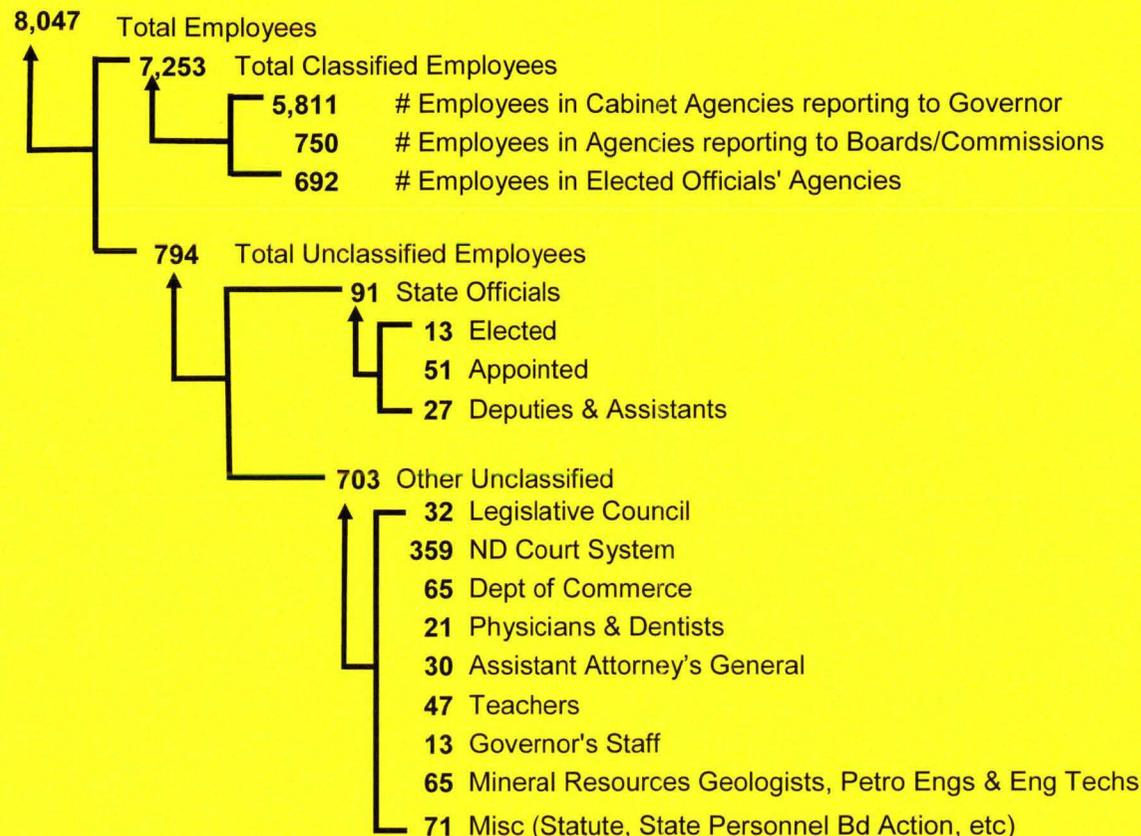
- 90.9% of workers have completed high school
- 27.2% have bachelor's degrees or beyond

### In the Classified Workforce of state government

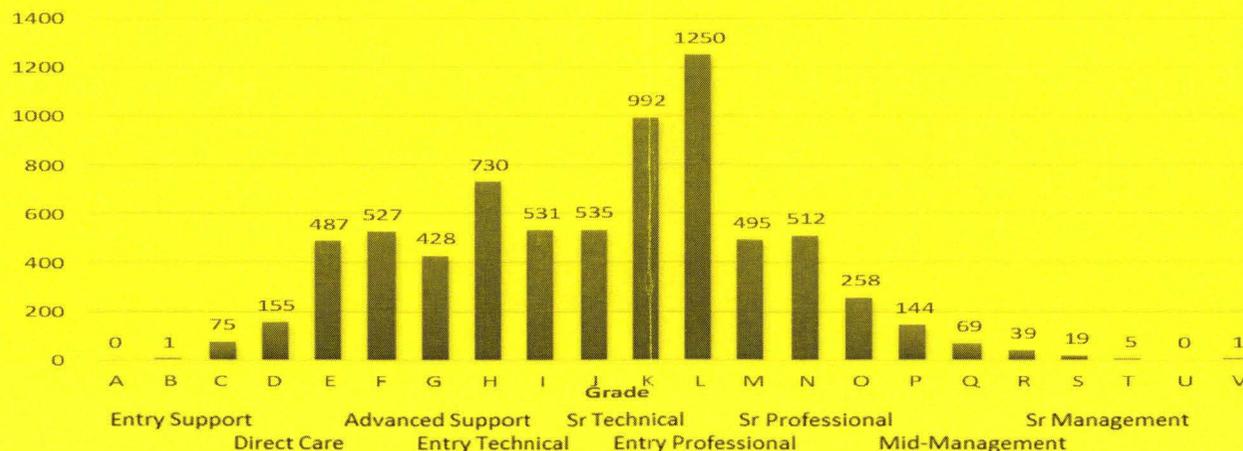
- 99% have completed high school
- 86% have formal education beyond high school
- 56% have a bachelor's degree or beyond

1/29 SB 2258 #6 pg 2

## Number & Categories of State Employees (Excluding University System)



### # of Employees by Grade (2014)



February 5, 2015

#1 pg 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2258

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-52.4-03 and subsection 1 of section 54-52.4-05 of the North Dakota Century Code, relating to state employee leave.

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

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

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

1. An employer that provides annual leave or sick leave, or both, for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take eighty hours of leave under this section in any twelve-month period and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition, in any combination, for any one or more 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 leave under this section in any twelve-month period for not more than twelve workweeks. The twelve weeks of leave under this section may be taken intermittently for leave under subdivisions a or b of subsection 1 if approved by the employer. The twelve weeks of leave under this section 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 employees normal schedule.

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

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

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

Renumber accordingly

#1 2258  
3-5-15

## SB 2258

Thursday, March, 5, 2015

9:00 am

Senate Government and Veterans Affairs Committee

Mr. Chairman, members of the committee, for the record, my name is Erin Oban, Senator from District 35 in Bismarck, home to a large population of state employees – an increasing number of those being young, growing families – who live as my neighbors but work on behalf of each of you and every other North Dakotan we represent here in the legislature.

I'm with you today as the prime sponsor of SB 2258, a bill that has taken on a significantly different look since its original introduction.

As it started, SB 2258 would have provided our state employees with 12 weeks of paid leave (rather than unpaid leave) for the four major reasons provided under the federal Family and Medical Leave Act (FMLA): maternity, paternity, adoption, and care for self or an immediate family member.

I learned very quickly that the \$24 million price tag wasn't going to get me, or more importantly, our state employees, very far into the conversation. (Chalk it up to freshman inexperience and our inability to see a fiscal note BEFORE a bill is filed.)

That said, I still felt we needed to have a discussion about state employee leave policies, so I worked with a number of legislators, including Sen. Poolman whose name, you might notice, is not on the bill but who supports an important change in policy when she sees one, to compromise and amend it to something more practical but that would still be a step in the right direction for state employees.

It's difficult for me to summarize what the current leave policies are because they differ depending on the agency and the situation. I have no idea if any or all state agencies allow new fathers to use their earned days for paternity leave, and I have no idea if state employees have flexibility with their own leave to take care of a seriously injured or ill parent or spouse. Ken Purdy will no doubt come in handy should there be questions about HR and leave policies that I am unable to answer.

I've heard from countless state employees - many of whom can't be here as they try to save up their leave for more important things, like time with their kids - about the challenges they face when it comes to growing their families while needing to maintain an income. Upon the birth of a child to a state-employee mother, some are allowed to use two weeks of their sick leave, others are allowed to use six. Sometimes it depends on what a doctor would designate as "recovery of the mother", some don't. But when I know of soon-to-be-mothers who hope for or request c-section deliveries simply so they are guaranteed to be able to use six weeks of their own sick leave to spend with their newborn instead of the two guaranteed from a traditional delivery, that's a problem.

Either way, I bet we can almost universally agree that time spent between a newborn and his or her mother AND father is incredibly important.

The bill you have in front of you actually simplifies state employee leave policies quite a bit. As written, this bill would allow state employees to use any combination of their own earned leave - sick or annual - up to 12 weeks in one calendar year before having to take unpaid leave for those reasons provided under FMLA.

It's worth noting that an "employee", as defined in this section, reads: "an individual... who has been employed... for at least twelve months, and who has worked at least one thousand two hundred fifty hours... over the previous twelve months." Needless to say, the ND Department of X is not going to be stuck granting 12-weeks paid leave to a man they may have just hired who, unbeknownst to them, is about to have a child in 2 weeks, something that wouldn't be seen as easily on an expectant father as on a mother.

In addition, I do have one amendment with me, Mr. Chairman, if you would be so kind to entertain it. Amendment 15.0789.03001 would remove references to care for "self" from the bill, because, as realized after passage in the Senate, there may be situations with long-time state employees who have built up more than 12 weeks of sick leave that would limit the use of their own sick leave if they became seriously ill. That's obviously an oversight and a scenario we hadn't considered.

Generous and flexible family leave policies are good for business. Our country lags far behind other countries, and our state behind other states, in embracing employee-friendly leave policies. This bill is far from the pie-in-the-sky paid leave that many big businesses like Google have instituted since 1999 when they were a start-up company located in a garage with only 15 employees.

Quoting the attached editorial from the CEO of YouTube, "In study after study, the ILO and other labor and health organizations have shown how harmful a lack of paid maternity leave can be for mothers and their babies. Many times when faced with insufficient maternity leave, mothers choose to drop out of the workforce, leading to a considerable loss of income during a woman's most productive years. Or it can force a woman back to work too quickly, with adverse effects on her and her child's health."

State employees should not have to choose between bonding with their baby or caring for a seriously injured spouse or spending time with a parent in their remaining weeks and collecting a paycheck, especially when they have already earned days of leave. Add to that the fact that we have workforce shortages in so many areas of our state, including state government positions, we should be looking at any and all options that attract and retain the good employees we already have.

We attempt to replicate good business practices in government all the time. That's something we absolutely *should* do. This policy won't cost a dime, and it's good for people. I respectfully request this committee's support for SB 2258.

## SB 2258 - Attachment

The Wall Street Journal – Dec 16, 2014

# Paid Maternity Leave Is Good for Business

By: Susan Wojcicki, YouTube CEO

I was Google's first employee to go on maternity leave. In 1999, I joined the startup that founders Larry Page and Sergey Brin had recently started in my garage. I was four months pregnant. At the time the company had no revenue and only 15 employees, almost all of whom were male. Joining a startup pregnant with my first child was risky, but Larry and Sergey assured me I'd have their support.

This month, I'll go on maternity leave once again—my fifth time—joining the nearly 5,000 women who have done so since I joined Google. And though I'm now CEO of YouTube (which is owned by Google), I'll be entitled to the same benefits as every single woman at the company who has a baby: 18 weeks of paid maternity leave.

Having experienced how valuable paid maternity leave is to me, my family and my career, I never thought of it as a privilege. But the sad truth is that paid maternity leave is rare in America, and the U.S. lags behind the rest of the world in providing for the needs of pregnant women and new mothers.

According to a survey released in May by the United Nations' International Labor Organization, the U.S. is the *only* country in the developed world that doesn't offer government-mandated paid maternity leave. Every other developed country offers paid maternity leave benefits through social-security programs, so businesses don't have to shoulder the entire cost. Paid maternity leave isn't just a First World perk—the U.S. is one of only two countries of the 185 surveyed that does not offer it. The other is Papua New Guinea.

There are two ways women in America can receive paid maternity leave. They can work for a generous employer that provides it as a benefit. Or they can live in one of the few states—California, Hawaii, New Jersey, New York and Rhode Island—that have publicly funded paid-maternity-leave laws. According to the Labor Department, that patchwork of corporate and state benefits covers only 12% of private workers. Low-wage earners, those in the bottom income quartile, have it much worse: only 5% get any paid maternity leave. The Family and Medical Leave Act of 1993 is a step in the right direction, but it is unpaid and doesn't cover half the working women in the U.S.

In study after study, the ILO and other labor and health organizations have shown how harmful a lack of paid maternity leave can be for mothers and their babies. Many times when faced with insufficient maternity leave, mothers choose to drop out of the workforce, leading to a considerable loss of income during a woman's most productive years. Or it can force a woman back to work too quickly, with adverse effects on her and her child's health.

A quarter of all women in the U.S. return to work fewer than 10 days after giving birth, leaving them less time to bond with their children, making breast-feeding more difficult and increasing their risk of postpartum depression. According to the American Academy of Pediatrics, suboptimal breast-feeding causes higher rates of infant illness and hospitalization that cost billions of dollars annually.

Paid maternity leave is also good for business. After California instituted paid medical leave, a survey in 2011 by the Center for Economic and Policy Research found that 91% of employers said the policy either boosted profits or had no effect. They also noted improved productivity, higher morale and reduced turnover.

That last point is one we've seen at Google. When we increased paid maternity leave to 18 from 12 weeks in 2007, the rate at which new moms left Google fell by 50%. (We also increased paternity leave to 12 weeks from seven, as we know that also has a positive effect on families and our business.) Mothers were able to take the time they needed to bond with their babies and return to their jobs feeling confident and ready. And it's much better for Google's bottom line—to avoid costly turnover, and to retain the valued expertise, skills and perspective of our employees who are mothers.

Best of all, mothers come back to the workforce with new insights. I know from experience that being a mother gave me a broader sense of purpose, more compassion and a better ability to prioritize and get things done efficiently. It also helped me understand the specific needs and concerns of mothers, who make most household spending decisions and control more than \$2 trillion of purchasing power in the U.S.

I've been lucky to have the support of a company that values motherhood as much as Google. And I've been lucky to live in a state like California that supports working mothers. But support for motherhood shouldn't be a matter of luck; it should be a matter of course. Paid maternity leave is good for mothers, families and business. America should have the good sense to join nearly every other country in providing it.

*Ms. Wojcicki is the CEO of YouTube.*

15.0789.03001  
Title.

Prepared by the Legislative Council staff for  
Senator Oban

March 4, 2015

# 2 2258  
3-5-15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2258

Page 1, line 6, remove "self."

Page 2, remove lines 1 and 2

Page 2, line 8, remove "or d"

Page 2, line 19, remove "or d"

Renumber accordingly

SB 2258, March 5, 2015

#3  
2258  
3-5-15

Chairman Kasper and members of the House Government and Veterans Affairs Committee

My name is Tim Mathern. I am the former Family Life Director for the Catholic Dioceses of North Dakota and have served on the Board of The National Association of Family Life Ministry. This bill has roots in the family leave bill introduced by our own Representative Haugland of Minot in 1989. It would have been a fitting tribute to her to hold the hearing in the Brynhild Haugland room! SB 2258 would be great support to families and the state of North Dakota.

Family is the oldest institution recorded in human history. It has important tasks and I note a few.

1. Family creates an intimate community of persons-our psychological health depends on it. Giving care in a medical need is a way to express intimacy.
2. The family serves life; feeding, rearing children, protecting and passing on values are aspects of this task.
3. The family serves the development of society. Family teaches social skills, hospitality and how to deal with others outside the family.
4. The family assists its members explore the possibility of a spiritual dimension to themselves and their world.

I note these issues to highlight the time consuming job a family has. SB 2258 provides support to this important institution. A family able to carry out these tasks benefits us all. A successful family helps us reduce the need of our 3 billion dollar Department of Human Service budget. The option offered by this bill helps each state agency be part of the solution to supporting family and decreasing social problems.

I ask for a do pass recommendation from your committee.

#4 2258  
3-5-15

Testimony for House Government and Veterans Affairs

Thursday, March 5, 2015

Nicole Poolman, District 7 Senator

Mr. Chairman and members of the committee, my name is Nicole Poolman, senator from District 7 representing Bismarck and Lincoln here to ask for your support of Senate Bill 2258.

The initial bill brought to our committee by Senator Oban required the state to provide paid leave for state employees. The large fiscal note was going to lead to the bill's demise, but as the hearing went on, we realized some of our assumptions about the leave we give state employees were inaccurate. I had always assumed our state employees could take the leave they had earned in order to take a maternity leave or care for a spouse with a serious health issue. During testimony, I learned this is not the case, so we amended the bill to reflect what most of us had assumed was current policy.

As amended, Senate Bill 2258 allows state employees to use the annual and sick leave they have banked up for the purpose of taking care of a new baby, a newly adopted child, or a family member with a serious health condition.

Currently, our policy is that when a woman has a baby, she may use two weeks of her sick leave, but any more time, and she must take it unpaid. Even if she has six weeks of sick leave banked, she may not use it. So if she cannot afford to take the leave unpaid, she must return to work two weeks after giving birth, unless she has had a surgical procedure, then she may use four weeks with a note from her doctor. You won't find a child care provider who will take an infant before the age of six weeks, so I assume this is why certain agencies allow new parents to bring their babies to work.

In the case of an ailing spouse, currently, if an employee's wife has a terminal illness, he may use only two weeks of sick leave and an additional 10% of the leave he has banked. My father took care of my mother as she died of cancer and used the sick leave he had banked over a 30-year career in order to do that. Two weeks wouldn't have even covered the time she spent in a coma at the very end. It is not nearly enough, especially as the sick leave sits there UNUSED.

This bill simply allows public employees the opportunity to use the benefits they have earned. The current system makes no sense to me as a mother, wife, and daughter who has had to utilize sick leave to have babies, care for a husband after a serious car accident, and care for a mother in her final days. This common sense legislation will give state employees the same opportunity.

#5 2258

3-5-15



*Great Public Schools*

*Great Public Service*

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Testimony before the House Government and Veterans Affairs Committee  
In support of Senate Bill 2258  
Stuart Savelkoul, North Dakota United  
March 5, 2015

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Good morning Chairman Kasper 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 SB 2258. 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 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 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 SB 2258 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 SB 2258 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.

#6 2258  
3-5-15



Real Possibilities in

# North Dakota

SB 2258 - SUPPORT

March 5, 2015

House Government and Veterans Affairs Committee

Josh Askvig - AARP North Dakota

[jaskvig@aarp.org](mailto:jaskvig@aarp.org) or 701-989-0129

Chairman Kasper, members of the House Government and Veterans Affairs committee, I am Josh Askvig, Associate State Director of Advocacy for AARP North Dakota. Thank you for the opportunity to appear before you today and share AARP's support of SB 2258.

Over the past few years, AARP has raised its attention on family caregivers — spouses, partners, relatives, friends, or neighbors who provide unpaid care for a loved one. We have watched the situation facing caregivers evolve — longer lifespans and an increase in the number of persons with complex medical conditions that have stressed current support systems; the growth in the number of Baby Boomers who find themselves squarely in the sandwich generation, caring for both children and parents, that has created demand for new models of care and greater access to information; and the increase in complex conditions requiring coordination that has left "caregivers trying to tie together the fragmented pieces of their family member's care with several different clinicians, hospital stays, and transitions between settings."<sup>1</sup> As such, we have intensified our efforts to ensure that family caregivers have the support they need to care for their loved ones.

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<sup>1</sup> Susan Reinhard, *Home Alone: Family Caregivers providing Complex Chronic Care*, AARP [http://www.aarp.org/content/dam/aarp/research/public\\_policy\\_institute/health/home-alone-family-caregivers-providing-complex-chronic-care-rev-AARP-ppi-health.pdf](http://www.aarp.org/content/dam/aarp/research/public_policy_institute/health/home-alone-family-caregivers-providing-complex-chronic-care-rev-AARP-ppi-health.pdf)

In North Dakota, these efforts are particularly important. AARP Public Policy Institute's 2014 Long Term Scorecard showed that North Dakota ranked 33rd out of 50 states with respect to support that family caregivers receive.<sup>2</sup> Obviously, we can do more for the 109,000 individuals across the state who are caregivers for a loved one during the year and contribute \$830 million in unpaid care.<sup>3</sup>

As the population ages, more workers are finding they need time to care for an elderly parent or an ailing spouse. But, they may not have the financial means to take time away from the job to do so. Ensuring that individuals have access to leave to care for a loved one is an important component of supporting family caregivers. In fact, in November 2014 AARP conducted a telephone survey of 800 North Dakota voters age 45 and older who expressed their opinions on caregiving. Nearly all (91%) of these caregivers believe it is important to be able to provide care so that their loved ones can keep living independently in their own home. We support SB 2258 as it ensures that employees of the State of North Dakota can use their leave to help their loved ones remain safely at home if needed.

We encourage you to give SB 2258 a "Do Pass" recommendation. Thank you for the opportunity to testify today and I am happy to take any questions you might have.

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<sup>2</sup> Susan Reinhard, *Raising Expectations: A State Scorecard on Long-Term Services and Supports for Older Adults, People with Physical Disabilities, and Family Caregivers* <http://www.longtermscorecard.org/>

<sup>3</sup> Susan Reinhard, et.al., *Valuing the Invaluable: The Growing Contribution and Cost of Caregiving* <http://assets.aarp.org/rgcenter/ppi/ltc/i51-caregiving.pdf>

#7 2258  
3-5-15

# Raising Expectations

A State Scorecard on Long-Term Services and Supports for Older Adults, People with Physical Disabilities, and Family Caregivers

North Dakota

 [North Dakota Fact Sheet \(615k PDF\)](#)

Rankings	Number of indicators for which this state ranked in the:	Estimated Impact of Improvement †
<b>Overall : 33</b>		<b>3,502</b> more low/moderate-income adults with ADL disabilities would be covered by Medicaid.
Affordability and Access: <b>48</b>	Top 5: <b>3</b>	<b>774</b> more new users of Medicaid LTSS would first receive services in the community.
Choice of Setting and Provider: <b>34</b>	Top Quartile: <b>7</b>	<b>774</b> nursing home residents with low care needs would instead receive LTSS in the community.
	2nd Quartile: <b>7</b>	
Quality of Life & Quality of Care: <b>3</b>	3rd Quartile: <b>5</b>	<b>328</b> more people entering nursing homes would be able to return to the community within 100 days.
Support for Family Caregivers: <b>27</b>	Bottom Quartile: <b>7</b>	<b>650</b> more people who have been in a nursing home for 90 days or more would be able to move back to the community.
Effective Transitions: <b>29</b>	Bottom 5: <b>4</b>	

†if this state improved to the level of the best-performing state

\* Data not available.

\*\* State is the best-performing.

Dimension and Indicator	Data Year	State Rate	Data Year	State Rate	All States Median	Best State Rate	Rank	Change In Performance	Compare
	Affordability and Access	Baseline Scorecard	233%	2013	249%	234%	168%	48	Change
	2010	233%	2013	249%	234%	168%	33	↔	<a href="#">Compare</a>

Median annual nursing home private pay cost as a percentage of median household income age 65+										
Median annual home care private pay cost as a percentage of median household income age 65+	2010	113%	2013	103%	84%	47%	50	↔		<a href="#">Compare</a>
Private long-term care insurance policies in effect per 1,000 population age 40+	2009	107	2011	102	44	130	5	↔		<a href="#">Compare</a>
Percent of adults age 21+ with ADL disability at or below 250% of poverty receiving Medicaid or other government assistance health insurance	2008-09	53.6%	2011-12	46.1%	51.4%	78.1%	48	✗		<a href="#">Compare</a>
Medicaid LTSS participant years per 100 adults age 21+ with ADL disability in nursing homes or at/below 250% poverty in the community	2007	34	2009	40	42	85	25	✓		<a href="#">Compare</a>
ADRC functions (composite indicator, scale 0-70)	2010 *		2012	42	54	67	42	✓		<a href="#">Compare</a>
Choice of Setting and Provider	Baseline Scorecard		2014 Scorecard				34	Change		
Percent of Medicaid and state-funded LTSS spending going to HCBS for older people and adults with physical disabilities	2009	10.7%	2011	14.5%	31.4%	65.4%	51	✓		<a href="#">Compare</a>
Percent of new Medicaid aged/disabled LTSS users first receiving services in the community	2007	31.1%	2009	35.7%	50.7%	81.9%	36	✓		<a href="#">Compare</a>
Number of people participant-directing services per 1,000 adults age 18+ with disabilities	* *		2013	10.5	8.8	127.3	22	N/A		<a href="#">Compare</a>
Home health and personal care aides per 1,000 population age 65+	2007-09	20	2010-12	31	33	76	29	✓		<a href="#">Compare</a>
Assisted living and residential care units per 1,000 population age 65+	2010	37	2012-13	45	27	125	7	✓		<a href="#">Compare</a>
Quality of Life & Quality of Care	Baseline Scorecard		2014 Scorecard				3	Change		
Percent of adults age 18+ with disabilities in the community usually or always getting needed support	2009	71.9%	2010	72.9%	71.8%	79.1%	23	↔		<a href="#">Compare</a>
Percent of adults age 18+ with disabilities in the community satisfied or very satisfied with life	2009	91.0%	2010	89.5%	86.7%	92.1%	5	✗		<a href="#">Compare</a>
Rate of employment for adults with ADL disability ages 18-64 relative to rate of employment for adults without ADL disability ages 18-64	2009-10	44.4%	2011-12	30.2%	23.4%	37.2%	7	✗		<a href="#">Compare</a>

Percent of high-risk nursing home residents with pressure sores	*	*	2013	4.4%	5.9%	3.0%	4	N/A	<a href="#">Compare</a>
Nursing home staffing turnover: ratio of employee terminations to the average number of active employees	2008	33.6%	2010	29.2%	38.1%	15.4%	9	✓	<a href="#">Compare</a>
Percent of long-stay nursing home residents who are receiving an antipsychotic medication	*	*	2013	18.6%	20.2%	11.9%	15	N/A	<a href="#">Compare</a>
Support for Family Caregivers	Baseline Scorecard		2014 Scorecard				27	Change	
Legal and system supports for family caregivers (composite indicator, scale 0-14.5)	2008-10	*	2012-13	2.40	3.00	8.00	33	↔	<a href="#">Compare</a>
Number of health maintenance tasks able to be delegated to LTSS workers (out of 16 tasks)	2011	13.0	2013	13.0	9.5	16.0	18	↔	<a href="#">Compare</a>
Family caregivers without much worry or stress, with enough time, well-rested	2010	66.2%	2011-12	61.9%	61.6%	72.8%	20	✗	<a href="#">Compare</a>
Effective Transitions	Baseline Scorecard		2014 Scorecard				29	Change	
Percent of nursing home residents with low care needs	2007	16.1%	2010	15.1%	11.7%	1.1%	36	↔	<a href="#">Compare</a>
Percent of home health patients with a hospital admission	*	*	2012	24.1%	25.5%	18.9%	14	N/A	<a href="#">Compare</a>
Percent of long-stay nursing home residents hospitalized within a six-month period	2008	13.4%	2010	13.6%	18.9%	7.3%	13	↔	<a href="#">Compare</a>
Percent of nursing home residents with moderate to severe dementia with one or more potentially burdensome transitions at end of life	*	*	2009	12.9%	20.3%	7.1%	8	N/A	<a href="#">Compare</a>
Percent of new nursing home stays lasting 100 days or more	*	*	2009	23.4%	19.8%	10.3%	41	N/A	<a href="#">Compare</a>
Percent of people with 90+ day nursing home stays successfully transitioning back to the community	*	*	2009	5.1%	7.9%	15.8%	50	N/A	<a href="#">Compare</a>

\* Data not available.

\*\* Composite indicators combine information on multiple policies and programs; see Appendix B2 for definitions and Appendices A8 and A15 for more detail on both current year and baseline. See Appendix B2 for data year, source, and definition of each indicator. ADL = Activities of Daily Living; ADRC = Aging and Disability Resource Center; HCBS = Home and Community Based Services; LTSS = Long Term Services and Supports.



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#8 2258  
3-5-15

Testimony on Behalf of  
The North Dakota Women's Network (NDWN)  
The North Dakota Economic Security & Prosperity Alliance (NDESPA)  
Senate Bill 2258 – House Government and Veterans Affairs Committee  
March 5, 2015

Chairman Kasper and members of the House GVA Committee, my name is Renee Stromme, Executive Director the North Dakota Women's Network (NDWN). NDWN is a statewide women's advocacy organization working to improve the lives of women. I am also representing the North Dakota Economic Security & Prosperity Alliance. NDESPA is a coalition of citizens and organizations working to build assets for North Dakotans of low and moderate income through public policy change. I am here in support of Senate Bill 2258 that would improve access to paid family leave.

Four in 10 American households with children under age 18 now include a mother who is the sole or primary breadwinner. This number has quadrupled since 1960 and includes 8.6 million single mothers. While women are moving up in the workforce, studies show that they are still primarily responsible for family caregiving. Women (and men) need income replacement when they take time out to care for families.

Nearly all workers need to take time away from work at some point during their careers because of a serious personal or family illness or to care for a new child. Men are now playing a greater role in the household, but women are still far more likely to be the primary caregivers. 70% of women and 30% of men report taking time off from work because of children's needs. Lack of paid leave compounds the financial hardships that many families already face.

SB 2258 provides for improved use of accrued time off for paid family leave. Paid leave means workers are less likely to quit for family or medical reasons and so reduces worker replacement costs, which can cost employers one-fifth of an employee's salary. Additionally, turnover declines when workers are able to afford to take time off to care for a new child or address a personal or family illness.

NDWN and NDESPA urges the committee to pass SB 2258 as an investment in North Dakota workers and families. Attached to this testimony is a list of NDESPA partners who stand in support of this legislation. I would be happy to take questions from the Committee.

#1 2258  
3-13-15

## **SB2258 Amendment- Use of Leave**

### New Child- Employee who gives birth (per instance)

**New:** Employee may use up to 6 weeks maternity leave from their illness bank (plus additional for longer illness) and employee may use up to 2 weeks for the care of a new child from illness bank for a total of 8 weeks from their illness bank. Employee also receives preference for using vacation time to further extend leave for the care of a new child.

**Current:** None in law other than for illness, agency policy varies.

### New Child- Employee who does not give birth (per instance)

**New:** Employee may use up to 2 weeks for the care of a new child from their illness bank. Employee also receives preference for using vacation time to further extend leave for the care of a new child.

**Current:** None in law other than for illness, agency policy varies.

### Leave for care of a parent, spouse, or child

**New:** Employee may use up to 6 weeks from their illness bank to care for a parent, spouse, or child within a 12 month period, and may use an additional 10% of their leave upon approval of the employee's supervisor. Employee also receives preference for using vacation time to further extend leave for the care of a parent, spouse, or child.

**Current:** 2 weeks

#2 2258  
3-13-15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2258

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee sick leave; and to amend and reenact section 54-52.4-03 of the North Dakota Century Code, relating to state employee sick leave.

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

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

**54-06-14.5. Sick and annual leave for birth or adoption of child.**

1. If an employee requests to use sick leave under section 54-06-14 due to the employee giving birth, an employer:
  - a. May not require certification from the employee's health care provider for a request not exceeding six weeks; and
  - b. May require certification from the employee's health care provider for a request exceeding six weeks.
2. If an employee requests to use annual leave under section 54-06-14 during the first twelve months following the birth of the employee's child or during the first twelve months following the placement of a child 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, the employer shall give priority to the request if the request is for the purpose of bonding with or caring for the child.

**SECTION 2. AMENDMENT.** Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take ~~eighty~~two hundred forty hours of leave under this section~~subsection~~ in any twelve-month period and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition.

2. During the first twelve months following birth or placement, an employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave 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. An employee may take eighty hours of leave under this subsection in any twelve-month period.
3. The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness."

Renumber accordingly

15.0866.03003

FIRST ENGROSSMENT

Sixty-fourth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1387

#1  
2258  
3-27-15  
Rep. B. Koppelman

Introduced by

Representative Keiser

Senator Oban

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SB2258 Amendment- Use of Leave**

#2  
3/27/15  
Rep. B. Koppelman

New Child- Employee who gives birth (per instance)

**New:** Employee may use up to 6 weeks maternity leave from their illness bank (plus additional for longer illness) and employee may use up to 2 weeks for the care of a new child from illness bank for a total of 8 weeks from their illness bank. Employee also receives preference for using vacation time to further extend leave for the care of a new child.

**Current:** None in law other than for illness, agency policy varies.

New Child- Employee who does not give birth (per instance)

**New:** Employee may use up to 2 weeks for the care of a new child from their illness bank. Employee also receives preference for using vacation time to further extend leave for the care of a new child.

**Current:** None in law other than for illness, agency policy varies.

Leave for care of a parent, spouse, or child

**New:** Employee may use up to 6 weeks from their illness bank to care for a parent, spouse, or child within a 12 month period, and may use an additional 10% of their leave upon approval of the employee's supervisor. Employee also receives preference for using vacation time to further extend leave for the care of a parent, spouse, or child.

**Current:** 2 weeks

#1 2258  
4-9-15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2258

Page 1, line 1, after "A BILL" replace the remainder for the bill with "for Act to provide for a legislative management study.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EMPLOYEE LEAVE SYSTEM.** During the 2015-16 interim, the legislative management shall consider studying the employee leave system, specifically whether it would be preferable to keep the current state employee leave system, or for the state to switch to a paid time off (PTO) system for employee leave. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

Introduced by

Senators Oban, Flakoll, Davison, Mathern

Representatives Haak, Boschee

- 1 A BILL for an Act to provide for a legislative management study of the state employee  
leave  
2 system.

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

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

- 5 **SYSTEM.** During the 2015-16 interim, the legislative management shall consider studying  
the  
6 state employee benefits package and leave system ~~to determine whether it is preferable~~  
~~to keep the current state~~  
7 ~~employee leave system or for the state to switch~~ including the potential shift to a paid time  
off (PTO) system for state  
8 employee leave. The legislative management shall report its findings and  
recommendations,  
9 together with any legislation required to implement the recommendations, to the sixty-fifth  
10 legislative assembly.

PROPOSED AMENDMENTS TO SB 2258

Page 1, line 5 remove "the"

Page 1, line 6 after "employee" insert "benefits package and"

Page 1 line 6 overstrike "to determine whether it is preferable to keep the current state"

Page 1, line 6 after "system" insert "including the potential shift" immediately thereafter

Page 1, line 7 overstrike "employee leave system or for the state to switch"

Renumber accordingly