

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1058

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1058
1/14/2021

Relating to the state's leave sharing program; relating to state employee leave for organ or bone marrow donation; relating to the state's leave sharing program

Chairman Kasper opened the hearing on HB 1058 at 9:23 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Inconsistencies in leave sharing program process across the state agencies
- Providing HRMS with ability to centrally administer the program
- Possible needed documentation from physician about life threatening condition

Lisa Kudelka, Chief People Officer, HRMS, testified in support with testimony #776, #2021.

Nick Archuleta, President, ND United, testified in support with testimony #789.

Chairman Kasper closed the hearing at 9:43 a.m.

Rep. Steiner moved for a **Do Pass**.

Rep. Stemen seconded the motion.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	N
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	N
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y

Representative Austen Schauer	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	Y

The motion passed 12-2-0. **Rep. Schneider** is the

carrier. **Chairman Kasper** adjourned at 9:46 a.m.

Reconsideration on HB 1058 passed on 1-21-21.

Carmen Hart, Committee Clerk

TESTIMONY OF

Lisa Kudelka, Chief People Officer, Human Resource Management Services (HRMS)

Chairman Kasper and members of the Government and Veterans Affairs Committee, I am Lisa Kudelka, Chief People Officer, Human Resources Management Services (HRMS). I am here to testify in support of House Bill No. 1058 relating to the state's leave sharing program.

The state's leave sharing program allows state employees to donate annual leave to a fellow state employee who is suffering from, or has a relative or household member suffering from, an extraordinary or severe illness, injury, impairment or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment. State employees can also donate sick leave to a fellow state employee in the same situation and annual or sick leave to employees receiving an organ or bone marrow donation.

Currently, the request and approval to receive donated leave is handled independently by each state agency. Each agency determines if the request meets the requirements outlined in North Dakota Century Code, then handles receiving and processing the actual donation of leave. This has been a paper-driven process. Individuals requesting the shared leave have to complete a paper application, and individuals wishing to donate leave have to complete a paper application, both of which go to the agency staff member responsible for the program.

There have been inconsistencies in how this process is handled across state agencies. State agencies have different understanding or definition of an extraordinary or severe illness, injury, impairment or physical or mental condition. Employees with similar conditions have been approved by some agencies and other agencies have declined the request.

This legislation would provide HRMS with the ability to centrally administer the shared leave program for state employees, providing a consistent program for requesting and donating annual and/or sick leave. With this change, HRMS could also move the entire process from paper to an online.

Mr. Chairman and committee members, this concludes my testimony. I ask your support for House Bill 1058. I would be happy to answer any questions.

one-tenth of the pay attributed to the employee's unused sick leave accrued under this section. An employee's years of state employment must be deemed continuous if, under the official personnel policy of an agency, unit, or entity, the employee's work is terminated because of a reduction in force and the employee is reinstated in any agency, unit, or entity within two years, or if the employee is placed on voluntary leave status without pay and the leave lasts no longer than two years for education purposes, or one year for any other voluntary leave without pay. The pay attributed to the accumulated, unused sick leave must be computed on the basis of the employee's salary or wage at the time the employee leaves the employ of the state and at the rate of one hour of pay for each hour of unused sick leave. The agency, unit, or entity that last employed the employee shall make the lump sum payment from funds appropriated by the legislative assembly to that agency, unit, or entity for salaries and wages. Any state agency, unit, or entity which employs persons subject to this section shall formulate and adopt rules governing the granting of annual leave and sick leave which will effectuate the purpose of this section and best suit the factors of employment of that employing unit. Each employing unit shall file with the office of management and budget a copy of the rules adopted, including any amendments or additions to the rules.

54-06-14.1. State leave sharing program.

1. As used in this section:
 - a. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term includes foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.
 - b. "Relative of the employee" is limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of an employee.
 - c. "Severe" or "extraordinary" means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.
 - d. "State employee" means a permanent employee with over six months continuous service with the state. It does not include employees in probationary status or employees on temporary or other limited term appointments.
2. A state employee may donate annual leave to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.
3. A state employee is eligible to receive shared leave pursuant to the following conditions:
 - a. The chief administrative officer of the employee determines that the employee meets the criteria described in this section.
 - b. The employee has abided by state policies regarding the use of sick leave.
 - c. The employee's use of shared leave, including both annual and sick leave, does not exceed four months in any twelve-month period.
4. A state employee may donate annual leave to another state employee only pursuant to the following conditions:
 - a. The receiving employee has exhausted, or will exhaust, all annual leave, sick leave, and compensatory time off due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature, and involves the employee, a relative of the employee, or a household member of the employee;
 - b. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment; and
 - c. The donating employee donates leave in full-hour increments and retains a leave balance of at least forty hours.
5. The chief administrative officer of the state employee shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

6. Donated annual leave is transferable between employees in different state entities.
7. One hour of donated annual leave must be regarded as one hour of shared leave for the recipient.
8. Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.
9. All forms of paid leave available for use by the recipient must be used prior to using shared leave.
10. Any shared leave not used by the recipient during each occurrence as determined by the chief administrative officer of the employee may be retained by the recipient.
11. All donated leave must be given voluntarily. No state employee may be coerced, threatened, intimidated, or financially induced into donating annual leave for purposes of the leave sharing program.

54-06-14.2. State sick leave sharing program.

1. As used in this section:
 - a. "Severe" or "extraordinary" means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.
 - b. "State employee" means a permanent employee with over six months continuous service with the state. It does not include employees in probationary status or employees on temporary or other limited term appointments.
2. A state employee may donate sick leave to a fellow state employee who is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.
3. A state employee may be eligible to receive shared leave pursuant to the following conditions:
 - a. The chief administrative officer of the employee determines that the employee meets the criteria described in this section.
 - b. The employee has abided by state policies regarding the use of sick leave.
 - c. The employee's use of shared leave, including both sick and annual leave, does not exceed four months in any twelve-month period.
4. A state employee may donate sick leave to another state employee only pursuant to the following conditions:
 - a. The receiving employee has exhausted, or will exhaust, all annual leave, sick leave, and compensatory leave due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature;
 - b. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment; and
 - c. The employee may not donate more than five percent of the employee's accrued leave hours, and all leave must be donated in full-hour increments.
5. The chief administrative officer of the state employee shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the employee's condition.
6. Donated sick leave is transferable between employees in different state entities.
7. One hour of donated sick leave must be regarded as one hour of shared leave for the recipient.
8. Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.
9. All forms of paid leave available for use by the recipient must be used prior to using shared leave.
10. Any shared leave not used by the recipient during each occurrence as determined by the chief administrative officer of the employee may be retained by the recipient.
11. All donated leave must be given voluntarily. No state employee may be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

54-06-14.3. Disaster services, emergency medical services, and firefighter volunteers - Leave.

1. Upon issuance of an order or proclamation declaring a state of disaster or emergency pursuant to chapter 37-17.1, or a declaration of at least a level II disaster by the American red cross in this or any other state, the executive officer in charge of a state agency may grant a leave of absence to any full-time employee of that agency who is certified by the American red cross as a disaster services volunteer. The leave of absence must be for the purpose of allowing that employee, upon request by the American red cross, to participate in disaster relief services.
2. The executive officer in charge of a state agency may grant a paid leave of absence to a full-time employee of that agency who is an emergency medical services personnel volunteer or volunteer firefighter. The leave of absence must be for the purpose of allowing that employee to respond to an emergency at the request of an emergency medical services operation or fire department.
3. An individual on leave under this section is not deemed to be an employee of the state for the purposes of workforce safety and insurance. The cumulative leave granted under this section may not exceed five working days during any calendar year. The leave may not result in a loss of compensation, seniority, annual leave, sick leave, or accrued overtime for which the employee is otherwise eligible.

54-06-14.4. State employee leave for organ or bone marrow donation.

The executive officer in charge of a state agency may grant a leave of absence, not to exceed twenty workdays, to an employee for the purpose of donating an organ or bone marrow. Notwithstanding the limitations for the donation and use of donated leave under sections 54-06-14.1 and 54-06-14.2, an employee may request and use donated annual leave or sick leave for the purpose of donating an organ or bone marrow. If an employee requests donations of sick leave or annual leave, but does not receive the full amount needed for the donation of an organ or bone marrow, the executive officer of the state agency may grant a paid leave of absence for the remainder of the leave up to the maximum total of twenty workdays. The executive officer of the state agency may require verification by a physician regarding the purpose of the leave requested and information from the physician regarding the length of the leave requested. Any paid leave of absence granted under this section may not result in a loss of compensation, seniority, annual leave, sick leave, or accrued overtime for which the employee is otherwise eligible.

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

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

54-06-14.6. Sick leave for consequences of domestic violence, a sex offense, stalking, or terrorizing.

1. As used in this section:

CHAPTER 7: LEAVE AND EMPLOYEE BENEFITS

During employment with the State of North Dakota employees are eligible for numerous benefits that are an important part of their total earnings. Many of the benefits available to employees are provided at no cost, while some are available at a cost should the employee wish to participate.

A probationary or regular employee who is absent from work in a paid leave status continues to earn fringe benefits, including annual and sick leave. Benefits will be prorated if an employee works part-time.

SECTION 1. LEAVE APPROVAL

Division directors have the authority to approve leave. This authority may be delegated to managers. The director of Office of Management and Budget (OMB) has the authority to approve leave of division directors. All individuals with authority to approve leave are responsible for the recordkeeping and reporting required by the state payroll accounting system.

Division directors have the authority to make eligibility determinations and approve paid or unpaid leave that qualifies for family medical leave under Section 3 for employees of their division. The director of OMB has the authority to approve leave of division directors which qualifies for family medical leave under Section 3.

Individuals in positions with authority to approve leave for employees may be referred to as the "approving authority" throughout this chapter.

SECTION 2. LEAVE

Annual Leave

The Office of Management and Budget (OMB) provides paid time off or annual leave as a benefit to employees who work in regular positions. Annual leave is earned starting on the first day of employment in a regular position according to the following schedule:

Length of Service	Hours Earned/Month	Hours Earned/Year
0-3 complete years	8	96
Beginning of 4th year to 7 complete years	10	120
Beginning of 8th year to 12 complete years	12	144
Beginning of 13th year to 18 complete years	14	168
Beginning of 19th year and over	16	192

No more than 240 hours of earned and unused annual leave may be carried forward past April 30 of each year. Annual leave may not be used before it is earned. Temporary employees are not

eligible to earn annual leave.

OMB follows the universal Annual Leave policy. [Click here](#) to view the complete policy.

Updated 9/2020

Sick Leave

The Office of Management and Budget (OMB) provides paid sick leave as a benefit to employees who work in regular positions. Sick leave is earned starting on the first day of employment in a regular position.

Full-time employees in regular positions earn (8) eight hours of sick leave for each month of full-time employment with no maximum accumulation. Sick leave may not be used before it is earned. Temporary employees are not eligible to earn sick leave.

OMB follows the universal Sick Leave policy. [Click here](#) to view the complete policy.

Updated 9/2020

State Leave Sharing Program

Employees may donate annual and sick leave to other state employees. Employees may also receive donated leave. Employees requesting shared leave must use the leave donation request form, [SFN 58960](#).

Terms used in the section:

- "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term includes foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.
- "Relative of the employee" is limited to the spouse, child, stepchild, grandchild, grandparent, or parent of an employee.
- "Severe" or "extraordinary" means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.
- "State employee" means a permanent employee with over six months of continuous service with the state. It does not include employees in probationary status or employees on temporary or other limited term appointments.

Annual Leave Sharing (NDCC 54-06-14.1)

A state employee may donate annual leave to another state employee who is suffering or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.

A state employee is eligible to receive shared leave pursuant to the following conditions:

- The division director determines that the employee meets the criteria described in this section.
- The employee has abided by state policies regarding the use of annual leave.
- The employee's use of shared leave, including both annual and sick leave, does not exceed four months in any twelve-month period.

A state employee may donate annual leave to another state employee only pursuant to the following conditions:

- The receiving employee has exhausted, or will exhaust, all annual leave, sick leave, and compensatory time off due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature, and involves the employee, a relative of the employee, or a household member of the employee.
- The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment.
- The donating employee donates leave in full-hour increments and retains a leave balance of at least 40 hours.

The division director shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

- Donated annual leave is transferable between employees in different state entities.
- One hour of donated annual leave must be regarded as one hour of shared leave for the recipient.
- Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.
- All forms of paid leave available for use by the recipient must be used prior to using shared leave.
- Any shared leave not used by the recipient during each occurrence as determined by the division director may be retained by the recipient.
- All donated leave must be given voluntarily. No state employee may be coerced, threatened, intimidated, or financially induced into donating annual leave for purposes of the leave sharing program.

Sick Leave Sharing (NDCC 54-06-14.2)

Terms used in this section:

- "Severe" or "extraordinary" means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.
- "State employee" means a permanent employee with over six months of continuous service with the State. It does not include employees in probationary status or employees on temporary or other limited term appointments.

A state employee may donate sick leave to another state employee who is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.

A state employee may be eligible to receive shared leave pursuant to the following conditions:

- The division director determines that the employee meets the criteria described in this section.
- The employee has abided by state policies regarding the use of sick leave.
- The employee's use of shared leave, including both sick and annual leave, does not exceed four months in any twelve-month period.

A state employee may donate sick leave to another state employee only pursuant to the following conditions:

- The receiving employee has exhausted, or will exhaust, all annual leave, sick leave, and compensatory leave due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature;
- The condition has caused, or likely to cause, the receiving employee to go on leave without pay or terminate employment; and
- The employee may not donate more than five percent of the employee's accrued leave hours, and all leave must be donated in full-hour increments.

The division director shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the employee's condition.

- Donated sick leave is transferable between employees in different state entities.
- One hour of donated sick leave must be regarded as one hour of shared leave for the recipient.
- Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.
- All forms of paid leave available for use by the recipient must be used prior to using shared leave.
- Any shared leave not used by the recipient during each occurrence as determined by the division director may be retained by the recipient.
- All donated leave must be given voluntarily. No state employee may be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

*Great Public Schools**Great Public Service*

Testimony on HB 1058
House Government and Veterans Affairs Committee
January 14, 2021

Chairman Kasper, and Members of the Committee, for the record, I am Nick Archuleta, and I am the president of North Dakota United. On behalf of our members, I rise today in support of HB 1058 and to urge a DO PASS recommendation on the bill.

Mr. Chairman, HB 1058 is a straight-forward and common-sense proposal to centralize the leave sharing process used by state employees. As you know, leave sharing is a way for employees to donate leave to their colleagues in need across state government. Over the years, we have heard from our members that the current process can be cumbersome, time consuming, and that there were inconsistencies across various state agencies. HB 1058 will create a more user-friendly platform that state employees can use to both donate and apply for leave. Furthermore, it will bring uniformity to the process that is currently lacking.

ND United is pleased to support this effort and to urge a DO PASS recommendation.

Thank you, Chairman Kasper, and members of the Committee for the opportunity to testify here today. I am happy to answer any questions.

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1058
1/21/2021

Relating to the state's leave sharing program; relating to state employee leave for organ or bone marrow donation; relating to the state's leave sharing program
--

Vice Chairman B. Koppelman opened the committee work meeting on HB 1058 at 12:03 p.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Reconsideration of the bill

Vice Chairman B. Koppelman stated that HB 1058 was referred back to the committee and asked for it to be reconsidered.

Rep. Schauer moved to reconsider. **Rep. Vetter** seconded.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y

Representative Steve Vetter	Y
-----------------------------	---

Motion passed for reconsideration 14-0-0.

Vice Chairman B. Koppelman adjourned at 12:05 p.m.

Carmen Hart, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1058
1/21/2021

Relating to the state's leave sharing program; relating to state employee leave for organ or bone marrow donation; relating to the state's leave sharing program
--

Vice Chairman B. Koppelman opened meeting 4:44 p.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Committee work

Rep. Schneider moved amendment 21.8036.01001

Rep. Rohr second

Voice vote – motion carried

Rep. Stemen moved do pass as amended

Rep. Vetter second

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	A
Representative Mary Schneider	Y
Representative Vicky Steiner	A
Representative Greg Stemen	Y
Representative Steve Vetter	Y

Motion carried 12-0-2

Rep. Schneider will carry the bill

Vice Chairman B. Koppelman closed the meeting 4:54 p.m.

Carmen Hart, Committee Clerk by Anna Fiest

De 1/21/21
1 of 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1058

Page 2, line 1, after "program" insert "- Rulemaking"

Page 2, after line 1 insert:

"1."

Page 2, line 3, remove "and administer"

Page 2, line 7, after the underscored period insert:

"2."

Page 2, line 11, after the underscored period insert:

"3."

Page 2, line 11, replace "require" with ":

a. Require"

Page 2, line 12, replace "or health care provider" with ", physician assistant, psychologist, or advanced practice nurse practitioner"

Page 2, line 13, after the second "condition" insert ":

b. Track the amount of leave taken by permanent state employees under the program; and

c. Adopt rules in accordance with chapter 28-32 to implement this section"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1058: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1058 was placed on the Sixth order on the calendar.

Page 2, line 1, after "**program**" insert "**- Rulemaking**"

Page 2, after line 1 insert:

"1."

Page 2, line 3, remove "and administer"

Page 2, line 7, after the underscored period insert:

"2."

Page 2, line 11, after the underscored period insert:

"3."

Page 2, line 11, replace "require" with ":

a. Require"

Page 2, line 12, replace "or health care provider" with ", physician assistant, psychologist, or advanced practice nurse practitioner"

Page 2, line 13, after the second "condition" insert ":

- b. Track the amount of leave taken by permanent state employees under the program; and
- c. Adopt rules in accordance with chapter 28-32 to implement this section"

Renumber accordingly

2021 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1058

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Room JW216, State Capitol

HB 1058
2/12/2021

Relating to state employee leave for organ or bone marrow donation; state's leave sharing program.

Chair Vedaa opened the hearing at 11:00 a.m. with Sen Vedaa, Meyer, Elkin, K Roers, Wobbema, Weber, and Marcellais present.

Discussion Topics:

- Common Sense Approach
- Paper process inconsistencies

Lisa Kudelka – Operations Director – OMB - testified in favor #6478

Nick Archuleta – ND United – testified in favor #6498

Sen Roers moved Do Pass

Sen Weber seconded

Roll Call Vote 7 --- YES 0 -- NO -0-ab Motion Passes

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

Sen Marcellais will carry the bill

Adjourned at 11:11 a.m.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1058, as engrossed: Government and Veterans Affairs Committee (Sen. Veda, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1058 was placed on the Fourteenth order on the calendar.

TESTIMONY OF

Lisa Kudelka, Director of Operations, Human Resource Management Services (HRMS)

Chairman Vedaa and members of the Government and Veterans Affairs Committee, I am Lisa Kudelka, Director of Operations, HRMS within the Office of Management and Budget (OMB). I am here to testify in support of House Bill No. 1058 relating to the state's leave sharing program.

The state's leave sharing program allows state employees to donate annual leave to a fellow state employee who is suffering from, or has a relative or household member suffering from, an extraordinary or severe illness, injury, impairment or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment. State employees can also donate sick leave to a fellow state employee in the same situation, and annual or sick leave to employees receiving an organ or bone marrow donation. The leave sharing program has been in place for state employees since the mid-1990s.

Currently, the request and approval to receive donated leave is handled independently by each state agency. Each agency determines if the request meets the requirements outlined in North Dakota Century Code, then handles receiving and processing the actual donation of leave. This has been a paper-driven process. Individuals requesting the shared leave are required to complete a paper application, and individuals wishing to donate leave are required to complete a paper application, both of which go to the agency staff member responsible for the program.

The goal of this legislation is to reduce the inconsistencies in how this process is handled across state agencies. State agencies have developed a different understanding or definition of an extraordinary or severe illness, injury, impairment or physical or mental condition. Employees with similar conditions have been approved by some agencies and other agencies have declined the same type of request.

This legislation would provide HRMS with the ability to centrally administer the shared leave program for state employees, providing a consistent program for requesting and donating annual and/or sick leave. If this legislation passes, HRMS would go through the Administrative Rules process to develop and implement the process for reviewing and approving applications for shared leave. This would include working with state agencies to develop consistent standards for qualifying medical conditions and the other requirements outline in current

North Dakota Century Code. With this change, HRMS could streamline the request process and move it to an online/paperless process.

North Dakota Century Code sections 54-06-14.1 and 54-06-14.2, authorize the existing state annual and sick leave sharing programs. These sections are being repealed. The new section to chapter 54-06 created by section 2 of this bill consolidates and simplifies the language currently contained in the two existing sections of code. This bill proposes no change to the program itself, but simply authorizes the central administration through HRMS.

Mr. Chairman and committee members, this concludes my testimony. I ask your support for House Bill 1058. I would be happy to answer any questions.



#6498

Great Public Schools

Great Public Service

**Testimony on HB 1058
Senate Government and Veterans Affairs Committee
February 12, 2021**

Chairman Vedaa, and Members of the Committee, for the record, I am Nick Archuleta, and I am the president of North Dakota United. ND United is a union of professionals dedicated to public service, including state employees. On behalf of our members, I rise today in support of HB 1058 and to urge a DO PASS recommendation on the bill.

Mr. Chairman, HB 1058 is a straight-forward and common-sense proposal to centralize the leave sharing process used by state employees. As you know, leave sharing is a way for employees to donate leave to their colleagues in need across state government. Over the years, we have heard from our members that the current process can be cumbersome, time consuming, and that there were inconsistencies across various state agencies. For example, some state employees have had their condition, such as carpal tunnel syndrome, approved for leave by their agency, while another agency will not consider the same ailment as leave worthy.

HB 1058 will create a more user-friendly platform that state employees can use to both donate and apply for leave. Furthermore, it will bring uniformity to the process that is currently lacking.

Thank you, Chairman Vedaa, and members of the Committee, for the opportunity to testify here today. ND United is pleased to urge a DO PASS recommendation on HB 1058.

I am happy to stand for questions.