

1999 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1094

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1094

House Industry, Business and Labor Committee

Conference Committee

Hearing Date January 12, 1999

Tape Number	Side A	Side B	Meter #
1		x	13.6-24.1
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes:

CHAIRMAN BERG called the hearing to order.

1B: 13.9 WAYNE WENSTROM, Director of the Equal Employment Opportunity Division of the Department of Labor, testified in support of the bill. (See attached testimony.)

1B: 18.2 CHAIRMAN BERG asked what would be the status of the cases which are currently under investigation. Mr. Wenstrom said that they would continue to be investigated.

1B: 18.3 REP. KLEIN asked how many complaints are received each year. Mr. Wenstrom said they started receiving complaints in May, 1998. That original complaint is still open, and three others are pending. Rep. Klein continued on to ask how the surrounding states were dealing with this issue. Mr. Wenstrom did not know.

1B: 19.1 REP. KLEIN asked what the scope of retaliation complaints is. Mr. Wenstrom explained what a retaliation complaint is, saying that it prohibits an employer from retaliating against an employee for participating in, or filing, a complaint on the basis of state or federal law.

CHAIRMAN BERG adjourned the hearing on HB 1094.

1B: 20.5 ACTION ON BILL REP. KEISER made a motion for a DO PASS. The motion was seconded by Rep. Severson. A roll call vote was taken. The bill passed and will be carried to the House floor by Rep. Kempenich.

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1094

House Industry, Business and Labor Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Keiser Seconded By Severson

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg	/		Rep. Thorpe		
Vice Chair - Kempenich	/				
Rep. Brekke	/				
Rep. Eckstrom					
Rep. Froseth	/				
Rep. Glassheim	/				
Rep. Johnson	/				
Rep. Keiser	/				
Rep. Klein	/				
Rep. Koppang	/				
Rep. Lemieux	/				
Rep. Martinson	/				
Rep. Severson	/				
Rep. Stefonowicz	/				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Kempenich

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

REPORT OF STANDING COMMITTEE (410)
January 12, 1999 4:58 p.m.

Module No: HR-06-0520
Carrier: Kempenich
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1094: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1094 was placed on the Eleventh order on the calendar.

1999 SENATE POLITICAL SUBDIVISIONS
HB 1094


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1094

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		480 to
Committee Clerk Signature 			

Minutes:

SENATOR MUTCH: open hearing on HB1094

QUARAM COMMITTEE FOR THIS HEARING

WAYNE WENSTROM: support of HB1094, see testimony

SENATOR SAND: what day constitutes day one

WAYNE WENSTROM: day number one would be the last day of harm, anything that would affect the working conditions

SENATOR HEITCAMP: is this consistent with what other states are doing?

WAYNE WENSTROM: statute of limitations in dealing with retaliation for harm suffered on the job.

SENATOR HEITKAMP do other states have the 300 day rule for this type of harm

SENATOR SAND: would 300 days start after the date of reconciliation

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number hb1094IBL

Hearing Date February 8, 1999

WAYNE WENSTROM: time of action would be after the last day of action or the last date of time.

SENATOR MUTCH: any one else wish to testify

SENATOR MUTCH: hearing closed

SENATOR SAND: moves the do pass

SENATOR KLEIN: seconds the do pass

MOTION: do pass on HB1094

Date: 2/8/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
HOUSE BILL/RESOLUTION NO. 1094

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By SAVO Seconded By KLEIN

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Krebsbach	—				
Senator Klein	X				
Senator Mathern	X				
Senator Heitkamp	X				
Senator Thompson	—				

Total (Yes) 5 No 0

Absent 2

Floor Assignment SAVO

REPORT OF STANDING COMMITTEE (410)
February 8, 1999 2:17 p.m.

Module No: SR-25-2196
Carrier: Sand
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1094: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1094 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1094

State of North Dakota



North Dakota Department of Labor

HB 1094

HOUSE INDUSTRY, BUSINESS, AND LABOR COMMITTEE

Good afternoon Chairman Berg and members of the Industry, Business, and Labor Committee. My name is Wayne Wenstrom and I am the Director of the Equal Employment Opportunity Division of the North Dakota Department of Labor. I appear before you today in support of House Bill 1094.

The purpose of this bill is to establish statute of limitations for filing a complaint of employment retaliation with the Department of Labor under sub-section 4 of section 34-01-20 of the North Dakota Century Code. Currently, there is no limitation for filing a complaint of this nature with the Department of Labor. This means that a harmed person or persons can file a complaint at any future point in time and that the Department of Labor may be compelled to investigate. The Department of Labor could be required to establish a finding based on evidence that is several years old. In fact, the age of a complaint and its related evidence is unlimited at this time. Our concern is that as evidentiary material and witnesses become aged, they become harder to procure, analyze, and verify. Corrupt evidence because of aging makes questionable the credibility of any determination the Department of Labor can make.

With the need to establish statute of limitations for sub-section 4 of section 34-01-20, the Department of Labor requests and supports a 300-day limitation for two reasons. Firstly, this limitation is consistent with retaliation complaints currently accepted under the state and federal employment discrimination laws investigated and enforced by the Department of Labor. Secondly, the Department of Labor has found that this limitation of 300 days has been tremendously acceptable, as it is not too short or too long a period to file a complaint.

Establishing statute of limitations for sub-section 4 of section 34-01-20 as proposed will provide a clear and reasonable limitation for filing an employment retaliation complaint that is consistent with current standards prevalent at the Department of Labor. I urge a DO PASS recommendation on HB1094 and would be happy to answer any questions the committee may have.

Thank You!

State of North Dakota



North Dakota Department of Labor

HB 1094

SENATE INDUSTRY, BUSINESS, AND LABOR COMMITTEE

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Thank You!