

2015 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1301

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1301
1/21/2015
22335

- Subcommittee
 Conference Committee

Ellen Litang

Explanation or reason for introduction of bill/resolution:

State employee family sick leave & family leave.

Minutes:

Attachments 1+2

Chairman Keiser: Opens the hearing on HB 1301.

Cory Mock~District 42: Introduces HB 1301.

Senator Ray Holmberg~District 17-Grand Forks: Changes in family law has changed and this enlarges the definition from the current to other family relations.

Representative Mock: I've worked with many families that are in unique situations in caring for loved ones. Many states offer paid and unpaid sick leave benefits to their employees. HB 1301 relates specifically to state employees and their ability to use their accrued sick leave and unpaid leave of their nuclear family.

6:00

Representative Laning: Was there any discussion for a limit of this 12 week period and for the payment of benefits for the unpaid leave?

Mock: As far as the limit, it's not expanding or increasing the amount of leave, just who would be able to take the leave for. As far as section 2, I will defer the specifics of repayment for human resources.

Representative Laning: By expanding family members, you may have more occurrences of it.

Mock: My understanding, there is no limit to the number of times you may use the leave only the quantity of leave you may be able to use.

Representative Becker: This expansion of family members, a person could argue that the spouse to take work off. Wouldn't it make sense to expand beyond the spouses parents but also to the siblings?

Mock: I don't know of any state that has expanded to the in-laws.

Representative Louser: Would you suggest step-child be included?

Mock: Yes, I would not be opposed to that.

Representative Louser: Are we defining the employee's child in other parts of the century code as a child being 26 or younger?

Mock: I believe in 52.4-01. I believe that child is defined as 18 or younger and meets the other criteria. I believe child would stay the same definition as current law.

Representative Frantsvog: If I have 30 days of unused vacation, how many days can I take to help a family out?

Mock: I don't know if I can have an accurate answer to that question.

Representative Frantsvog: Can you use more than you have actually accrued?

Mock: I do not believe so.

Chairman Keiser: This does not have a fiscal note, is it because those expenses are accrued and accounted for, so there is no additional expense.

Mock: That is my understanding; this is existing benefits that are already accounted for.

Representative Becker: Once the benefits are used, can they continue with unpaid leave during the 12 week period?

Mock: Correct, if they were granted unpaid leave by their supervisor, they could use it for the expanded members of the family.

Representative Becker: One of the things that's not in the fiscal note would be, if we feel that it is likely more frequently because of the expansion of family members, where a substitute would be hired. It's one of the costs.

Chairman Keiser: We have sick, paid, and unpaid leave. Can I take my sick leave first and then my paid leave or can I take sick leave and unpaid leave and save my paid leave for my vacation.

Mock: I defer.

Stuart Savelkoal~Assistant Director of North Dakota United: I stand in support of HB 1301 and ask you for a Do Pass and no need for a Fiscal Note. People are living longer

and the family unit is starting to expand. It would help state government with the recruitment and retention of quality employees. It costs money for turnover and cost the state money over the years. We are not looking to add sick days and employees accrue leave as they earn it.

Representative Becker: The family leave act, which allows someone who is hired, who has worked for a month, to have 12 weeks of unpaid leave. If we weren't looking at 12 weeks of sick leave, we're looking at 12 weeks of the medical leave act. Please correct me where I'm wrong.

Savelkoal: I don't think your wrong, in order to apply, the family medical leave act, it would need to be a qualifying condition. I don't think the two go hand in hand.

Representative Amerman: The sibling with a brother that's in a need of assistance, I apply for the family leave for 12 weeks, under the public employees, if I don't have much paid leave left, can other state employees gift their leave to me?

Savelkoal: I defer.

Chairman Keiser: Point of clarification, I certain that paid leave can be donated but can sick leave?

Savelkoal: Sick leave can be for qualified situations. It would be annual leave versus sick leave.

Josh Asvig~Associate State Director for AARP North Dakota: (Attachment 1).

Tom Ricker~President of the AFL-CIO: We stand in support but I do agree with Representative Louser's suggestion of step-child to be added to the bill. The definition of family has changed over the years and it has evolved. For FMLA, you have to be employed for a year before you are eligible.

27:15

Chairman Keiser: Is there anyone else here to testify in support of HB 1301, opposition?

Ken Purdy~Director of Human Resource Management Services-OMB: I can try to answer a couple of definitions. The step-child and parent are covered in this case.

Representative Laning: Are you aware of any repeated limitations on the 12 week period. Is there any restriction of that person taking 12 week period every 12 months?

Purdy: In this bill it appears it would be per occurrence.

Representative Laning: Is there any policy or procedure in place for unpaid leave to reimburse the state for benefits extended into that extended period of unpaid leave period or do the benefits cease during the non-paid period.

Purdy: Under the statute, unpaid leave, the benefits would be paid.

Representative Laning: There is no reimbursement?

Purdy: No.

Representative Amerman: With the expansion to the new people in the code, do you worry about abuse for taking too much time off? To apply, do they show HR documentation or proof that that's what they are doing?

Purdy: It would be incumbent for the agency to validate the claims.

Representative Beadle: What about step-sibling?

Purdy: I don't see that covered.

Chairman Keiser: Is there an order in which it can be taken or is that optional for the employee?

Purdy: I think there is some varying practices amongst the agencies.

Chairman Keiser: Can they do that if it's not statutory or rule?

Purdy: We try to balance the uniformity with the flexibility. I'm not 100% sure.

Chairman Keiser: Would you check that with your attorneys? Won't there be a fiscal impact? (**Attachment 2-Sent later in response to the question Chairman Keiser asked**).

Purdy: It seems that it would seem so. We don't have the detail to generate the cost.

Representative Amerman: Employees take 12 weeks and use it; it's not a more added expense because they can use that for their own thing and that would be the same expense. I don't see where the added expense comes in?

Purdy: In the accounting sense, you're right, but the flip side, it's an expense for that lost productivity of that employee.

Representative Amerman: It would be lost whether I used it for me or a family member.

Purdy: Correct.

Chairman Keiser: This is expanding the utilization. So it would be utilization in those new situations and that would be different in the current.

Chairman Keiser: Closes the hearing.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1301
1/26/2015
22519

- Subcommittee
 Conference Committee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

State employee family sick leave and family leave.

Minutes:

No Attachments

Chairman Keiser: Opens the hearing on HB 1301.

Representative Beadle: Step child is covered but not step sibling?

Chairman Keiser: Correct

Representative Becker: Moves a Do Not Pass.

Representative Laning: Second.

Chairman Keiser: Discussion?

Representative Becker: It has an unknown fiscal impact. I think it's unfair to non-state employee. I recommend a do not pass.

Representative Laning: Without some restriction on it, I cannot support this. The employee would like it but hard on the employer.

Chairman Keiser: Did Representative Mock want some amendment on it?

Representative Ruby: Do you know the nature of the amendments:

Chairman Keiser: I do not.

Representative Becker: I wondering if the motion was for a Do Pass, it would be more important to see the amendment that is going to tune it up. I'm wondering if it's necessary to hold off on the Do Not Pass, sounds like any amendment isn't going to change the nature of why the Do Not Pass has been moved.

Chairman Keiser: It's my mistake, I forget about it. But it's a general courtesy that we offer for them.

Representative Becker: I withdraw motion.

Representative Laning: Second.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1301
1/27/2015
22611

- Subcommittee
 Conference Committee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

State employee family sick leave and family leave.

Minutes:

Attachment 1

Corey Mock~District 42: (Attachment 1). There were some clerical changes to address, version .01001. It does 2 things. On page 1, lines 19 & 20, the language "serious health condition" is overstruck, that a drafting error. The intent of the language is that existing law allows an individual to take paid sick and unpaid leave to care for a family member. We also had to adjust the definition of family member because step parent is already included as a parent in existing code and to include grandparents, grandchildren, siblings and in-laws.

Chairman Keiser: What are the wishes of the committee for the amendment?

Representative Becker: Moves a **Do Pass** on the amendment.

Representative M Nelson: Second.

Voice vote amendment passes.

Chairman Keiser: We have HB 1301 before us as amended, what are the wishes of the committee? Questions?

Representative Laning: I would like to amend this bill again to limit to 12 week leaves to twice in a person's life time for unpaid leave. It's unfair for unlimited for employers.

Chairman Keiser: We will try to have that amendment this afternoon, closes the hearing.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1301
1/27/2015
22614

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

State employee family sick leave and family leave.

Minutes:

No Attachments

Brian Johnson~Legislative Intern: On page 2, after line 18, we would insert a subdivision 8, an employee would be entitled to leave only twice in their lifetime for unpaid leave.

Representative Laning: Moves to adopt the amendment to create a new subsection.

Representative Kasper: Second.

Representative Becker: I think this might cause some confusion because we are involving the federal medical family leave act which is already in place. We are expanding it so that the family includes more people what the federal law includes. With the amendment we are intending to restrict another aspect of it but we can't supersede federal law. The restriction can only apply to that which it's expanded upon for the additional members that are now considered family for the state.

Chairman Keiser: I believe that's correct.

Representative Hanson: This amendment doesn't affect accrued paid leave.

Chairman Keiser: That is correct. This is on the utilization unpaid leave.

Roll call was taken on adopting the amendment to create a new subsection 8, with 11 yes, 2 no, 2 absent.

Chairman Keiser: Motion to adopt the amendment passes. What are the wishes of the committee?

Representative Becker: Motions for a Do Not Pass as Amended.

Representative Ruby: Second.

Roll call was taken for a Do Not Pass as Amended with 9 yes, 4 no, 2 absent and Representative Becker is the carrier.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1301
1/27/2015
22683

- Subcommittee
 Conference Committee

Ellen Litang

Explanation or reason for introduction of bill/resolution:

State employee family sick leave and family leave.

Minutes:

Attachment 1

Chairman Keiser: Opens the work session on HB 1301.

Corey Mock~District 42: The FMLA component of the bill, which is section 1 & section 3 pertaining to the verification. FMLA requires that if certain criteria is met and employed for over a year, they can use FMLA benefits up to 12 weeks in a calendar year. The bill would expand to grandparents, in-laws, siblings and grandchildren but would not be subject to the same guaranteed granting per FMLA. We had Legislative Council remove The FMLA component of the bill. If you were to remove section 1 & 3, it would only allow an employee, to use that sick leave to care. We have an amendment. **(Attachment 1)**. I ask the committee to reconsider the bill.

Chairman Keiser: What are the wishes of the committee?

Representative Ruby: If we remove the sections, are we expanding the family member by is a few members?

Mock: That is right.

Representative Lefor: You can accumulate 12 weeks.

Mock: Not in paid sick leave.

Representative Becker: You said it needs to be approved by a doctor?

Mock: Right, in section 4 of the bill.

Representative M Nelson: Moves to reconsider the bill.

Representative Boschee: **Second.**

Chairman Keiser: This amendment makes it a better bill but I still object to the expansion of coverage to all these categories. Secondly, we have lost the concept what sick leave is.

Roll call was taken to reconsider HB 1301 with 6 yes, 7 no, 2 absent.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1301

Page 1, line 9, after the sixth underscored comma insert "or"

Page 1, line 9, remove ",or"

Page 1, line 10, remove "stepparent"

Page 1, line 19, remove the overstrike over "~~the employee's~~"

Page 1, line 19, after the first "~~parent~~" insert "family member"

Page 1, line 19, remove the overstrike over "~~if the~~"

Page 1, line 19, after the second "~~parent~~" insert "family member"

Page 1, line 20, remove the overstrike over "~~has a serious health condition~~"

Page 1, line 20, remove "a family member"

Page 2, line 24, after the sixth underscored comma insert "or"

Page 2, line 24, remove ",or"

Page 2, line 25, remove "stepparent"

Page 2, line 27, remove the overstrike over "~~the~~"

Page 2, line 28, remove the overstrike over "~~employee's~~"

Page 2, line 28, remove "a"

Re-number accordingly

SLC
1-27-15

January 27, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1301

Page 1, line 9, after the sixth underscored comma insert "or"

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Page 1, line 19, after the first "parent" insert "family member"

Page 1, line 19, remove the overstrike over "~~if the~~"

Page 1, line 19, after the second "parent" insert "family member"

Page 1, line 20, remove the overstrike over "~~has a serious health condition~~"

Page 1, line 20, remove "a family member"

Page 2, line 18, after the period insert

8. Notwithstanding subsection 3, an employee is limited to two 12-week periods of unpaid leave if the family member is the sibling, mother-in-law, father-in-law, grandchild, or grandparent.

Page 2, line 24, after the sixth underscored comma insert "or"

Page 2, line 24, remove ", or"

Page 2, line 25, remove "stepparent"

Page 2, line 27, remove the overstrike over "~~the~~"

Page 2, line 28, remove the overstrike over "~~employee's~~"

Page 2, line 28, remove "a"

Renumber accordingly

Date: Jan 27, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1301

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: 15,0711.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
Other Actions: Reconsider _____

Motion Made By Becker Seconded By Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Lefor		
Vice Chairman Sukut			Representative Louser		
Representative Beadle			Representative Ruby		
Representative Becker			Representative Amerman		
Representative Devlin			Representative Boschee		
Representative Frantsvog			Representative Hanson		
Representative Kasper			Representative M Nelson		
Representative Laning					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote
amendment passes

Date: Jan 27, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1301

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
Other Actions: Reconsider _____

Motion Made By Laning Seconded By Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Representative Lefor	X	
Vice Chairman Sukut	Ab		Representative Louser	X	
Representative Beadle	Ab		Representative Ruby	X	
Representative Becker	X		Representative Amerman		X
Representative Devlin	X		Representative Boschee	X	
Representative Frantsvog	X		Representative Hanson	X	
Representative Kasper	X		Representative M Nelson		X
Representative Laning	X				

Total (Yes) 11 No 2

Absent 2

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Create a new subsection 8

Date: Jan 27, 2015

Roll Call Vote: 2

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1301**

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: 15.0714.01002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
Other Actions: Reconsider

Motion Made By Becker Seconded By Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Representative Lefor	X	
Vice Chairman Sukut	Ab		Representative Louser	X	
Representative Beadle	Ab		Representative Ruby	x	
Representative Becker	X		Representative Amerman		X
Representative Devlin	X		Representative Boschee		X
Representative Frantsvog	X		Representative Hanson		X
Representative Kasper	X		Representative M Nelson		X
Representative Laning	X				

Total (Yes) 9 No 4

Absent 2

Floor Assignment Rep Becker

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

Date: Jan 27, 2015

Roll Call Vote: 1

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1301**

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
Other Actions: Reconsider _____

Motion Made By Rep Nelson Seconded By Rep Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser		X	Representative Lefor	X	
Vice Chairman Sukut		X	Representative Louser		X
Representative Beadle	Ab		Representative Ruby		X
Representative Becker		X	Representative Amerman	X	
Representative Devlin	X		Representative Boschee	X	
Representative Frantsvog	Ab		Representative Hanson	X	
Representative Kasper		X	Representative M Nelson	X	
Representative Laning		X			

Total (Yes) 6 No 7

Absent 2

Floor Assignment _____

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

reconsider the bill actions
motion failed

REPORT OF STANDING COMMITTEE

HB 1301: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO NOT PASS (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1301 was
placed on the Sixth order on the calendar.

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Page 2, line 28, remove the overstrike over "~~employee's~~"

Page 2, line 28, remove "a"

Renumber accordingly

2015 TESTIMONY

HB 1301



Real Possibilities in

North Dakota

HB 1301 - SUPPORT

January 21, 2015

House Industry Business and Labor Committee

Josh Askvig - AARP North Dakota

jaskvig@aarp.org or 701-989-0129

Chairman Keiser, members of the House Industry Business and Labor 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 HB 1301.

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."¹ As such, we have intensified our efforts to ensure that family caregivers have the support they need to care for their loved ones.

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

¹ 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

50 states with respect to support that family caregivers receive.² 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.³

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 a 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 HB 1301 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 HB 1301 a "Do Pass" recommendation. Thank you for the opportunity to testify today and I am happy to take any questions you might have.

² 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/>

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

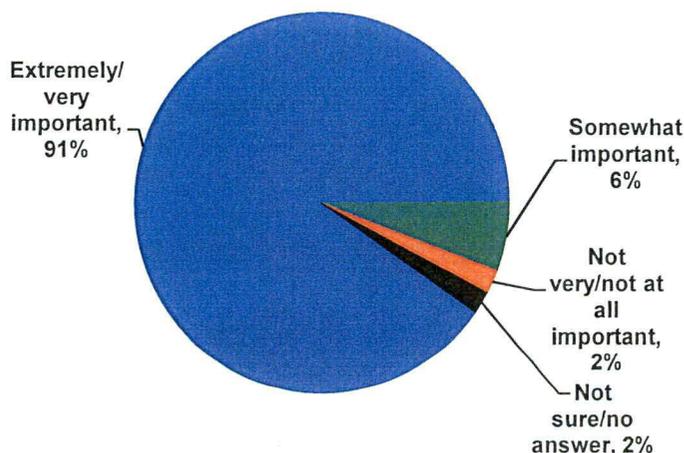
2014 AARP Caregiving Survey of North Dakota Voters Age 45 and Older: Family Caregivers

There are approximately 109,000 caregivers over the course of the year in North Dakota. North Dakota caregivers provide 71 million hours of care per year with an estimated economic value of \$830 million dollars.¹

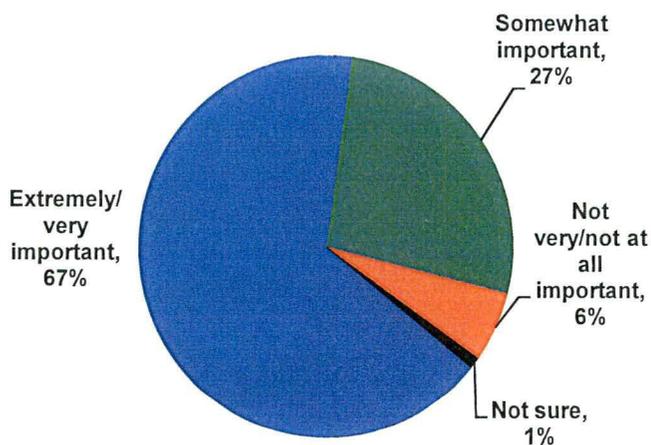
Most (70%) North Dakota voters age 45 and older believe that being cared for at home with caregiver assistance is the ideal situation when the basic tasks of life become more difficult due to aging or illness. Moreover, more than half (56%) of North Dakota voters age 45 and older say it is extremely, very, or somewhat likely they will provide care on an unpaid basis for an adult loved one who is ill, frail, elderly or who has a disability.

Most North Dakota caregivers are helping or have helped their loved ones with shopping (90%), transportation (84%), household chores (82%), meal preparation (74%) as well as more complex care like managing medications (66%) and other nursing and medical tasks (56%). The majority (72%) of these caregivers says it is likely that they will need to provide this type of care in the future. As such, 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 and two-thirds (67%) believe it is important to have more caregiver resources and training that allows family caregivers to continue to provide in-home care.

**Importance of Providing Care to Adult Loved Ones
Among North Dakota Caregivers**
(n=383, Respondents Who Are Current or Past Caregivers)



**Importance of Having More Resources and Training for Caregivers
Among North Dakota Caregivers**
(n=383, Respondents Who Are Current or Past Caregivers)



The average age of North Dakota caregivers is 63 years old and the majority is female (60%), married (71%), has a two year college degree or higher (64%), working either full or part-time (54%) and has an annual household income of less than \$100,000 (56%).

AARP North Dakota commissioned a telephone survey of 800 North Dakota voters age 45 and older to learn about their experiences with family caregiving, as well as their opinions on proposals to support family caregivers in the state. This report highlights results from voters interviewed between November 6 and November 16, 2014. The data in this report has been weighted by age, gender and geographic county of residence to reflect the North Dakota population of voters age 45 and older. The survey has a margin of error of ±3.5 percent.

¹ Valuing the Invaluable: 2011 Update The Growing Contributions and Costs of Family Caregiving, Lynn Fein, Susan C. Reinhard, Ari Houser, and Rita Choula, AARP Public Policy Institute

AARP is a nonprofit, nonpartisan organization, with a membership of nearly 38 million, that helps people turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse. We advocate for individuals in the marketplace by selecting products and services of high quality and value to carry the AARP name as well as help our members obtain discounts on a wide range of products, travel, and services. A trusted source for lifestyle tips, news and educational information, AARP produces AARP The Magazine, the world's largest circulation magazine; AARP Bulletin; www.aarp.org; AARP TV & Radio; AARP Books; and AARP en Español, a Spanish-language website addressing the interests and needs of Hispanics. AARP does not endorse candidates for public office or make contributions to political campaigns or candidates. The AARP Foundation is an affiliated charity that provides security, protection, and empowerment to older persons in need with support from thousands of volunteers, donors, and sponsors. AARP has staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Learn more at www.aarp.org.

State Research brings the right knowledge at the right time to our state and national partners in support of their efforts to improve the lives of people age 50+. State Research consultants provide strategic insights and actionable research to attain measurable state and national outcomes. The views expressed herein are for information, debate, and discussion, and do not necessarily represent official policies of AARP.

AARP staff from the North Dakota State Office, Campaigns, State Advocacy and Strategy Integration (SASI), and State Research contributed to the design, implementation and reporting of this study. Special thanks go to AARP staff including Janis Cheney, State Director in North Dakota, Joshua Askvig, Associate State Director of Advocacy in North Dakota; Chryste Hall, Reshma Mehta, Lani Kawamura, William Brown, and Jodi Sakol, Campaigns; Kristina Moorhead and Sarah Mysiewicz, SASI; and Joanne Binette, Rachelle Cummins, and Darlene Matthews, State Research. Please contact Aisha Bonner at 202-434-3531 for more information regarding this survey.



AARP Research

For more information about this survey, please contact Aisha Bonner at:

202.434.3531 or e-mail abonner@aarp.org



HUMAN RESOURCE MANAGEMENT SERVICES
STATE OF NORTH DAKOTA

2

Jan 21, 2015

Ken Purdy, Director

January 26, 2015

Representative George Keiser
House Industry Business & Labor Committee

RE: HB 1301

A question was asked during the hearing whether the agency could require the employee to use eligible paid leave before taking unpaid leave referenced in HB 1301. Although it's not expressly stated anywhere, I think that an agency, by policy, could require that the employee use any eligible accrued paid time before utilizing the unpaid leave in 1301.

Also, another question asked was if the agency would be responsible to continue health insurance during the absence. I replied that I believe the employer would have to continue health insurance premium payment. I should further clarify that response.

NDCC 54-52.4-06 states the the agency ". . . shall continue to make any group health insurance coverage . . . available to the employee . . ." but further states "The employer is not required to pay any cost of insurance or health care for that employee . . ." However, there is inconsistency between the state and federal family leave acts. The Federal Family Leave Act does require the employer to continue to pay for health benefits during leave that qualifies under that act.

There is much overlap between the state Family Leave Act and the federal Family Medical Leave Act and, in fact, where the laws may not be consistent the federal act requires that the more generous of the two be applied.

Please feel free to contact me if you have further questions.

Sincerely,

Ken Purdy
Director

Jan 27, 2015

15.0711.01001
Title.

Prepared by the Legislative Council staff for
Representative Mock

January 21, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1301

Page 1, line 9, after the sixth underscored comma insert "or"

Page 1, line 9, remove ", or"

Page 1, line 10, remove "stepparent"

Page 1, line 19, remove the overstrike over "~~the employee's~~"

Page 1, line 19, after the first "parent" insert "family member"

Page 1, line 19, remove the overstrike over "~~if the~~"

Page 1, line 19, after the second "parent" insert "family member"

Page 1, line 20, remove the overstrike over "~~has a serious health condition~~"

Page 1, line 20, remove "a family member"

Page 2, line 24, after the sixth underscored comma insert "or"

Page 2, line 24, remove ", or"

Page 2, line 25, remove "stepparent"

Page 2, line 27, remove the overstrike over "~~the~~"

Page 2, line 28, remove the overstrike over "~~employee's~~"

Page 2, line 28, remove "a"

Renumber accordingly

15.0711.01003
Title.

Prepared by the Legislative Council staff for
Representative Mock
January 27, 2015



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1301

Page 1, line 1, remove "54-52.4-02,"

Page 1, line 1, remove ", 54-52.4-04,"

Page 1, line 2, remove "and"

Page 1, line 3, remove "family leave"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 18

Page 2, line 24, after the sixth underscored comma insert "or"

Page 2, line 24, remove ", or"

Page 2, line 25, remove "stepparent"

Page 3, remove lines 8 through 21

Renumber accordingly