

Introduced by

Representatives Hoverson, Jones, Paulson, Satrom

1 A BILL for an Act to amend and reenact subsection 2 of section 14-02.4-03 and section  
2 34-06-05.1 of the North Dakota Century Code, relating to employer's discriminatory practices  
3 and one day of rest; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 14-02.4-03 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 2. ~~Subject to section 34-06-05.1, it is a discriminatory practice for an employer to fail or~~  
8 ~~refuse to make reasonable accommodations for an otherwise qualified individual with~~  
9 ~~a physical or mental disability, because that individual is pregnant, or because of that~~  
10 ~~individual's religion. An employer is not required to provide an accommodation that~~  
11 ~~would disrupt or interfere with the employer's normal business operations; threaten an~~  
12 ~~individual's health or safety; contradict a business necessity of the employer; or~~  
13 ~~impose an undue hardship on the employer, taking into consideration the size of the~~  
14 ~~employer's business, the type of business, the financial resources of the employer,~~  
15 ~~and the estimated cost and extent of the accommodation.~~

16 **SECTION 2. AMENDMENT.** Section 34-06-05.1 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **34-06-05.1. One day of rest in seven - Penalty.**

19 1. An employer may not require an employee to work seven consecutive days ~~in a~~  
20 ~~business that sells merchandise at retail. An employer may not~~ deny an employee at  
21 least one period of twenty-four consecutive hours of time off for rest or worship in each  
22 seven-day period. The time off must be in addition to the regular periods of rest  
23 allowed during each day worked. An employer shall accommodate the religious beliefs  
24 and practices of an employee ~~unless the employer can demonstrate that to do so~~

- 1            ~~would constitute an undue hardship on the conduct of the employer's business.~~  
2            ~~However, if, If an employee requests time off to attend one regular worship service a~~  
3            ~~week, an employer may not require the employee to work during that period unless:~~  
4            ~~a. Honoring the employee's request would cause the employer substantial~~  
5            ~~economic burdens or would require the imposition of significant burdens on other~~  
6            ~~employees required to work in place of the Sabbath observer; or~~  
7            ~~b. The employer has made a reasonable effort to accommodate the employee's~~  
8            ~~request.~~
- 9            2. A violation of this section is a class B misdemeanor. It is an affirmative defense to  
10           ~~prosecution under this section that the employee volunteered for work on the seventh~~  
11           ~~consecutive day and the employee executed a written statement so stating. The~~  
12           ~~statement must also contain a provision, signed by the employer or the employer's~~  
13           ~~agent, that the employer did not require such work.~~
- 14           3. ~~This section applies only to an employer in a business that sells merchandise at~~  
15           ~~retail.~~An employer that violates this section is civilly liable to the employee for actual  
16           damages, plus exemplary damages of not more than five thousand dollars, costs of  
17           the civil action, and reasonable attorney's fees.