

**2021 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1441**

# **2021 HOUSE STANDING COMMITTEE MINUTES**

**Industry, Business and Labor Committee**  
Room JW327C, State Capitol

HB 1441  
2/3/2021

**Paid family medical leave program & income tax credit for contributions paid into paid family medical leave fund on behalf of eligible employees, provide appropriation, transfer & effective date.**

(10:00) Chairman Lefor calls the hearing on HB 1441.

<b>Representatives</b>	<b>Attendance</b>
Chairman Lefor	P
Vice Chairman Keiser	P
Rep Hagert	P
Rep Jim Kasper	P
Rep Scott Louser	P
Rep Nehring	P
Rep O'Brien	P
Rep Ostlie	P
Rep Ruby	P
Rep Schauer	P
Rep Stemen	P
Rep Thomas	P
Rep Adams	P
Rep P Anderson	P

## **Discussion Topics:**

- Flexible optional program for employers & employees.
- Paid family leave.

Karla Hanson~District 44-West Fargo. Attachment #5132.

Sen Oban~District 35-Bismarck. Attachment # 5092.

Nick Archuleta~President-ND United. Attachment # 5051.

Kristie Wolff~Executive Director-ND Women's Network. Attachment #5203.

Janelle Moos~Associate State Director for Advocacy-AARP ND. Attachment #4995.

Natalie Dvorak~Health Care Provider. Attachment #5009.

Rachel Richter Lordemann~Williston Area Chamber of Commerce. Attachment # 5054.

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Matt Gardner~Greater ND Chamber. Attachment #5065.

Don Larsen~Representing the Small Business Organization. Testified in opposition.

Chairman Lefor closes the hearing.

**Additional written testimony:** Attachments #4257, 4706, 4737, 5052, 5056, 5063, 5084, 5087, 5120, 5127 & 5136.

(11:16) End time.

*Ellen LeTang, Committee Clerk*

## HB 1441: Optional Paid Family Leave Program

IBL Committee – Feb. 3, 2021  
Rep. Karla Rose Hanson

Mr. Chairman and Members of the Committee,

HB 1441 addresses a situation that nearly every person in North Dakota faces at some point in their life: the arrival of a new child or a serious health event with themselves or a loved one. The problem arises when a person can't balance that infrequent but important personal time in their life with their job.

Too many North Dakotans face this impossible choice: staying in their job or bonding with their new baby.... their paycheck or being by their dad's side during the last two months of his life.

Businesses are impacted by this too. They may lose a talented employee who prioritizes that temporary but critical personal situation – and then they have to re-recruit and re-train during a time when businesses are competing for talent in a tight labor market. Or an employee tries to juggle the job with their personal situation, only to be unproductive and demoralized.

HB 1441 aims to address these challenges by creating an optional paid family leave program in North Dakota. This will allow people to take care of themselves, their new child or a loved one – without having to leave their job permanently or without having to struggle financially if they stay in their job but take time off without pay.

A paid family leave program in ND is needed and it's a win-win for both families and businesses. The bill before you creates a program that is optional for employers & employees and flexible.

### Paid Family Leave is Needed

North Dakotans occasionally need to step away from their jobs for personal reasons. Around 11,000 babies are born each year in our state, and 62,000+ North Dakotans serve as caregivers for a loved one, according to the AARP. All of us know stories to illustrate those numbers.

A state-facilitated optional paid family leave program would build upon the Family Medical Leave Act (FMLA) and provide these individuals with needed financial assistance during a major event in their lives. The FMLA is federal legislation enacted in 1993 that allows up to 12 weeks of time away from work for qualified employees – this is job-protected but unpaid leave. While this is a critical benefit for families, too many people simply can't afford to take unpaid time off and many don't qualify.

I often hear: let's leave it to companies - they can offer paid leave benefits themselves. But the fact is, many don't. Many simply can't. Nationally, only 14% of employees have paid family leave from their employer according to the US Bureau of Labor Statistics. Here in ND, Job Service reports that just 12% of companies offer maternity leave and 6% offer paternity leave, which are even more limited programs than paid family leave.

In fact, a huge number of working North Dakotans don't even earn a single sick day as a benefit. According to Job Service ND, 31% of ND employers don't offer sick leave to their full-time employees and 88% don't offer sick leave to part-time employees. So, when we are in the middle of a pandemic and we tell people to stay home when they are sick, we are making them choose between their paycheck and their well-being and their co-workers well-being.

So, we know there is a need in North Dakota, and we know that need is going unmet.

### **Win-Win for Businesses & Families**

As we look to solve this problem, we can design a paid family leave program that is good for families and good for business.

Paid family leave is good for families because it provides *financial stability* during those occasional but major events in life. New parents are more likely to *return to work* overall and to the same employer when they have paid leave. I'll also note that many daycares don't even accept babies until they reach a certain age, and many ND communities have inadequate daycare capacity, so this puts new parents in a quandary: what do you do with a tiny newborn who can't go to daycare but you need to go back to your job? Paid leave can help address that.

Paid leave is also good for business. Research from other states shows that businesses that offer paid leave realize increases in recruitment, retention, productivity, and profitability. They avoid the costs of replacing and re-training employees. I'll note that many small businesses would LIKE to offer such a benefit to their employees but it's not affordable; a state-facilitated program enables them to participate in a bigger pool. This helps them compete for talent against big companies who already offer paid leave benefits. (Microsoft example)

Offering this as a benefit improves a business's reputation as a great place to work with family-friendly benefits. We can create a competitive advantage here by establishing something in ND that MN, SD and MT don't offer. We can give ND companies another tool to draw young workers and families here and to retain talented employees rather than lose them to a temporary event.

Paid family leave will be good for our state budget too. Research shows it reduces reliance on poverty-related programs. Here in ND, it could also reduce the need for programs that provide financial assistance for caregiving such as ND's Service Payments for Elderly & Disabled (SPED) and Expanded-SPED – especially as our population ages.

### **How It Would Work: Optional and Flexible**

This state-facilitated paid family leave program is funded through private contributions from employees and/or employers. It would be optional for all employers and employees in our state and it provides maximum flexibility as to how they participate.

- **The contributions:** HB 1441 says a participating employee must contribute six cents for every \$10 in wages. Other states that offer a similar program as this require an equal contribution from the employee and the employer. North Dakota's paid leave program

would have a different model in that the contributions into the fund could be shared by the employee & employer OR paid entirely by one party or the other.

- **The benefit to the employee:** If an employee has an eligible event, they will draw from the paid leave fund instead of taking their salary or leaving their job entirely. They withdraw 66% of their average weekly wage for up to 12 weeks in one calendar year. There would be a cap of \$1,000 per week. This program isn't intended to make anyone rich but rather to keep them from falling behind financially and able to pay their bills.
- **The benefit to the employer:** If the employer pays for any or all of an employee's contributions, the employer gets a tax credit. They would be entitled to a credit against state income tax liability equal to 20% of the contributions they made on behalf of that employee. That's on top of the boost to employee retention and productivity that I mentioned earlier.

Here's how this would look with a real-life example: the average North Dakota salary is approximately \$50,000 a year. For a participating employee earning that amount, the annual contributions into the paid leave fund would be \$300 a year (6 cents per \$10). Because HB 1441 maximizes flexibility, here are some options for who pays what:

**For an employee earning \$50,000 / year:**

Contributions:	Employee pays:	Employer pays:	Employee gets:	Employer gets
Employee pays 100% of the 6 cents per \$10/wage	\$300 / year or \$5.77 / week	\$0	\$634.60 per week for up to 12 weeks (66% of \$961.53 per week wage)	Increased retention and productivity
Employer pays 100%	\$0	\$300 / year or \$5.77 / week	\$634.60 per week	\$60 tax credit + retention/productivity
Employer & employee split 50/50	\$150 / year or \$2.88 / week	\$150 / year or \$2.88 / week	\$634.60 per week	\$30 tax credit + retention/productivity

10 states have enacted laws to *require* paid family leave; the latest is Colorado, which passed it at the ballot this past November. I know that many of my colleagues would prefer to have a say in how such a policy would look, rather than having the people take this into their own hands, so passing HB 1441 ensures that we have an *optional* program that maximizes *flexibility*.

**Program's Flexibility Includes Gig Workers**

Besides traditional employees, eligible participants include independent contractors and sole proprietors. "Gig workers" include a wide range of work: highly skilled contract workers and consultants, freelance writers, hairstylists, craft-sellers, Uber drivers, etc. This part of our economy is not just a "side hustle." Contingent workers are ~40% of the workforce and growing. It's projected that 60% of the US workforce will be independent by 2027 and 40% of organizations plan on using more gig workers in the next 5 years. Rather than tying paid leave

benefits to a traditional employer relationship, North Dakota can support our state's growing gig economy by passing HB 1441.

### **Phased-in Timeline**

This bill proposes a phased-in approach. If passed, the first year (July 2021 – June 2022) will be focused on hiring staff and establishing rules. The start-up funds for this program would be provided in the form of a loan of \$5 million from the Legacy Fund earnings. Contributions can then begin in July 2022, and withdrawals can begin in July 2023.

### **No concern about the model**

Some may worry that only those who need the benefit will participate – that self-selection will make the model unworkable. Even if we experienced the most extreme scenarios regarding numbers of participants contributing and withdrawing, this program will be financially viable.

Some may suggest that a better model may be something similar to a health savings account. However, the employees who need this – those who don't have paid leave from their employer – are unlikely to be able to save an amount that is equal to several weeks or months of salary. Research tells us that 40% of Americans would struggle to pay an unexpected expense of \$400.

### **No concern about abuse**

Some may be concerned about potential abuse – employees leaving an employer in the lurch for no good reason – but abuse concerns have gone unsubstantiated in states with paid leave.

Most businesses want to do right by an employee who is experiencing a difficult health situation or is expecting a new baby. Most employees are not motivated to earn just 2/3 of their salary. Trust is generally the foundation of this. For example, here in the ND House, every time we end a floor session – we excuse our absent members. This ensures they are paid for that day – whether they are absent because they were in the hospital with pneumonia or recovering from cancer treatment like two of our colleagues were in January or caring for their ailing spouse as has also been the case with our colleagues. We trust and support them.

However, if the committee wants to add protections for businesses that fear abuse, you can amend the bill: On page 3, at the end of line 30, insert the following: "If an employee requests leave for their own or a family member's serious health condition, an employer may request medical certification from a physician, physician's assistant, psychologist or advanced practice nurse practitioner that includes appropriate medical facts." The administrator of ND's paid family leave program can model the details of this policy after the FMLA's optional certification process. Under FMLA, an employer may not request certification for leave related to bonding with a new child.

FMLA data shows that nearly half of all leave events are 10 days or less while only 17% are 60 days or more. Additionally, 55% of all leave events are for the employee's own illness, 21% are to care for a new child, and 18% are to care for a family member.

### **Let's pass paid family leave and give ND a leg up**

In conclusion, a paid family leave program is a win-win: good for business and good for families. Thank you for considering this optional and flexible paid family leave program. Please give HB 1441 a do-pass recommendation.



## NORTH DAKOTA SENATE

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### **Senator Erin Oban**

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### **COMMITTEES:**

Education  
Political Subdivisions

### **HB 1441 – Paid Family Leave**

House Industry, Business, and Labor Committee

February 3, 2021 | 9:00 am

Mr. Chairman, members of the Committee, for the record, I'm Erin Oban, here today representing District 35 in the North Dakota Senate, as a cosponsor of HB 1441, as a working mom, and as someone who fundamentally believes that paid family leave can make a significant and positive difference in the lives of North Dakotans across the entire life span.

I've realized over the few years I've served in the legislature that, generally speaking, we're a pretty privileged bunch. I include myself in that. To be clear, Mr. Chairman, privilege doesn't mean we don't work hard, and privilege isn't a bad thing – not at all – as long as we don't let it cloud or inhibit our ability to see the challenges that others might face just because maybe we haven't. In the situations we're referencing in describing the need for paid family leave, I have faced them personally.

In December 2015, after weeks of declining health, my dad – a strong, funny, hard-working 66-year-old North Dakota farmer – was diagnosed with terminal cancer. Though the doctors wouldn't (and probably couldn't) give him an exact time he had left, everything he found on the internet said he had anywhere from 3 months to a year, tops. By the time we got home from Mayo, he had lost so much weight and strength and ability to fully care for himself that he required full-time caregiving. You won't be surprised to learn that he didn't want to live out his remaining months in a nursing home, so from that day forward, 24-hours a day, 7-days a week, my mom, with the help of my two siblings and me, took care of him. We rotated duties, but the bulk of the responsibilities fell on my mom. Thank goodness she and my dad were retired and financially secure. There's no way we could have managed this situation if she was still needing to work.

In the midst of this, my husband, Chad, and I were in the middle of the adoption process, and by mid-February, we had been matched with a birth mom, due on May 10<sup>th</sup> with a little girl.

Alongside the anticipation of becoming first-time parents, things swiftly and steadily declined for my dad. Doctors appointments and blood transfusions 3-4 times a week, multiple medications and chemo pills with side effects that would counter each other, inability to sleep and eat and use the bathroom - his determination to keep up that routine was as tired as his body did. He made an agreement with me to continue treatment until we arrived home with his granddaughter.

On May 7<sup>th</sup>, the morning before Mother's Day and our anniversary, we received a call, but not the one we were expecting. Birth mom had gone into the hospital in the middle of the night, and that baby girl was delivered stillborn around 9:00 am.

Three weeks later, on June 1, 2016, my father died.

Needless to say, Mr. Chairman, my work was not my priority, but paying my bills wasn't a choice. So, I kept working through it all.

Then, just a few months later and after being matched with another birth mom, on October 2, 2016, our son was born. In preparation for this and knowing full well that I couldn't possibly devote myself fully to both my job and a new baby and be prepared for the upcoming legislative session, I quit my job. Not because I wanted to, and financially, not because it was easy for us to manage. Frankly, I didn't feel much option otherwise. In addition to the unbelievably important bonding time that's necessary for ANY parent and new baby, no matter how they arrive, we had also been wait-listed for childcare until April, so returning to work quickly wasn't an option. I spent those crucial months on an unpaid maternity leave with our new baby, and my mom tagged back in with full-time caregiver duties when session began.

I don't share any of this for sympathy or pity. I share it because, although maybe these things don't happen to everyone all at once, they happen to most of us at some point. Those are the situations that nearly every working North Dakotan will face at some point in their professional careers. Adult children take care of dying parents; spouses take care of each other if they're seriously hurt or injured or sick; people have babies. And in those most stressful or painful or wonderful times, the most developed nation in the entire world continues to make people choose between caring for a new baby, taking care of themselves, or being with their most loved ones as they face their last days, and earning a paycheck. Even if YOU went through this, if YOU made it work, if YOU were able to manage it, many, many, many people that you represent can't. That's not good for families, for workers, for employers, for anybody.

In 1989, in testimony given to the Senate IBL Committee by my late father-in-law, Rep. Bill Oban, a cosponsor of a family leave bill, he stated, "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 workforce has changed. With both spouses working, it becomes more difficult for family to care for family unless some element of security is available. It may not be the way we want it, but it's reality."

He goes on to share a February 13, 1989 Newsweek magazine article outlining the need. In 1989. "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's 2021, and we haven't made much progress on this as a country. So, let's change that as a state. In North Dakota, we pride ourselves on being pro-life, being pro-family and pro-family values. I would suggest there are few proposals we debate that are more pro-life and pro-family than paid family leave.

Mr. Chairman, members of the Committee, many of us are at very different points in our lives. Some of us are in the early years of our professional lives, trying to strike a balance in starting or growing our family and paying off student loans, our mortgage or rent, and car payments. Some of us are mid-life, maybe lucky enough to just now be facing the reality of losing our aging parents. Maybe your own kids are getting married, having kids of their own but not sure they can do it without some financially security. And some of us are getting older ourselves, facing some significant health challenges, maybe already have lost a spouse. If you can't recognize how many of your constituents could benefit from having this opportunity to participate, think about what you want for your own kids, your grandkids, who you want there with you when you're nearing the end of a well-lived life. I know where I would be. I think you know where you would be. Let's make sure a paycheck isn't the reason that others can't be where they need to be.

Thank you for your time and thoughtful consideration of HB 1441.



## *Great Public Schools*

*Great Public Service*

**Testimony on HB 1441**  
**House Industry Business and Labor Committee**  
**February 3, 2021**

Good Morning chairman Lefor and members of the Committee. For the record, I am Nick Archuleta, and I am the president North Dakota United. North Dakota United is a union of professionals including North Dakota's outstanding public employees. Mr. Chairman, it is my pleasure to testify in favor of this vitally important piece of legislation and urge a DO PASS recommendation for HB 1441.

Mr. Chairman, if we have learned anything from this pandemic, it is that too many families in North Dakota and across the nation are living on the edge of financial ruin. A study by the Federal Reserve Bank in Minneapolis prior to the pandemic found that 40% of Americans could not afford an unexpected \$400 emergency expense. Too many of our friends and neighbors in North Dakota do not have adequate health insurance. And too many people who need it do not have paid time off to care for themselves or loved ones with serious medical issues.

Chairman Lefor and members of the Committee, HB 1441 will not address those first two issues, but it will help our citizens across the state with the third. There is clearly a need for paid time off and this bill ensures that time away will not be for frivolous reasons but for caring for serious mental and medical conditions of the employee or their family member. Additionally, leave can be used for caring for a newborn child, an adopted child, or a foster child. Finally, HB 1441 will allow for an employee to care for their own or a family member who was a victim of domestic violence, sexual assault, or human trafficking.

Yes, there is an upfront cost \$5M associated with the start up of this plan. I would argue that it is a worthy investment in the human infrastructure on North Dakota and will pay dividends in the future.

With that, Chairman Lefor, I will conclude my testimony by urging a DO PASS recommendation for HB 1441.



**Kristie Wolff – Executive Director, North Dakota Women's Network  
Support HB 1441  
North Dakota House Industry, Business and Labor Committee**

Chairman Lefor and members of the House Industry, Business and Labor Committee, my name is Kristie Wolff, I am the Executive Director of the North Dakota Women's Network.

North Dakota Women's Network is a local non-profit with members from across the state. Based on our mission to improve the lives of women in North Dakota, I am writing today in support of HB 1441.

At some point, nearly every working person will need to take time away from work to address a personal illness, bond with a new child or care for a family member with a serious health condition. However, the U.S. is the only developed nation in the world without a national paid family leave policy. In addition, 46 percent of North Dakota's private sector workforce are unable to earn even a single paid sick day.

According to National Partnership for Women & Families, the benefits of paid family leave in states that have introduced the policy include improved worker morale, time for parents to bond with their children, increased breastfeeding, and cuts in children's hospital admissions.

In North Dakota, over 11,000 babies are born every year. The American College of Obstetricians and Gynecologists (ACOG) recommends women take at least six weeks off work following childbirth. Without the availability of paid leave, this option is an unaffordable luxury for many women. Access to paid family leave gives women more choices and security.

Businesses with a paid family leave program retain new mothers at a higher rate. A recent study showed that statewide paid family leave policies can dramatically lower the number of women who drop out of the workforce after having a baby. The study saw 20% fewer women leave their jobs in the first year after having a baby when the policy was available.

Over 62,000 North Dakotans serve as family caregivers and both parents work in nearly 75 percent of North Dakota households with children. Workplace benefits are an important part of balancing work and family. Benefits such as paid family leave can help employees meet their personal and family health care needs, while also fulfilling work responsibilities.

Working families should not be forced to choose between caring for their loved ones and risking their economic security. So today I ask the committee for a DO PASS recommendation on HB 1441.

Thank you,

Kristie Wolff

[kristie@ndwomen.org](mailto:kristie@ndwomen.org)



House Bill 1441

February 3, 2021

House Industry, Business and Labor Committee

Janelle Moos, AARP ND – [jmoos@aarp.org](mailto:jmoos@aarp.org)

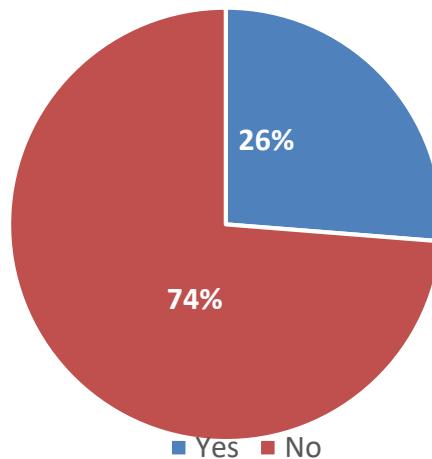
Chairman Lefor, Members of the House Industry, Business and Labor Committee, My name is Janelle Moos, Associate State Director for Advocacy with AARP North Dakota. We are here to provide support for House Bill 1441.

As many of you know we at AARP North Dakota have been working for several sessions now trying to provide much needed support for the state's unpaid family caregivers. These are people who care for their loved ones at home – keeping them out of hospitals and nursing homes.

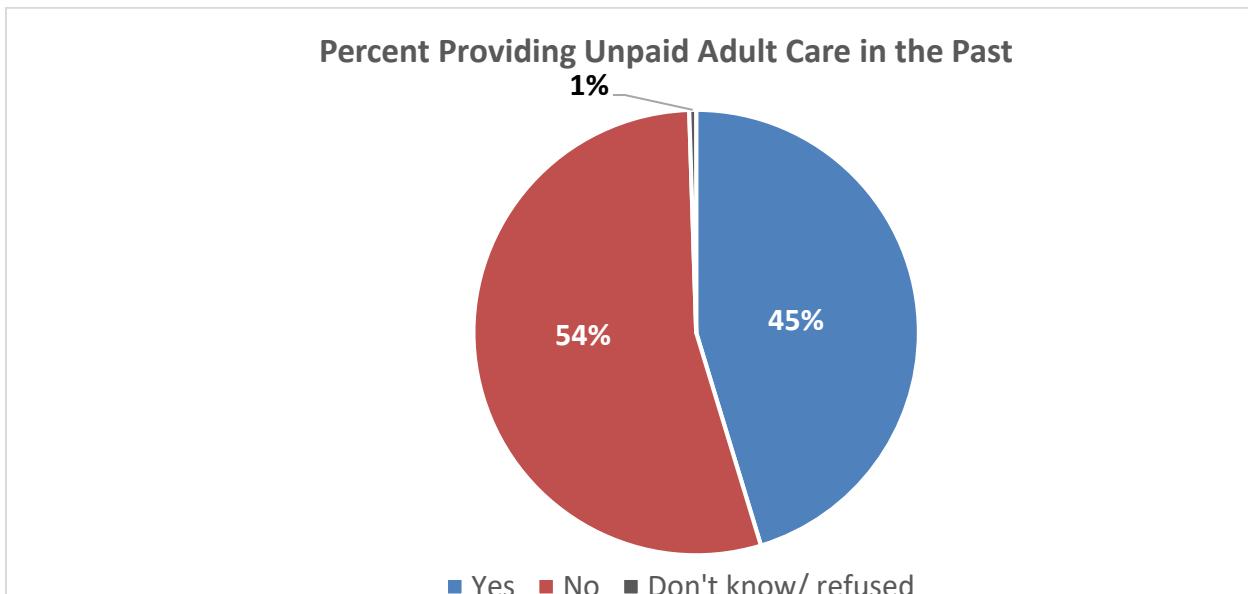
By doing so, these estimated 68,000 caregivers save the state more than \$980 million by providing 57 million hours of FREE health care and other work so their loved ones can stay at home.

In AARP's 2020 survey of North Dakota adults, in the past two years, one quarter (26%) of North Dakota residents age 45+ are currently providing unpaid help to an adult relative or friend.

Percent Providing Unpaid Adult Care



In addition, almost half (45%) of North Dakota residents age 45+ who are not currently unpaid caregivers have provided this type of help in the past.



In a 2017 survey of North Dakota caregivers care primarily for their parents (64%) and spouses (18%) – they assist with transportation (89%), finances (64%), household chores (87%) and shopping (87%). They also perform a number of medical tasks including overseeing medication (63%) and other complex nursing tasks like wound care and injections (56%).

As it relates to the provisions of HB 1441 – 68 percent of current and former caregivers say they work(ed) while also performing the caregiving duties. Of those who said they work(ed) – 72 percent of them said they had taken some time off from work and 28 percent said they had to take extended leave to care for their loved one. Then we have those who left full time jobs for part time ones so they could also provide care (15%) and those who quit work entirely (12%).

According to a new report from Harvard Business School (*The Caring Company: How employers can help employees manage their caregiving responsibilities – while reducing costs and increasing productivity*) released in 2019 – almost a third of workers – including many senior executives – say their careers have been adversely affected by caregiving obligations. And close to one-third of the employees surveyed in this study say they had voluntarily left a job during their career due to caregiving responsibilities.

It's these caregivers, the ones who work or could be working, who can truly benefit from paid family leave programs.

AARP strongly supported the federal Family and Medical Leave Act in 1993. That act provides patients with serious medical conditions and family members caring for them up to 12 weeks of

time off with guarantees to maintain insurance and retain a similar job when they return.

At the state level, AARP supports laws that provide paid leave – similar to the one proposed today.

Thank you for your thoughtful work on this bill. We encourage a do pass on HB 1441.

Dear Chairman Lefor and the Members of the House Industry, Business and Labor Committee:

On behalf of the undersigned healthcare providers of North Dakota, we urge you to support House Bill 1441, which seeks to implement an optional paid family medical leave program. This legislation takes an essential step forward for all North Dakotans by providing vital financial support for working families during vulnerable times such as caring for a sick loved one or newborn baby.

As physicians and health professionals, we see firsthand the physical and emotional stress caused by having to make an impossible choice between family and income. Many of us have cared for critically ill infants that have contracted infections from daycare because their mothers returned to work before they could get their first vaccinations. Due to the COVID19 pandemic, we have seen numerous patients lose their jobs because they had to stay home to care for a family member.

Paid family medical leave has far reaching benefits on health and the economy. It is associated with lower infant mortality rates, prolonged breastfeeding duration, and improvements in maternal mental health. Paid leave is associated with higher work force participation among women. With an aging population, more North Dakotan workers will become unpaid caregivers. Paid leave allows employees to maintain attachment to the labor force ultimately benefiting the economy.

The lack of paid family leave has serious costs: it hinders workforce advancement and income, threatens economic security, and negatively impacts the family of workers who desperately need care. We urge you to make the right choice for North Dakota workers and families and support House Bill 1441.

Sincerely,

Natalie Dvorak, MD	Baraba Bentz, MD	Koye Oyerinde, MD, DrPH
Grant Syverson, MD	Stephen McDonough, MD	Rafael Ocejo, MD
Ellen Vogels, DO	Patricia Scherrer, MD	Steffany Moen, MD, MS
Sabha Ganai, MD, PhD, MPH	Kathy Anderson, MD	Justin Horner, MD
Stefanie Hanisch, MD	Jagila Minso, MD	Teresa Frey, DO
Samantha Perleberg, MD	Nabeel Manzar, MD	Brandon Meyer, MD
Rebecca Bakke, MD	Kristie Toman, DO	Amanda Oney, CPNP
Alicia Glynn, MD	Stephen Tinguely, MD	Batoule Majed, MD
Stephanie Antony, MD	Amy Oksa, MD	Brennan Forward, MD
Jennifer Mullally, MD	Maria Weller, MD	Chris Cleveland, MD
Ann Safo, DO	Jonathan Pacella, MSIV	Carrie Brower-Breitwieser, PhD, LP
Lara Lunde, MD	Carrie Ann Ranum, MD	Katherine Klipfel, PhD, LP
Megan Bowen, MD	Brenda Thurlow, MD	Lindsay Hines, PhD
Angela Strang, MD	Molly Linn, DO	Alison Hornyak, DO
Dana Stegmiller, PA-C	Julie Kenien-Erpelding, MD	Stephanie Hanson, MD
Debra Walker, MD	Sarah Paur, CPNP	Rebecca Preusler, PsyD
Chris Tionson, MD	Alex Thompson, MD	Melissa Kunkel, MD

Mr. Chairman and Members of the Committee.

My name is Rachel Richter Lordemann, I am the President of the Williston Area Chamber of Commerce in Williston, ND. I would like to thank you for the opportunity to speak this morning and provide testimony in support of HB 1441.

I first want to commend the bill sponsors for creating a program that is optional. While I do believe this Paid Family Leave program has many benefits for small businesses, it is also important that we do not put regulations on businesses that would require them to fund or participate in this specific benefit. So, before I begin the rest of my testimony I want to say that I certainly appreciate the effort to make this program optional and flexible.

As I am sure you are all aware, recruitment and retention of workforce is a top priority issue in Western, ND. Even amidst a global pandemic, there were an average of 888 online job listings each month in 2020 in Williams, Divide, and McKenzie Counties. Filling these workforce needs is not only essential to the operation of our area's energy industry, but also to quality of life as we need to fill jobs in areas like education, medicine, professional services and retail. These needs are only exacerbated by a struggle to find affordable housing and childcare. Local leaders work tirelessly to address each of these issues, and support from state agencies and the state legislature is critical as we work towards strengthening the workforce in our small communities.

That is why I am encouraging support of HB 1441. This optional, Paid Family Leave Program would provide North Dakota businesses an incredible tool to help attract and retain employees. Paid Family Leave can often be seen as a corporate luxury, however, HB 1441 provides a flexible, low or no cost option for businesses of any size, including the roughly 86% of all North Dakota businesses with fewer than 20 employees, to support their employees through parental leave and times of other medical need.

Listing a job, interviewing, hiring, and training for each open position can cost a business thousands of dollars and, on average, a month in lost productivity. While FMLA of course protects an employee's job during a medical leave of absence, offering paid family leave will help to encourage employees to return to their jobs after a medical leave, create a culture that prioritizes the health and well-being of employees, and helps to promote lifelong employment and loyalty.

I want to specifically highlight that this program's effects on maternity leave would be a game changer in a business' ability to retain young moms in the workforce and could help to mitigate one of our area's greatest challenges to growth by encouraging industry workers to relocate their families with them to North Dakota and put down permanent roots.

Allowing families to feel secure in the financial stability offered by a paid family leave program would make a huge impact in seeing many of our open, high need jobs filled by qualified young women who until now have not chosen to relocate with their partners, or

who have chosen to stay home rather than enter the workforce as a young mom and caregiver.

In simplest terms, this bill will give small businesses the opportunity to provide an additional benefit to hard-working North Dakotans. At the Williston Area Chamber of Commerce we often say that our business community is “stronger together” and a business’ strength comes from the commitment, expertise, and hard work of its employees. A Paid Family Leave Program gives small businesses a fantastic tool to retain expertise, bolster employee loyalty, and create a workforce culture that prioritizes the health and well-being of employees and their families.

I would like to thank Representative Hanson and the other bill sponsors for creating this solution that is optional, flexible, and benefits both businesses and employees. I would encourage the committee to recommend a Do Pass on HB 1441.

Thank you for your time and consideration.

Rachel Richter Lordemann

President, Williston Area Chamber of Commerce

[rachel@willistonchamber.com](mailto:rachel@willistonchamber.com)

701.770.6798



**Greater North Dakota Chamber**

**HB 1441**

**House Industry, Business, and Labor Committee**

**February 3, 2021**

Mr. Chairman and members of the House Industry, Business, and Labor Committee, my name is Matt Gardner, Director of Government affairs for the Greater North Dakota Chamber (GNDC). GNDC is North Dakota's largest statewide business advocacy organization. We stand in opposition to HB 1441.

HB 1484 raises the fundamental question of whether the government should establish a paid family leave mandate for business or if the private market can be responsive to the benefits sought by North Dakota's workforce?

According to the Census Bureau's Survey of Income and Program Participation (SIPP), Pew Research polling, and the National Survey of Working Mothers, more than 60 percent of mothers or workers have access to paid leave. Other government surveys estimate that the number is between 45 and 57 percent, much higher than the Bureau Labor and Statistics figure commonly used by proponents of government-mandated paid family leave, which does not include all paid leave options.

Over 100 large companies have created or expanded paid family leave policies over the last five years. Major companies, including Walmart, Walgreens, Home Depot, Target, Starbucks, Amazon, FedEx, and McDonald's have created, or expanded paid leave programs since late 2017, with expansions applying to low-wage or hourly workers, not just high-wage workers. Even small employers such as GNDC offer paid family leave.

As a backstop, the Family Medical Leave Act provides job protection and health insurance coverage as if the employee had not taken leave.

Make no mistake, the private sector has grown its paid leave offerings in response to employee demands and in competition . A government mandate has not been needed and is not needed to force companies to compete for workers through a combination of wages and benefits.

In fact, wage restructuring and redistributive effects that happen as a result of government mandates may actually have a detrimental effect on employee benefits.

I urge a "Do Not Pass" recommendation on HB 1441 and I'll stand for any questions.

**Estimates of access to paid leave.**

Source	Paid leave figure	Details
National Survey of Working Mothers	63% of employed mothers said their employer provided paid maternity leave benefits	2013 survey
Pew Research	63% of “Americans who took time off from work in the past two years for parental, family, or medical reasons report that they received at least some pay during this time.”	2017
Census Bureau’s Survey of Income and Program Participation (SIPP)	50.8% of working mothers report using paid leave of some kind before or after childbirth, and 60.3% of working mothers report using paid leave and/or disability before or after birth	2006–2008 data
Family and Medical Leave Act Worksite and Employee Surveys	57% of women and 55% of men received pay for parental leave from any source	2012 data
Census Bureau’s Current Population Survey (CPS)	Dating back to 1994, on average 45% of working women who took parental leave received some pay	1994–2014 data
U.S. Bureau of Labor and Statistics	15% of civilian workers report access to paid family leave, when the definition of paid leave is narrowly defined	March 2017

**Source:** Barbara Gault et al., “Figure 1: Paid Parental/Family Leave Access and Usage Statistics from Five Federal Key Data Sources,” in “Paid Parental Leave in the United States: What the Data Tell Us about Access, Usage, and Economic and Health Benefits,” Institute for Women’s Policy Research, U.S. Department of Labor, March 2014, [https://www.dol.gov/wb/resources/paid\\_parental\\_leave\\_in\\_the\\_united\\_states.pdf](https://www.dol.gov/wb/resources/paid_parental_leave_in_the_united_states.pdf); Eugene R. Declercq et al., “*Listening to Mothers III: New Mothers Speak Out*,” New York: Childbirth Connection, June 2013, <http://Transform.childbirthconnection.org/reports/listeningtomothers/>; Renee Stepler, “Key Takeaways on Americans’ Views of and Experiences with Family and Medical Leave,” Pew Research Center, March 23, 2017, <http://www.pewresearch.org/fact-tank/2017/03/23/key-takeaways-on-americans-views-of-and-experiences-with-family-and-medical-leave/>; Bureau of Labor Statistics (BLS), “Employee Benefits Survey,” March 2017, <https://www.bls.gov/ncs/eps/benefits/2017/ownership/civilian/table32a.htm>; and BLS, “National Compensation Survey: Glossary of Employee Benefit Terms,” April 11, 2017, <https://www.bls.gov/ncs/eps/glossary20162017.htm>.

**HB1441 – Optional Paid Family Leave**

The proposed legislation included in HB 1441 is vital to protect the jobs and income of North Dakotans affected by significant life events, including the birth or adoption of a child or many medical conditions that make it temporarily impossible to work. Without the protections offered by this legislation, workers can lose their income and/or their jobs, which then can have a “ripple effect” on their family members.

I am a pediatrician, and have been in practice in Fargo for the past 18 years. I have seen the benefits of mothers who are able to take 12 weeks of maternity leave, and the negative effects of mothers forced to return to work with an infant who is just one or two weeks old. I have seen parents lose their jobs due to needing to care for children or extended family members during times of illness. I have seen families unable to afford medications and treatments due to loss of employment related to illness.

This legislation would offer significant, needed support for families in North Dakota. I have no doubt we will see positive health and social outcomes result from the passage of this legislation. I strongly urge a yes vote for HB1441.

Brenda Thurlow, MD, FAAP

Fargo, ND

I am writing in support of HB 1441 for Paid Family Leave.

Honoring the dignity and worth of every citizen means providing support for folks who want to be cared for by loved ones they trust, as well as for those who want to provide care for the people they love. HB 1441 supports and promotes the importance of family and taking care of one another during our most significant times and life events.

When I had each of my children, I used every hour of saved sick and annual leave I had earned so that I could spend their first three months with them. I couldn't imagine not having that time to heal, to bond, to breastfeed, and to establish the healthy routines babies need to thrive. As rich and rewarding as that was, in both cases, it left me with no hours left at work to use for doctor visits or illnesses. It required time without pay and I was already living check to check. Not having a partner to assist with bills would have put me in the position of choosing between housing costs, food, medications, or other monthly expenses. It would have changed my ability to take advantage of the important time off after the birth of my sons.

When my mother suffered a major health event, she was relieved to have the comfort and trust of her family to care for her. This was only possible because I have the benefit of some family sick leave in my employment. Sadly, such a privilege is not afforded to over 40% of our workforce.

Long term care facilities are very expensive and are not appropriate for every health situation or life event. Additionally, it is more restrictive to individuals. Privately paid in home services are often cost prohibitive for thousands of people across the state as well. Home and Community Based Services (HCBS) require functional limitations that require need to last longer than 90 days and can take weeks before a provider is in the home supporting families. Additionally, access to providers is very limited in certain areas of the state and is non-existent in still others, leaving families with no other options.

HB1441 supports families to take care of each other, which is an important value for North Dakotans. Please support HB1441.

Re: HB 1441

Dear Representatives:

I support HB1441 Paid Family Leave and I hope you will as well.

In addition to the many personal reasons and circumstances that support the need for paid family leave, the fact is we are all going to die someday. When that time nears, most of us want to be able to do that in our own homes surrounded by and cared for by loved ones. **Paid family leave** can help allow for that to happen.

**Cost savings** to the individual and family, and even to the state, will be realized especially when you consider that bringing even non-licensed caregivers into the home will cost at least \$29 per hour. If you factor in a slight cost reduction if full-time care is needed, that amounts to \$20,000 per month. If the individual cannot be cared for at home by family, skilled nursing facility costs to the individual or North Dakota Medicaid is \$8000 per month. This cost is true whether or not you are enrolled in hospice, which does not provide the hands-on care best given by your loved ones.

Please support paid family leave!!

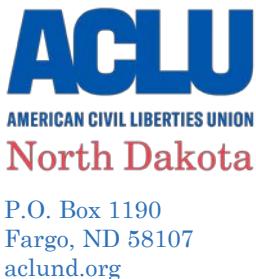
Sincerely,

Terri Hedman, MSSL, BSN, RN, OCN  
5524 16 Street South  
Fargo, ND 58104

**February 3, 2021**

Dear Chairman Lefor and Members of the House Industry, Business, and Labor Committee:

I write today on behalf of the ACLU of North Dakota, which strongly supports House Bill 1441, a bill that would create a paid family medical leave program in the state. We urge a **do pass** recommendation on this bill.



North Dakotans work hard. They, like many Americans, put in more hours on the job than workers in other industrialized countries and use fewer vacation and personal days. This is the norm across the United States. However, when workers are faced with the unexpected illness of a family member or require time off to care for a newborn they are often left with the choice between two bad options: keep working and receive a paycheck, or provide essential care to an infant or ill loved one.

HB 1441 presents a third option — to opt in to a paid family leave program that is a win for them as a worker and for the business that employs them. HB 1441 will help families and businesses alike get through a serious health event or the birth of a child without having to leave their job or lose their employees. This program, which does not require a business to participate, grants a tax credit to employers while providing 66 percent of an employee's average weekly wage for up to 12 weeks. It is a common-sense solution to a widespread problem that far too many people face.

We know that the most vulnerable workers are low-income earners and hourly workers who are overwhelmingly women and disproportionately people of color. Additionally, more than 63 percent of children in the United States are living in a family in which both parents work. At the same time, the number of children living with a single parent is increasing. Elder care is a growing responsibility of American workers, no matter the demands of their job. Simply put, North Dakotans and their families need HB 1441 to ensure that they can work and care for those they love.

Beyond the benefits for the people of this state, HB 1441 presents an opportunity to strengthen the business community as well. In addition to the tax credit businesses will receive for a portion of their contributions, the creation of a paid family leave program will help small businesses that may not have the resources to offer their own benefit by creating a larger pool of contributions. This will help businesses recruit and keep talented and hard-working employees. Additionally, recent research data shows that providing workers with paid leave has positive effects on long-term productivity, including improvements in employee motivation, recruitment, and retention.

North Dakotans celebrate hard work, but we also value fairness and justice. The creation of a paid family leave program in this state is first and foremost

about equal opportunity for all of us. Because of that, it is without a doubt a civil rights issue.

We respectfully urge you to vote **do pass** on HB 1441 for working families across this state.

Sincerely,



Libby Skarin  
Campaigns Director  
ACLU of North Dakota  
[northdakota@aclu.org](mailto:northdakota@aclu.org)



P.O. Box 1190  
Fargo, ND 58107  
[aclund.org](http://aclund.org)

## Paid Family Leave is Family Values in Action and Deserves Bipartisan Support

Paid family leave is both a feminist issue and an issue of family values; it should appeal to Democrats and Republicans alike and deserves bipartisan support.

Paid family leave is a reproductive justice issue because removing barriers to family planning choices gives people full autonomy to make these life-changing decisions. Per Guttmacher Institute, a leading reproductive rights research organization, [the two most common reasons that people give for why they have abortions](#) are that they cannot afford to care for a child, and that having a child would interfere with their ability to care for others. Pregnant people often support their partners, other children (60 percent of people who have abortions are parents), and family members who may be sick or have disabilities.

Because paid family leave programs like House Bill 1441 would provide financial support to employees when they take leave to have a child, take care of a loved one, or are sick themselves, this would help remove the cost and time barriers that people *most frequently cite* in making their abortion decisions. I believe abortion should be free and on demand at any time—I personally do not think it should be a goal of the state to reduce the number of abortions—but it absolutely should be a goal of the legislature's to give North Dakotans fuller agency in making these family planning decisions, and to make all options truly accessible. With the financial support of a paid family leave program, families can prioritize what is best for themselves and their families, and not the constraints of capitalism or the economic pressure to continue to bring in income.

For Republicans to claim that they are the party of family values, they must support paid family leave—it's time to put your money where your mouth is. If the state seeks to influence family planning decisions, they can either use the carrot or the stick. Our state laws and policies can either encourage people to start, grow, and care for the families by offering supportive programs like paid family leave, or they can punish and criminalize North Dakotans for seeking out other options, with abortion bans like House Bill 1313.

I hope that both Democratic and Republican legislators choose to do the right thing and make the more life-giving choice of helping North Dakotans to care for their families, and helping them thrive.



#5063

**NORTH DAKOTA**  
Nurse Practitioner Association

Written testimony to:

67th Legislative Assembly  
House Industry, Business and Labor Committee

HB 1441

Chairman Representative M. Lefor and Committee Members

I am Paula Moch, Legislative Liaison for the North Dakota Nurse Practitioner Association (NDNPA). I am submitting this written testimony on behalf of the NDNPA. The NDNPA is supporting HB 1441; Relating to a paid family medical leave program and an income tax credit for contributions paid into the paid family medical leave fund on behalf of eligible employees; to provide an appropriation; to provide for a transfer; and to provide an effective date, as written.

The NDNPA supports HB 1441 as it builds upon the Family Medical Leave (FMLA). Paid Family Medical Leave will provide financial peace of mind for those that need extended leave for a qualifying event. This eliminates the financial stress that such events create. Studies have proven that stress has short and long term health consequences.

HB 1441 establishes a Fund that allows eligible employers and eligible employees to participate. This is an added benefit that makes employers more attractive to employees.

This concludes my written testimony on support of HB 1441 on behalf of the NDNPA. I am happy to answer any questions in writing or via telephone.

Thank you for your time.

Paula M Moch BSN, MSN, FNP-BC  
NDNPA Legislative Liaison 2021  
[ndnpalegal@outlook.com](mailto:ndnpalegal@outlook.com)  
701-321-3193

**North Dakota AFL-CIO**

1323 East Front Ave.  
Bismarck ND 58504  
[llarson@ndafcio.org](mailto:llarson@ndafcio.org)  
701-526-8787

**Testimony of Landis Larson, ND AFL-CIO President  
In Support to HB 1441  
February 3, 2021**

Chairperson Lefor and members of the House Industry, Business and Labor Committee:

My name is Landis Larson, President of the North Dakota AFL-CIO. The North Dakota AFL-CIO is the federation of labor unions in North Dakota, representing the interests of all working people in our state.

I am testifying on behalf of the North Dakota AFL-CIO in support of House Bill 1441.

The North Dakota AFL-CIO has supported the numerous iterations of paid family leave that have been heard before this body in sessions past. We feel that HB 1441 takes into consideration prior concerns about paid family leave legislation and ensures a fair, basic framework, where workers and employers both can access this very necessary tool.

Working people need paid family leave to maintain their quality of life for their families when unexpected caretaking needs arise. In 2021 in The United States of America, workers should not have to choose between caring for their loved ones and maintaining a basic quality of life. Employers should have access to offering this important benefit to retain a high quality workforce and decrease recruiting and training costs.

This bill is a fair proposal, widely supported by North Dakota working families, that would help tens of thousands of North Dakota families through some of the toughest times of their lives, and deserves serious consideration.

I recommend a “Do Pass” recommendation on House Bill 1441.

Respectfully Submitted,  
Landis Larson  
North Dakota AFL-CIO President

**Testimony on HB 1441  
Support  
Brandi Hardy  
ND Resident  
Bismarck, ND**

Greetings Chairman Lefor and Members of the Committee,

My name is Brandi Hardy. I am a mother, wife, and resident of Bismarck, ND. I am submitting testimony in support of HB 1441.

HB 1441 could ensure a level of security for my family and others, in many ways. To make it simple, I will share two examples of when a family paid leave program could've been used to support our family needs.

The first example relates to an unpredicted surgery. In September 2019, I was bicycling to work when I was struck by a truck. Although I was not in critical condition, my wife needed to take off work to help me while I was immobile directly after the accident and shortly after when I needed to have surgery. Instead of having the security from a family paid leave program, she timed out my pain medications to her work schedule during my recovery time. This time equated to nearly two full months. There is no safety or sensibility for families to feel this is the only option to maintain a wage and support family members.

The second example is related to a relative with mental health. In 2018, I had a parent struggling with extreme depression that led to eight suicide attempts within three months. Three months of trying to manage family affairs, hospital stays, and the court system, all while maintaining employment. If I would've had the option to pay into a family paid leave program, it may have shortened the amount of time it took to get my parent the necessary help they needed. It could have eliminated a stress factor from the already overwhelming equation.

ND prides itself on family values and family support. HB 1441 could not represent that more.

I urge the committee to vote DO PASS on HB 1441.

Thank you.

Brandi Hardy  
Bismarck, ND



Testimony on HB 1441  
 2021 Legislative Session  
 February 3, 2021

Representative Lefor and members of the Committee,

My name is Donene Feist and I am the Director for Family Voices of North Dakota (FVND), Inc. I want to provide to you today testimony on HB 1441

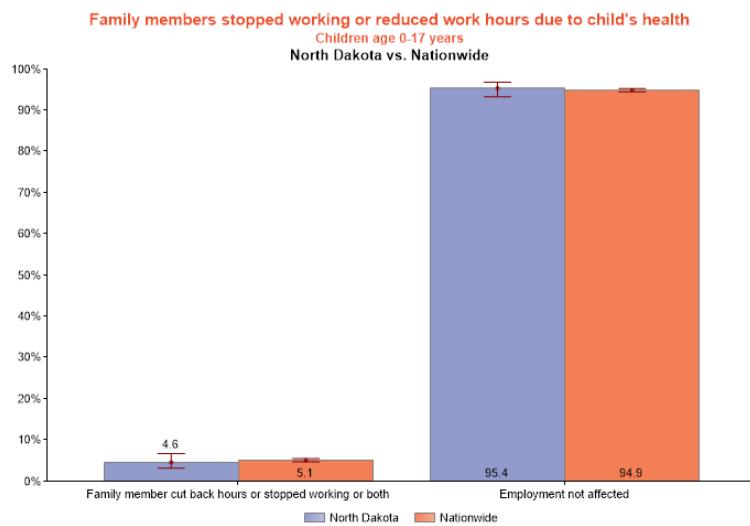
Family Voices of North Dakota is statewide family to family health information and education center who serves families of children with special health care needs in ND. Each state in the country and our territories has one family organization that has been designated as a family to family health information and education center by HRSA federally. We are that entity for ND.

We provide emotional and informational support to many families across North Dakota who have a child who has a chronic health condition and/or disability. In addition to the support and 1:1 assistance we provide to families, we also provide various trainings and workshops, which help families understand how systems work so that they can also be good stewards of state dollars and the programs of which their children are enrolled. Our staff, who all are parents to children with special health care needs, provides assistance to families by helping them access and navigate services; explaining what the services mean, how systems work, and where the funding comes from; by providing emotional support to assist with their unique and individual needs.

National prevalence data estimates from the National Data Resource Center indicates there is an estimated 30,224 children and youth with special health care needs (CYSHCN) in ND. **One in five families in North Dakota (ND) has a child with special health care needs.**

That being said for many of our families who have a child with a chronic health illness or disability, while they may have the time off, certainly does not address what happens if they do not have the amount of sick leave or vacation time to be paid.

We know and hear from many families across the state the financial impact of having a child with a chronic illness and disability. Additionally, data from the National Data Resource Center, we can identify that 4.6% of families who have a child with a disability as compared to 5.1% nationally are having to stop working or reduce hours to care for their child.



Some of these families may be a family who has a newborn that run into complications and have to be at the NICU or the PICU, for an extended amount of time. We have had families who have had to stay with their family in the cities for nearly 2 years, staying with their child while the other parent returns to work.

We have families in ND who due to the child's condition ended up in the hospital setting up to 20 times within the year, who are to medically compromised to return to a child care setting following those hospitalizations. The scenarios are many.

We assist families across the state who really are some of the most vulnerable. By and large North Dakota families are hardworking individuals who take pride in their employment and are dedicated to the employer. We as a state have always taken pride in this fact.

Most of our children don't fit a mold. All are uniquely their own, and many have multiple diseases or disorders so rare that often doctors have never seen. Early on families realize with a heavy heart, the world we live in isn't built for our children. Each and every day families are fighting someone about some aspect of their care. It could be a doctor, nurse, therapist, educator, or an insurance company. Every day

families launch battles for what we know our children need to thrive, and sometimes our fight ends in defeat. We cry in our bedrooms at night. In the dead of night, many families lie awake, overcome by fear of the unknown.

Every day many families are fighting a battle against a disability, disease or chronic illness that we will never beat. Most of families know the very real implications of what can happen to our children at any given time.

More and more crowd funding has happened because of the time families are left not working and caring for a loved one. I recently read a report that of the 5 billion dollars raised by apps like Go Fund Me, 30-35% of those funds are for individuals who are paying medical bills and time away from work.

We also can identify that more and more families are caring for their own child with a disability but also caring for an aging parent. An increasing population are grandparents are raising their grandchildren who may have a disability. Family dynamics are changing.

With a fund where both families and employers pay into, to have paid leave while they are able to care for family members would be very helpful. Many caregivers are returning to their place of employment who have not taken the time to care for themselves due to having to return to their employment in order to keep milk on the table. Many return to work to avoid the loss of health insurance that cover the cost of their children's care. HB 1441 would help with that. 84% of employees across the country support a comprehensive paid family and medical leave.

We also have families who have given up seeking employment because of the care that they have to provide for their family. Many employers do not cover sick leave and annual leave benefits. This bill would provide an option for employers and employees. Raising a child or youth with special health care needs, accessing quality services and paying for them while still meeting the needs of the entire family and maintain employment is stressful.

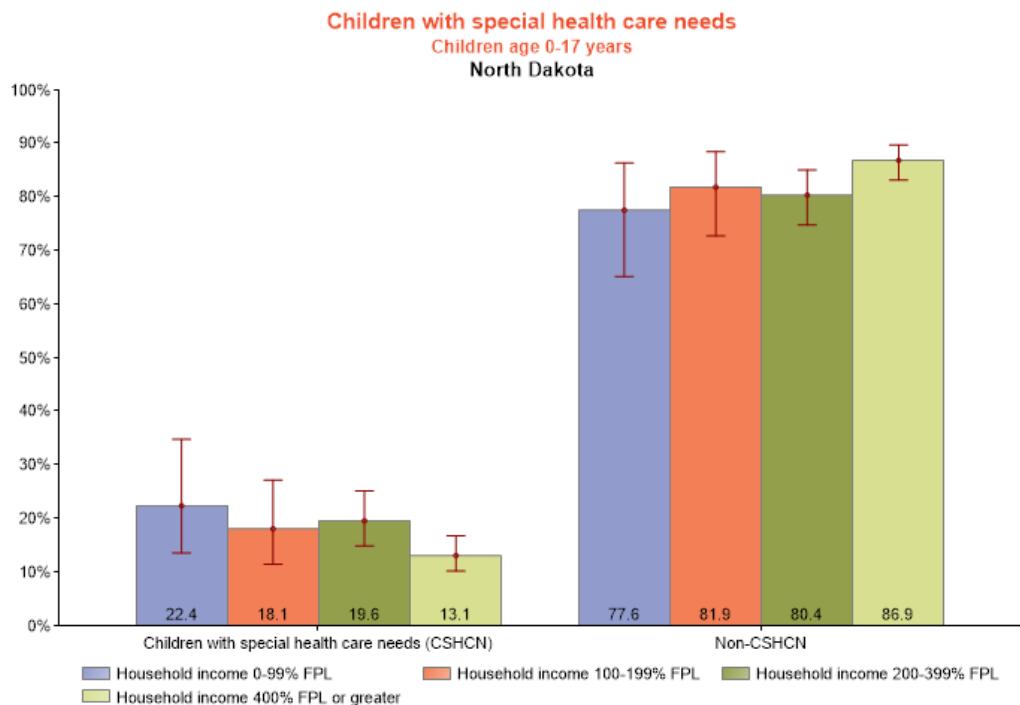
We know the financial hardships that families face. We have heard some devastating stories from families. Health costs are continuing to rise. Exacerbating the scenario even further is if they have to take leave with no pay. This bill would certainly assist the families that we serve who find themselves in this situation. It would keep families employed and not have to do crowd funding to stay afloat. To me, each and every day when I see this happening it is heart breaking. Families work hard. Lets' protect them.

In closing, let us remember as each of us makes decisions that will affect children—whether we are parents, educators, health professionals, or government officials—it is our duty to consider if that decision either affirms or denies a child's most basic human rights. Families are not looking for handouts, but they do often need a rope to hang on to, to keep from drowning in an every changing system. Let's help them.

I have included some data below

Please support 1441

Thanks for your time,  
Donene Feist  
Family Voices of North Dakota  
701-493-2634; [fvnd@drtel.net](mailto:fvnd@drtel.net)



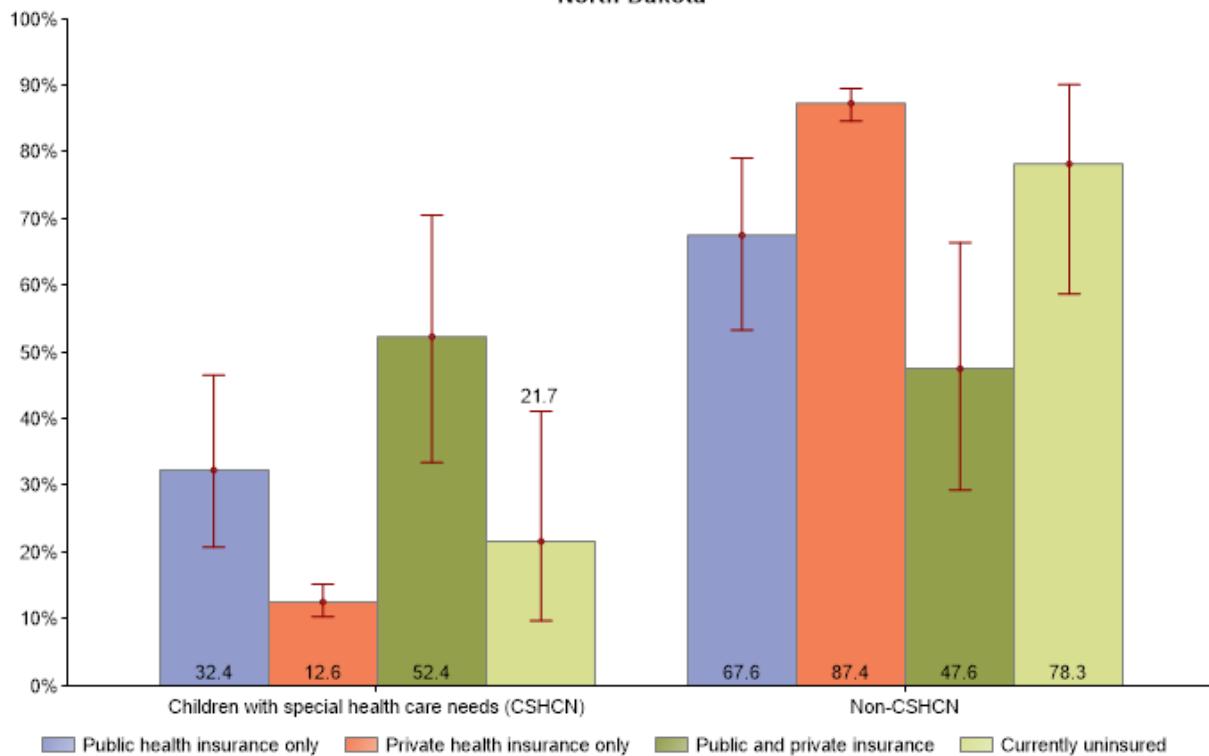
Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/data/national-surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

### Children with special health care needs

Children age 0-17 years

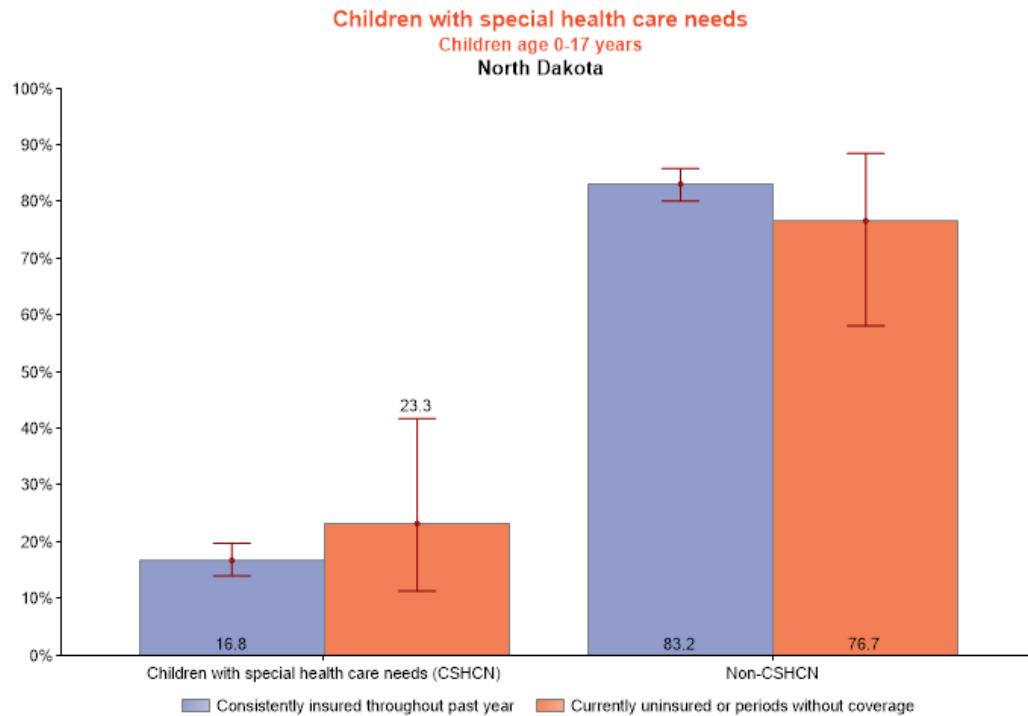
North Dakota



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource C Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Matern Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

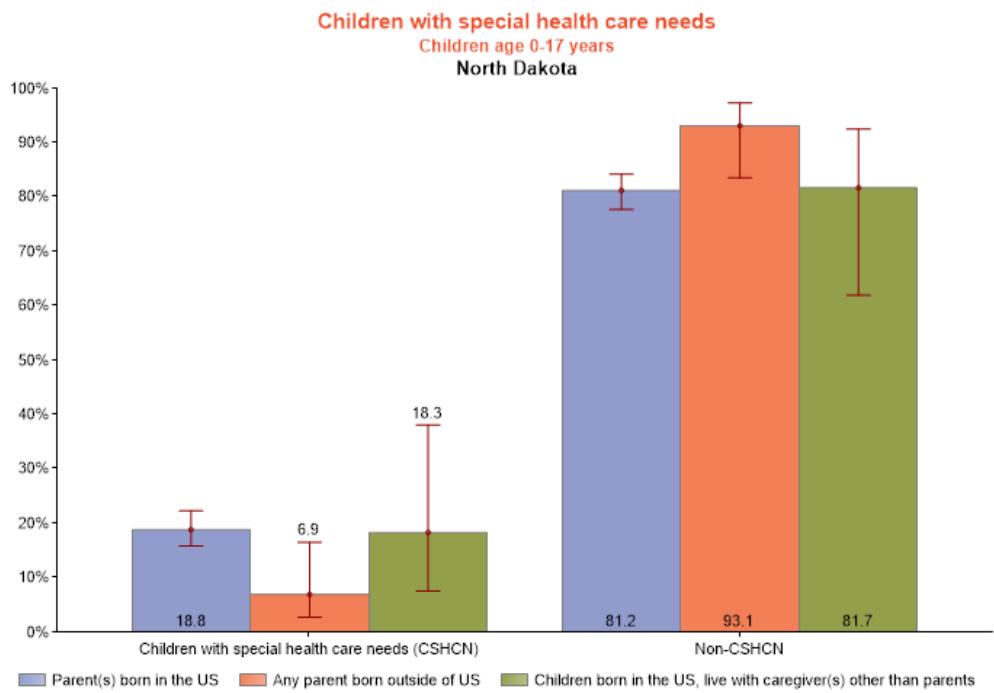
**Number of children with special health care needs continuously covered. I find this diagram a bit alarming.**



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/data/national-surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

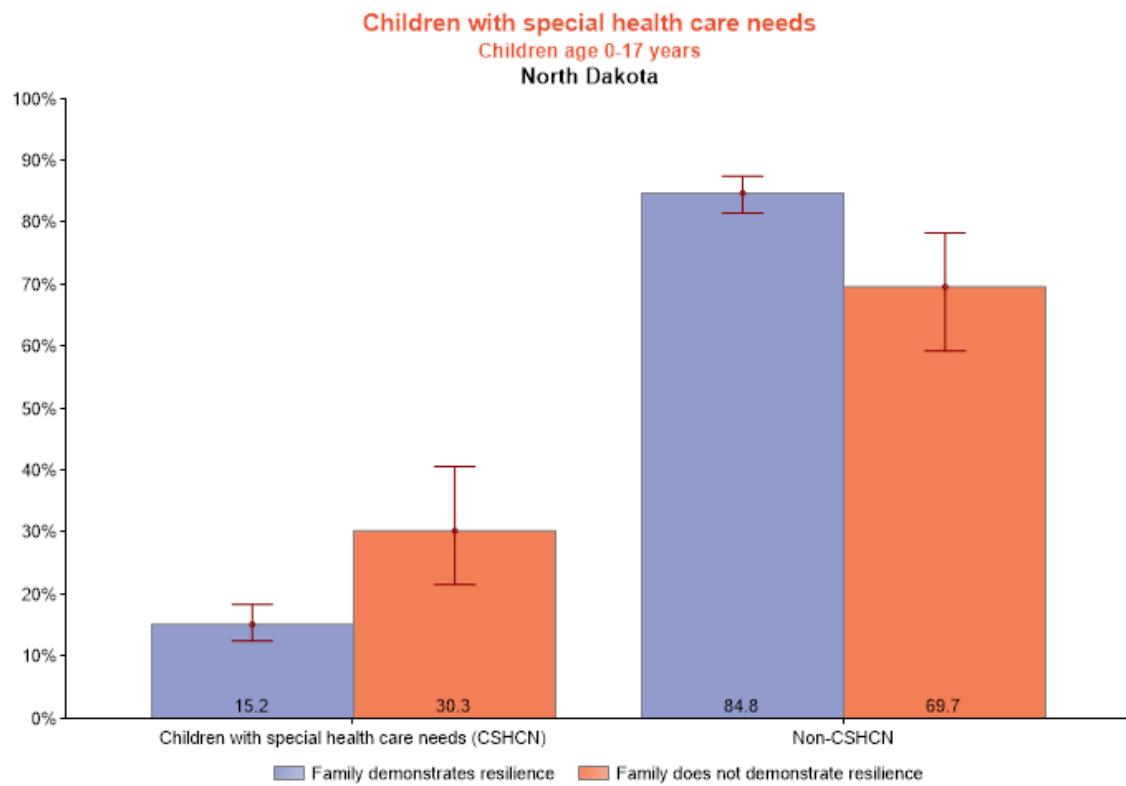
**ND demographics. Of concern here is the increasing number of children being raised by someone other than their parent is alarming. That may mean a grandparent, sibling, foster care, who may or may not have the means if the child does not have access to services.**



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/data/national-surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

**Percent of families who are able to demonstrate resilience. This is also a concerning number and we are seeing this with many of the families we serve. The needs are so vast for families and given the pandemic, that has also increased.**



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/datalsurveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

**House Bill 1441**  
**Written Testimony for Support**

**To Legislative Members**

My name is Jami Schwab. I am speech-language pathologist and own a new therapy clinic in Bismarck, Milestones Therapy. We are currently a small practice of 6 therapists. I am also mother of 4, two being adult children and two small children.

I have been in the work force for 27 years and have worked with people from all economic backgrounds and family situations. The decision to give up a job to take care of a family situation is personally familiar as well as familiar from a friend or co-worker point of view.

I watched my own child suffer through the loss of a close friend to suicide and it devastated me as a parent. I have become so passionate and concerned about the mental health of every person and it starts at birth. Not only does it start at birth, but it develops and changes over an entire lifetime. A state of person's mental health has an enormous impact on their functioning as it relates to the caregiving of their family and in their job positions. The stress of choosing between a job and a major life event can have a major impact on how the worker does the job if they stay and how they take care of their family in a time of need whether they stay or leave.

I am so passionate about parents, especially mothers, having adequate maternity leave to bond with their new babies. This goes back to my desire for better mental health development for all people. This is a crucial stage for both the mother and child. I feel all new mothers should be able to take at least 12, but preferably 16 weeks or more of leave after welcoming a new baby whether that by natural birth or adoption. I have been concerned how a small business like myself could afford to give paid maternity leaves that I believe are so important. House Bill 1441 is a brilliant plan to move this state and lead our country into what many other developed countries are already doing. It addresses the concerns of small businesses ability to afford it and extends to independent contractors. It also addresses other life events that have significant importance in the lives of our citizens.

I would likely offer this as a benefit at my workplace as fully paid by the company. I fully support House Bill 1441 and am pleased to see legislators putting forth a bill that benefits all citizens of this state.

Jami Schwab

Milestones Therapy

Testimony in favor of HB 1441  
February 3, 2021

Chair Lefor and Members of the Industry, Business, and Labor Committee:

Good day, thank you for the opportunity to provide testimony in support of paid family and medical leave as presented in HB 1441.

## **8 in 10**

Eight of ten children (81%) in North Dakota have all parents in the work force.<sup>1</sup> We cannot assume that there is a family member who is not working to stay home with children when they are ill. Working parents without paid sick days are nearly twice as likely as those with paid sick days to send a sick child to school or childcare.<sup>2</sup>

## **49%**

Less than half of lowest wage workers in the United States (49%) have paid sick leave, and less than half of part-time workers (45%) in private industry have paid sick leave. This has a uneven impact on women, who are more likely than men to hold part-time jobs. Because 86% of us in professional full-time jobs have sick leave, we cannot assume that everyone does.<sup>3</sup>

## **1.5 times**

People without paid sick days are one and one-half times more likely than those with paid sick days to report going to work with a contagious illness like the flu or a viral infection.<sup>2</sup> It is important to the health of people, their co-workers, and the customers they serve that employees are able to stay home when they are ill.

Family values are important to North Dakotans. I bring to you some considerations of the benefits of providing support for families while one member cares for another who is ill, or to care for oneself while ill.

Karen Ehrens  
Bismarck, ND

References:

1. Kids Count Data Center. <https://datacenter.kidscount.org/data/tables/5060-children-with-all-available-parents-in-the-labor-force-by-family-nativity#detailed/2/36/false/1729,37,871,870,573,869,36,868,867,133/79/11478,11479>
2. The National Partnership for Women & Families. <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-improve-our-public-health.pdf>
3. Kaiser Family Foundation. <https://www.kff.org/coronavirus-covid-19/issue-brief/coronavirus-puts-a-spotlight-on-paid-leave-policies/>

# 2021 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee  
Room JW327C, State Capitol

HB 1441  
2/8/2021

**Paid family medical leave program & income tax credit for contributions paid into paid family medical leave fund on behalf of eligible employees, provide appropriation, transfer & effective date.**

(3:15) Chairman Lefor called the work session to order.

Representatives	Attendance
Chairman Lefor	P
Vice Chairman Keiser	P
Rep Hagert	P
Rep Jim Kasper	P
Rep Scott Louser	P
Rep Nehring	P
Rep O'Brien	P
Rep Ostlie	P
Rep Ruby	P
Rep Schauer	P
Rep Stemen	P
Rep Thomas	P
Rep Adams	P
Rep P Anderson	P

## Discussion Topics:

- Committee work.

Rep Hanson's amendments. Attachments # 5927 & 5928.

Rep O'Brien moved amendment 21.0503.02003 & change "shall" to "may".

Rep Adams second.

Voice vote Motion carried.

Rep Adams moved a Do Pass as Amended amendment #21.0503.02004.

Rep Stemen second.

Representatives	Vote
Chairman Lefor	Y
Vice Chairman Keiser	Y
Rep Hagert	Y
Rep Jim Kasper	N
Rep Scott Louser	N
Rep Nehring	N
Rep O'Brien	Y
Rep Ostlie	Y
Rep Ruby	N
Rep Schauer	Y
Rep Stemen	Y
Rep Thomas	N
Rep Adams	Y
Rep P Anderson	Y

Vote roll call taken Motion carried 9-5-0 & Chairman Lefor is the carrier.

**Additional written testimony:** Attachment #5960.

(3:26) End time.

*Ellen LeTang, Committee Clerk*

February 8, 2021

**PROPOSED AMENDMENTS TO HOUSE BILL NO. 1441**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding a paid family medical leave program.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PAID FAMILY MEDICAL LEAVE PROGRAMS.**

1. During the 2021-22 interim, the legislative management shall consider studying the financial impact of implementing a state-facilitated paid family medical leave program that builds on the federal Family Medical Leave Act, which provides job-protected but unpaid time off to eligible individuals. The study must include:
  - a. A review of the feasibility and desirability of creating a state-facilitated paid family medical leave program that has optional employer and employee participation and provides replacement salary for eligible employees during an eligible event; and
  - b. A review of the financial impact a paid family medical leave program would have on North Dakota workers and businesses and the financial viability of a program.
2. The legislative management may contract with a private third party to conduct an actuarial analysis and provide a report to the legislative management. The analysis and report must consider the feasibility of multiple contribution and benefit levels, and provide a review of state-facilitated paid leave programs that have been enacted in other states.
3. The legislative management shall report its findings and recommendations, together with any legislation to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1441: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1441 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 regarding a paid family medical leave program.

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3. The legislative management shall report its findings and recommendations, together with any legislation to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

21.0503.02003

Sixty-seventh  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1441**

Introduced by

Representatives Hanson, Boschee, Meier, Richter

Senators Mathern, Oban, Oehlke

1 A BILL ~~for an Act to create and enact chapter 34-06.2, a new section to chapter 57-38, and a~~  
 2 ~~new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code,~~  
 3 ~~relating to a paid family medical leave program and an income tax credit for contributions paid~~  
 4 ~~into the paid family medical leave fund on behalf of eligible employees; to provide an~~  
 5 ~~appropriation; to provide for a transfer; and to provide an effective date for an Act to provide for~~  
 6 ~~a legislative management study regarding a paid family medical leave program.~~

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

8 — ~~SECTION 1. Chapter 34-06.2 of the North Dakota Century Code is created and enacted as~~  
 9 ~~follows:~~

10 — **34-06.2-01. Definitions.**

11 — As used in this chapter:

12 — 1. "Eligible employee" means an employee who works for a single employer.

13 — 2. "Employee" means an individual, regardless of age, who performs part-time or  
full-time services for an employer for remuneration.

15 — 3. "Employer" means a person within the state which engages the services of employees  
for remuneration. The term includes:

17 — a. The state and its political subdivisions.

18 — b. A public and quasi-public corporation in the state.

19 — c. A partnership, limited liability company, association, and private corporation,  
including a public service corporation.

21 — 4. "Family member" includes a child, stepchild, sibling, spouse, parent, step-parent,  
grandparent, legal guardian of an eligible employee, grandchild, and relative of an  
eligible employee living in the same home as the eligible employee.

24 — 5. "Fund" means the paid family medical leave fund.

6. "Wages" means renumeration for services to an employer by an employee, regardless of source, including renumeration based on time, piece rate, job, or incentive.

## 34-06.2-02. Paid family medical leave program - Administration.

1. The labor commissioner shall establish a division to administer a paid family medical leave program under this chapter. The labor commissioner shall adopt rules and hire staff, as the commissioner determines necessary, to administer the program under this chapter.

2. Eligible employees and employers may contribute to the fund beginning July 1, 2022, and eligible employees may withdraw from the fund for an eligible event under section 34-06.2-05 beginning July 1, 2023.

## 34-06.2-03. Paid family medical leave fund.

There is created in the state treasury a special fund known as the paid family medical leave fund. The fund consists of all moneys deposited in the fund from employers and employees for contributions into the paid family medical leave program. The moneys in the fund may be expended by the labor commissioner only to pay for wages of an eligible employee under the program, and to pay for administrative costs associated with the administration of the program.

## 34-06.2-04. Program requirements.

The paid family medical leave program must:

1. Require an employer to annually notify all employees of the program and of the employee's rights under the program.

2. Allow eligible employees and employers to participate in the program.

a. Except as provided in subdivision b, an eligible employee who chooses to participate in the program shall contribute to the fund six cents for every ten dollars of wages earned for the benefit of the eligible employee to take leave for an eligible event as described under section 34-06.2-05.

b. An employer who chooses to participate in the program may contribute all or a portion of the contributions under subdivision a for eligible employees participating in the program.

3. Allow sole proprietors and independent contractors, as determined under the common law test, to participate in the program. A sole proprietor or independent contractor who chooses to participate in the program shall contribute to the fund six

1           cents for every ten dollars of wages earned for the benefit of the sole proprietor or  
2           independent contractor to take leave for an eligible event as described under section  
3           34-06-2-05.

- 4        4. Allow an eligible employee to take leave for an eligible event as described under  
5           section 34-06-2-05 if the eligible employee has accrued at least five hundred hours of  
6           service before taking leave.
- 7        5. Provide for sixty-six percent of an eligible employee's average weekly wages, up to a  
8           maximum of one thousand dollars per week.
- 9        6. Provide up to twelve calendar weeks of coverage per calendar year for an eligible  
10          employee on leave under the program. An eligible employee may take leave on an  
11          intermittent basis.
- 12        7. Allow an eligible employee to return to the position held with the employer before  
13           taking leave, or an equivalent position with commensurate pay and benefits, upon the  
14           conclusion of the leave period.
- 15        8. Allow an eligible employee to maintain the employee's existing benefits while taking  
16           leave under the program.
- 17        9. Allow an employer to require eligible employees to use up to two weeks of sick or  
18           vacation leave before using leave under the program.

19        **34-06-2-05. Eligible events.**

- 20        1. An employer shall grant leave to an eligible employee participating in the program to  
21           care for:
- 22           a. A serious physical or mental health condition of the eligible employee;  
23           b. A serious physical or mental health condition of a family member;  
24           c. A child during the first calendar year after the date of the child's birth, adoption, or  
25           after the date the child's foster care began; or  
26           d. The eligible employee's well being or a family member if the eligible employee or  
27           family member was the victim of domestic violence, sexual assault, or human  
28           trafficking.
- 29        2. An employer may grant leave to an eligible employee participating in the program for  
30           additional events as determined by the employer.

Sixty-seventh  
Legislative Assembly

1        **34-06.2-06. Additional family medical leave benefits.**

2        This chapter does not preclude an employer from providing family medical leave benefits  
3        that exceed the requirements of this chapter.

4        **34-06.2-07. Retaliation - Discrimination - Prohibition.**

5        An employer may not take retaliatory or discriminatory action against an eligible or potential  
6        employee for requesting or taking leave under the program, or indicating the intent to take leave  
7        under the program if hired. Retaliatory action includes discharge from or termination of  
8        employment, threatening discharge or termination, suspension of employment, demotion, or  
9        reduction of hours or wages.

10      **SECTION 2.** A new section to chapter 57-38 of the North Dakota Century Code is created  
11      and enacted as follows:

12      **Paid family medical leave program tax credit.**

13      A taxpayer that is an employer within this state and which contributes to the paid family  
14      medical leave fund under section 34-06.2-04 is entitled to a credit against state income tax  
15      liability under section 57-38-30 or 57-38-30.3 in an amount equal to twenty percent of the  
16      contributions paid by the taxpayer to the fund on behalf of eligible employees participating in the  
17      program during the taxable year.

18      **SECTION 3.** A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota  
19      Century Code is created and enacted as follows:

20      Paid family medical leave program tax credit under section 2 of this Act.

21      **SECTION 4. APPROPRIATION - TRANSFER TO PAID FAMILY MEDICAL LEAVE FUND -**

22      **INTENT.** There is appropriated out of any moneys in the general fund in the state treasury, not  
23      otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary,  
24      which the office of management and budget shall transfer to the paid family medical leave fund  
25      for the purpose of administering a paid family medical leave program, for the biennium  
26      beginning July 1, 2021, and ending June 30, 2023. The funds must be paid back to the general  
27      fund over a period of twenty years. It is the intent of the sixty-seventh legislative assembly that  
28      the funds transferred be derived from legacy fund earnings transferred to the general fund  
29      during the biennium beginning July 1, 2021, and ending June 30, 2023.

30      **SECTION 5. EFFECTIVE DATE.** Sections 2 and 3 of this Act are effective for taxable years  
31      beginning after December 31, 2020.

1           **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PAID FAMILY MEDICAL LEAVE**

2           **PROGRAMS.**

- 3           1. During the 2021-22 interim, the legislative management shall consider studying the  
4           financial impact of implementing a state-facilitated paid family medical leave program  
5           that builds on the federal Family Medical Leave Act, which provides job-protected but  
6           unpaid time off to eligible individuals. The study must include:  
7           a. A review of the feasibility and desirability of creating a state-facilitated paid family  
8           medical leave program that has optional employer and employee participation  
9           and provides replacement salary for eligible employees during an eligible event;  
10           and  
11           b. A review of the financial impact a paid family medical leave program would have  
12           on North Dakota workers and businesses and the financial viability of a program.  
13           2. The legislative management shall contract with a private third party to conduct an  
14           actuarial analysis and provide a report to the legislative management. The analysis  
15           and report must consider the feasibility of multiple contribution and benefit levels, and  
16           provide a review of state-facilitated paid leave programs that have been enacted in  
17           other states.  
18           3. The legislative management shall report its findings and recommendations, together  
19           with any legislation to implement the recommendations, to the sixty-eighth legislative  
20           assembly.

21.0503.02003  
Title.

Prepared by the Legislative Council staff for  
Representative Hanson  
February 8, 2021

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1441

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding a paid family medical leave program.

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

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3. The legislative management shall report its findings and recommendations, together with any legislation to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

## House Bill 1441

Submitted to House Industry, Business and Labor Committee

February 8, 2021

Testimony by Sandra Tibke, Executive Director of Prevent Child Abuse ND

Chairman Lefor and members of the Committee,

I am Sandy Tibke, Executive Director of Prevent Child Abuse ND. Prevent Child Abuse ND (PCAND) is a state-wide organization dedicated to preventing child abuse and neglect. On behalf of Prevent Child Abuse North Dakota (PCAND), I am here supporting HB 1441.

At some point, most employees must take time away from their job to deal with a personal or family illness, care for a new child or help an aging parent. The Family and Medical Leave Act (FMLA) has helped employees and employers balance work-life issues. However, FMLA does not go far enough. It does not apply to 40% of the workforce—those primarily in less secure, lower-paying jobs. Families must deal with extended absences risking job loss, income decline for their family, and increased stress on families and our youngest citizens, their children. Additionally, parents must make the impossible choice between unhurried time to bond with their babies during the most crucial and formative months of the child's development and losing their jobs or economic security without access to paid family leave.

Prevent Child Abuse North Dakota (PCAND) supports this bill because it brings stability to families of young children. Less family stress reduces child maltreatment. Positive paid family leave increases family security, thus contributing to positive child development. Research shows paid family leave:

- Sets the stage for better developmental outcomes in children, including fewer behavioral problems and better cognitive attainment. Because early relationships nurture early brain connections that

form the foundation for all learning and relationships that follow, parents and caregivers are on the front line of preparing our future workers, innovators, and citizens.

- Contributes to fewer low birthweight babies, fewer infant deaths, and higher rates of breastfeeding.
- Reduces pediatric abusive head trauma. Financial insecurity leads to increased parental stress, which could be a trigger for abuse and neglect; providing families with stronger household financial security reduces abuse and neglect. Prevention of all child abuse (not only head trauma) from occurring in the first place becomes cost-effective in the long-term saving money in remediation programs, juvenile justice, prisons, etc.

Apart from PCAND's concern for families and children, paid family leave benefits the small and large businesses and our economy. Again, research shows paid family leave:

- Contributes to a high employee retention rate. Paid family leave boosts employee satisfaction and reduces turnover.
- Levels the playing field for small businesses competing with big business. Small business owners can provide this critical service to their employees with paid family leave without risking financial ruin.
- Grows local economies and saves state expenditures in child maltreatment.
- Offers nonworking parents support to enter the workforce. Today, 70% of nonworking Americans who live below the poverty line have young children. They cite "taking care of home/family as the reason they're not in the workforce."

Again, I encourage your consideration and support of this important policy. I stand for any questions you may have of me.

Sandra Tibke 701-223-9052 sandrat@pcand.org

**2021 SENATE INDUSTRY, BUSINESS AND LABOR**

**HB 1441**

# 2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee  
Fort Union Room, State Capitol

HB 1441  
3/8/2021

A BILL for an Act to provide for a legislative management study regarding a paid family medical leave program

**Chair Klein** opened the hearing at 10:30 a.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, and Marcellais.

**Discussion Topics:**

- Reasons for a study on family medical leave programs
- Cost of paid medical family leave

**Representative Karla Hanson** introduced the bill and submitted testimony #7805 [10:30].

**Senator Erin Oban** testified in favor and submitted testimony #7588 [11:12].

**Nick Archuleta, ND United** testified in favor and submitted testimony #7878 [11:19].

**Natalie Dvorak, General Pediatrician in Fargo, ND** testified in favor and submitted testimony #7723 [11:20].

**Rachel Richter, Williston Chamber of Commerce** testified in favor and submitted testimony #7712 [11:24].

**Landis Larson, ND FLCIO** testified in favor and submitted testimony #7721 [11:33].

**Kristie Wolff, ND Women's Network** testified in support and submitted testimony #7925 [11:36].

**Matt Gardner, Greater North Dakota Chamber** testified in opposition [11:44].

**Don Larson, ND NFIB** testified in opposition [11:50].

**Mike Rud, ND Retail Association and Petroleum Marketers** testified in opposition [11:55].

**Additional written testimony:** 7548, 7619, 7659, and 7697.

**Chair Klein** ended the hearing at 11:56.

*Isabella Grotberg, Committee Clerk*

## HB 1441: Study of Paid Family Leave Financial Impact

Senate IBL Committee – March 8, 2021  
Rep. Karla Rose Hanson

Mr. Chairman and Members of the Committee,

HB 1441 addresses a situation that nearly every person in North Dakota faces at some point in their life: the arrival of a new child or a serious health event with themselves or a loved one. The problem arises when a person can't balance that infrequent but important personal time in their life with their job.

Too many North Dakotans face this impossible choice: staying in their job or bonding with their new baby.... their paycheck or being by their dad's side during the last two months of his life.

Businesses are impacted by this too. They may lose a talented employee who prioritizes that temporary but critical personal situation – and then they have to re-recruit and re-train during a time when businesses are competing for talent in a tight labor market. Or an employee tries to juggle the job with their personal situation, only to be unproductive and demoralized.

A paid family leave program would allow people to take care of themselves, their new child or a loved one – without having to leave their job permanently or without having to struggle financially if they stay in their job but take time off without pay. We know such a program is needed in our state, and we know it would be a win-win for both families and businesses.

HB 1441 aims to move the idea of paid family leave forward. It asks for a study of the financial impact of an optional leave program in North Dakota. This study is the necessary next step to help us as policy makers understand how to design the program to ensure financial viability.

### Paid Family Leave is Needed

A state-facilitated optional paid family leave program would build upon the Family Medical Leave Act (FMLA). It would provide individuals who need to step away from their job for personal reasons with needed financial assistance during a major event in their lives. The FMLA is federal legislation enacted in 1993 that allows up to 12 weeks of time away from work for qualified employees – this is job-protected but unpaid leave. While this is a critical benefit for families, too many people simply can't afford to take unpaid time off and many don't qualify.

I often hear: let's leave it to companies - they can offer paid leave benefits themselves. But the fact is, many don't. Many simply can't.

Nationally, only 14% of employees have paid family leave from their employer, according to the [US Bureau of Labor Statistics](#). Here in ND, [Job Service reports](#) that just 12% of companies offer maternity leave and 6% offer paternity leave, which are even more limited programs than paid family leave.

In fact, a huge number of working North Dakotans don't even earn a single sick day as a benefit. According to [Job Service ND](#), 31% of ND employers don't offer sick leave to their full-time employees and 88% don't offer sick leave to part-time employees. So, when we are in the middle of a pandemic and we tell people to stay home when they are sick, we are making them choose between their paycheck and their well-being and their co-workers well-being.

So, we know there is a need in North Dakota, and we know that need is going unmet.

### **Win-Win for Businesses & Families**

As we look to solve this problem, North Dakota lawmakers could design a paid family leave program that is good for families and good for business.

Paid family leave is good for families because it provides *financial stability* during those occasional but major events in life. New parents are more likely to *return to work* overall and to the same employer when they have paid leave. I'll also note that many daycares don't even accept babies until they reach a certain age, and many ND communities have inadequate daycare capacity, so this puts new parents in a quandary: what do you do with a tiny newborn who can't go to daycare but you need to go back to your job? Paid leave can help address that.

Paid leave is also good for business. Research from other states shows that businesses that offer paid leave realize increases in recruitment, retention, productivity, and profitability. They avoid the costs of replacing and re-training employees. I'll note that many small businesses would **LIKE** to offer such a benefit to their employees but it's not affordable; a state-facilitated program enables them to participate in a bigger pool. This helps them compete for talent against big companies who already offer paid leave benefits. (Microsoft example)

Offering this as a benefit improves a business's reputation as a great place to work with family-friendly benefits. We can create a competitive advantage here by establishing something in ND that MN, SD and MT don't offer. We can give ND companies another tool to draw young workers and families here and to retain talented employees rather than lose them to a temporary event.

Paid family leave will be good for our state budget too. Research shows it reduces reliance on poverty-related programs. Here in ND, it could *also* reduce the need for programs that provide financial assistance for caregiving such as ND's Service Payments for Elderly & Disabled (SPED) and Expanded-SPED – especially as our population ages.

### **How It Could Work: Optional and Flexible**

This bill does not establish a program, it asks for a study of the financial impact of the program. However, I will share with you what a program could look like in North Dakota and the various levers that this study would consider. This is based on what other states in the US have done.

First, it's important to note that a paid family leave program would be funded through private contributions from employees and/or employers. The state would merely facilitate the program. Participation would likely be optional for all employers and employees in our state and we could design the program to provide maximum flexibility as to how they participate.

- **The contributions:** A paid family leave program would require a participating employee to contribute a specific amount based on their wages. For example, the contribution could be six cents for every \$10 in wages – which would amount to \$300 a year for an employee earning \$50,000 a year. Other states that facilitate paid family leave programs typically require an equal contribution from the employee and the employer. North Dakota's paid leave program could have a different model in that the contributions into the fund could be shared by the employee & employer OR paid entirely by one party or the other – we could design it to ensure maximum flexibility. One aspect that this study will consider is the required amount for contributions.
- **The benefit to the employee:** If an employee has an eligible event, they will draw from the paid leave fund instead of taking their salary or leaving their job entirely. For example, they could withdraw 66% of their average weekly wage for up to 12 weeks in one calendar year, with a cap of \$1,000 per week. Paid leave programs aren't intended to make anyone rich but rather to keep them from falling behind financially and able to pay their bills. Additional aspects that this study will consider include the number of weeks available as a benefit and the percent of wages paid.
- **The benefit to the employer:** Another consideration of the study is the benefit to the employer. For example, we could design ND's paid family leave program in a way so that if the employer pays for any or all of an employee's contributions, the employer gets a tax credit. For example, they could be entitled to a credit against state income tax liability equal to 20% of the contributions they made on behalf of that employee. That's on top of the boost to employee retention and productivity that I mentioned earlier.

Here's how this type of flexible program could look:

The average ND salary is ~\$50,000 a year. For a participating employee earning that amount, the annual contributions into the paid leave fund would be \$300 a year (6 cents per \$10).

<b>Contributions:</b>	<b>Employee pays:</b>	<b>Employer pays:</b>	<b>Employee gets:</b>	<b>Employer gets</b>
Employee pays 100% of the 6 cents per \$10/wage	\$300 / year or \$5.77 / week	\$0	\$634.60 per week for up to 12 weeks (66% of \$961.53 per week wage)	Increased retention and productivity
Employer pays 100%	\$0	\$300 / year or \$5.77 / week	\$634.60 per week	\$60 tax credit + retention/productivity
Employer & employee split 50/50	\$150 / year or \$2.88 / week	\$150 / year or \$2.88 / week	\$634.60 per week	\$30 tax credit + retention/productivity

### **Program's Flexibility Could Include Gig Workers**

Besides traditional employees, eligible participants could include independent contractors and sole proprietors. "Gig workers" include a wide range of work: highly skilled contract workers and consultants, freelance writers, hairstylists, craft-sellers, Uber drivers, etc. This part of our economy is not just a "side hustle." Contingent workers are ~40% of the workforce and

growing. It's projected that 60% of the US workforce will be independent by 2027 and 40% of organizations plan on using more gig workers in the next 5 years. Rather than tying paid leave benefits to a traditional employer relationship, North Dakota can support our state's growing gig economy by designing a paid family leave program that allows them to participate. This is another factor the study can consider when looking at potential participation.

### **Usage Rates**

The study will also consider estimated usage rates by looking at state and federal trends. Data from the *federal FMLA* show that nearly half of all leave events are 10 days or less while only 17% are 60 days or more. Additionally, 55% of all leave events are for the employee's own illness, 21% are to care for a new child, and 18% are to care for a family member.

### **Phased-in timeline**

A study of a paid family leave program's financial impact would assume a phased rollout. For example, once a program is enacted, the first year would be focused on hiring staff and establishing rules, likely using a short-term loan for these start-up costs. Contributions would typically begin in year two, with withdrawals beginning in year three.

### **Other states**

Ten states have enacted laws to *require* paid family leave; the latest is Colorado, which passed it at the ballot this past November.

I know that many of my colleagues would prefer to have a say in how such a policy would look, rather than having the people take this into their own hands, so passing HB 1441 and studying this issue sends a message that the ND Legislature will take a leadership role on this issue. And it allows us to design the program so that participation is *optional* rather than required and so we have a program that maximizes *flexibility* for participants.

### **Analysis of the model**

I expect a program designed as I described to be financially viable. However, having a private third party conduct an actuarial analysis will provide concrete assurances of financial stability and confirm the ideal program design to ensure success.

Rather than an insurance model like other states use, some asked if a better model may be something similar to a health savings account. The employees who need this – those who don't have paid leave from their employer – are unlikely to be able to save an amount that is equal to several weeks or months of salary. Research tells us that 40% of Americans would struggle to pay an unexpected expense of \$400, so the insurance model is recommended.

### **Let's move paid family leave forward and give ND a leg up**

In conclusion, we know a paid family leave program is needed in our state and it would be a win-win: good for business and good for families. HB 1441 helps us take the necessary next step to move this concept forward in our state. Thank you for considering HB 1441 and I urge a do-pass recommendation.



## NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



### Senator Erin Oban

District 35  
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### COMMITTEES:

Education

Political Subdivisions

### **HB 1441 – Paid Family Leave**

Senate Industry, Business, and Labor Committee; Sen. Klein, Chairman  
Monday, March 8, 2021 | 10:30 am

Mr. Chairman, members of the Committee, for the record, I'm Erin Oban, here today representing District 35 in the North Dakota Senate, as a cosponsor of HB 1441, as a working mom, and as someone who fundamentally believes that paid family leave can make a significant and positive difference in the lives of North Dakotans across the entire life span.

I've realized over the few years I've served in the legislature that, generally speaking, we're a pretty privileged bunch. I include myself in that. To be clear, Mr. Chairman, privilege doesn't mean we don't work hard, and privilege isn't a bad thing – not at all – as long as we don't let it inhibit our ability to see the challenges that others face just because we might have more resources to get through them. In the situations we're referencing in describing the need for paid family leave, I have faced them personally. You likely have, too.

In December 2015, after weeks of declining health, my dad – a strong, funny, hard-working 66-year-old North Dakota farmer – was diagnosed with terminal cancer. Though the doctors wouldn't (and probably couldn't) give him an exact time he had left, everything he found on the internet said he had anywhere from 3 months to a year, tops. By the time we got home from Mayo, he had lost so much weight and strength and ability to fully care for himself that he required full-time caregiving. You won't be surprised to learn that he didn't want to live out his remaining months in a nursing home, so from that day forward, 24-hours a day, 7-days a week, my mom, with the help of my two siblings and me, took care of him. We rotated duties, but the bulk of the responsibilities fell on my mom. Thank goodness she and my dad were retired and financially secure. There's no way we could have managed this situation if she was still needing to work.

In the midst of this, my husband, Chad, and I were in the middle of the adoption process, and by mid-February, we had been matched with a birth mom, due on May 10<sup>th</sup> with a little girl.

Alongside the anticipation of becoming first-time parents, things swiftly and steadily declined for my dad. Doctors appointments and blood transfusions 3-4 times a week, multiple medications and chemo pills with side effects that would counter each other, inability to sleep and eat and use the bathroom - his determination to keep up that routine was as tired as his body did. He made an agreement with me to continue treatment until we arrived home with his granddaughter.

On May 7<sup>th</sup>, the morning before Mother's Day and our anniversary, we received a call, but not the one we were expecting. Birth mom had gone into the hospital in the middle of the night, and that baby girl was delivered stillborn around 9:00 am.

Three weeks later, on June 1, 2016, my father died.

Needless to say, Mr. Chairman, my work was not my priority, but paying my bills wasn't a choice. So, I kept working through it all.

Then, just a few months later and after being matched with another birth mom, on October 2, 2016, our son was born. In preparation for this and knowing full well that I couldn't possibly devote myself fully to both my job and a new baby and be prepared for the upcoming legislative session, I quit my job. Not because I wanted to, and financially, not because it was easy for us to manage. Frankly, I didn't feel much option otherwise. In addition to the unbelievably important bonding time that's necessary for ANY parent and new baby, no matter how they arrive, we had also been wait-listed for childcare until April, so returning to work quickly wasn't an option. I spent those crucial months on an unpaid maternity leave with our new baby, and my mom tagged back in with full-time caregiver duties when session began.

I don't share any of this for sympathy or pity. I share it because, although maybe these things don't happen to everyone all at once, they happen to most of us at some point. Those are the situations that nearly every working North Dakotan will face at some point in their professional careers. Adult children take care of dying parents; spouses take care of each other if they're seriously hurt or injured or sick; people have babies. And in those most stressful or painful or wonderful times, the most developed nation in the entire world continues to make people choose between caring for a new baby, taking care of themselves, or being with their most loved ones as they face their last days, and earning a paycheck. Even if YOU went through this, if YOU made it work, if YOU were able to manage it, many, many, many people that you represent can't. That's not good for families, for workers, for employers, for anybody.

In 1989, in testimony given to the Senate IBL Committee by my late father-in-law, Rep. Bill Oban, a cosponsor of a family leave bill, he stated, "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 workforce has changed. With both spouses working, it becomes more difficult for family to care for family unless some element of security is available. It may not be the way we want it, but it's reality."

He goes on to share a February 13, 1989 Newsweek magazine article outlining the need. In 1989. "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's 2021, and we haven't made much progress on this as a country. So, let's change that as a state. In North Dakota, we pride ourselves on being pro-life, being pro-family and pro-family values. I would suggest there are few proposals we debate that are more pro-life and pro-family than paid family leave.

Mr. Chairman, members of the Committee, many of us are at very different points in our lives. Some of us are in the early years of our professional lives, trying to strike a balance in starting or growing our family and paying off student loans, our mortgage or rent, and car payments. Some of us are mid-life, maybe lucky enough to just now be facing the reality of losing our aging parents. Maybe your own kids are getting married, having kids of their own but not sure they can do it without some financially security. And some of us are getting older ourselves, facing some significant health challenges, maybe already have lost a spouse. If you can't recognize how many of your constituents could benefit from having this opportunity to participate, think about what you want for your own kids, your grandkids, who you want there with you when you're nearing the end of a well-lived life. I know where I would be. I think you know where you would be. If we can put a little time in to study this, how **North Dakota** could make this work for **North Dakotans**, we can work through questions, better understand the potential benefits and challenges, and put ourselves in a position to not only hold on to and support our own citizens, but maybe even recruit and retain new ones, too.

Thank you for your time and thoughtful consideration of HB 1441.



*Great Public Schools*

*Great Public Service*

**Testimony on HB 1441  
Senate Industry Business and Labor Committee  
March 8, 2021**

Good Morning chairman Klein and members of the Committee. For the record, I am Nick Archuleta, and I am the president North Dakota United. North Dakota United is a union of professionals including North Dakota's outstanding public employees. Mr. Chairman, it is my pleasure to testify in favor of this vitally important piece of legislation and urge a DO PASS recommendation for HB 1441.

Mr. Chairman, if I were to suggest any amendment to this bill, it would be to remove the words, "consider studying" from line 9 on page 1 of the bill, and replace them with the word, "study.". If we have learned anything from this pandemic, it is that too many families in North Dakota and across the nation are living on the edge of financial ruin. A study by the Federal Reserve Bank in Minneapolis prior to the pandemic found that 40% of Americans could not afford an unexpected \$400 emergency expense. Too many of our friends and neighbors in North Dakota do not have adequate health insurance. And too many people who need it do not have paid time off to care for themselves or loved ones with serious medical issues.

Chairman Klein and members of the Committee, HB 1441, as originally submitted, would not have addressed those first two issues, but it was aspirational in addressing the third. There is clearly a need for paid time off and, should a study concur with that analysis, this bill, again in its original form, could provide a means for addressing the issue. Ensuring that North Dakota's valued employees can care for themselves or their family members experiencing serious illness, or caring for a newborn, adopted, or a foster child, without fear of losing their jobs and income, should be a priority.

That said, Mr. Chairman and members of the Committee, I want to thank you for the opportunity to testify today and to urge you to please give a DO PASS recommendation for SB 1441. I am happy to stand for any questions.

Dear Chairman and the Members of the Committee:

On behalf of the undersigned healthcare providers of North Dakota, we urge you to support House Bill 1441, which seeks to implement a legislative management study for an optional paid family medical leave insurance program. This legislation takes an essential step forward to providing vital financial support for working families during vulnerable times such as caring for a sick loved one or a newborn baby.

As physicians and healthcare professionals we have seen firsthand the physical and emotional stress caused by having to make an impossible choice between family and income. Many of us have cared for critically ill infants that have contracted infections from daycare because their mothers returned to work before they could get their first vaccinations. Due to the COVID19 pandemic, we have seen numerous patients lose their jobs because they had to stay home to care for a family member.

Paid family medical leave has far reaching benefits on health and the economy. It is associated with lower infant mortality rates, prolonged breastfeeding duration, and improvements in maternal mental health. Paid leave is associated with higher work force participation among women. With an aging population, more North Dakotan workers will become unpaid caregivers. Paid leave allows employees to maintain attachment to the labor force ultimately benefiting the economy.

The lack of paid family leave has serious costs: it hinders workforce advancement and income, threatens economic security, and negatively impacts the family of workers who desperately need care. We urge you to make the right choice for North Dakota workers and families and support House Bill 1441.

Sincerely,

Natalie Dvorak, MD	Baraba Bentz, MD	Koye Oyerinde, MD, DrPH
Grant Syverson, MD	Stephen McDonough, MD	Rafael Ocejo, MD
Ellen Vogels, DO	Patricia Scherrer, MD	Steffany Moen, MD, MS
Sabha Ganai, MD, PhD, MPH	Kathy Anderson, MD	Justin Horner, MD
Stefanie Hanisch, MD	Jagila Minso, MD	Teresa Frey, DO
Samantha Perleberg, MD	Nabeel Manzar, MD	Brandon Meyer, MD
Rebecca Bakke, MD	Kristie Toman, DO	Amanda Oney, CPNP
Alicia Glynn, MD	Stephen Tinguely, MD	Batoule Majed, MD
Stephanie Antony, MD	Amy Oksa, MD	Brennan Forward, MD
Jennifer Mullally, MD	Maria Weller, MD	Chris Cleveland, MD
Ann Safo, DO	Jonathan Pacella, MSIV	Carrie Brower-Breitwieser, PhD, LP
Lara Lunde, MD	Carrie Ann Ranum, MD	Katherine Klipfel, PhD, LP
Megan Bowen, MD	Brenda Thurlow, MD	Lindsay Hines, PhD
Angela Strang, MD	Molly Linn, DO	Alison Hornyak, DO
Dana Stegmiller, PA-C	Julie Kenien-Erpelding, MD	Stephanie Hanson, MD
Debra Walker, MD	Sarah Paur, CPNP	Rebecca Preusler, PsyD
Chris Tionson, MD	Alex Thompson, MD	

Mr. Chairman and Members of the Committee.

My name is Rachel Richter Lordemann, I am the President of the Williston Area Chamber of Commerce in Williston, ND. I would like to thank you for the opportunity to speak this morning and provide testimony in support of HB 1441.

As I am sure you are all aware, recruitment and retention of workforce is a top priority issue in Western, ND. Even amidst a global pandemic, there were an average of 888 online job listings each month in 2020 in Williams, Divide, and McKenzie Counties. Filling these workforce needs is not only essential to the operation of our area's energy industry, but also to quality of life as we need to fill jobs in areas like education, medicine, professional services and retail. These needs are only exacerbated by a struggle to find affordable housing and childcare. Local leaders work tirelessly to address each of these issues, and support from state agencies and the state legislature is critical as we work towards strengthening the workforce in our small communities.

That is why I am encouraging support of HB 1441. An optional, Paid Family Leave Program would provide North Dakota businesses an incredible tool to help attract and retain employees. Paid Family Leave can often be seen as a corporate luxury, however, HB 1441 provides a flexible, low or no cost option for businesses of any size, including the roughly 86% of all North Dakota businesses with fewer than 20 employees, to support their employees through parental leave and times of other medical need.

There will come a time in almost every person's career where there is a need to take some type of leave, whether as a parent, caregiver, or for their own medical needs. The absence of Paid Family Leave doesn't make those needs go away, just makes it more difficult to retain and support employees through those times of need. Employees are too often forced to take extended unpaid leave, or may leave their job altogether when they find themselves with a significant need for leave that is unsupported by their employer.

Listing a job, interviewing, hiring, and training for each open position can cost a business thousands of dollars and, on average, a month in lost productivity. While FMLA of course protects an employee's job during a medical leave of absence, offering paid family leave will help to encourage employees to return to their jobs after a medical leave, create a culture that prioritizes the health and well-being of employees, and helps to promote lifelong employment and loyalty.

I want to specifically highlight that this program's effects on maternity leave would be a game changer in a business' ability to retain young moms in the workforce and could help to mitigate one of our area's greatest challenges to growth by encouraging industry workers to relocate their families with them to North Dakota and put down permanent roots.

Allowing families to feel secure in the financial stability offered by a paid family leave program would make a huge impact in seeing many of our open, high need jobs filled by qualified young women who until now have not chosen to relocate with their partners, or

who have chosen to stay home rather than enter the workforce as a young mom and caregiver.

In simplest terms, this bill will give small businesses the opportunity to provide an additional benefit to hard-working North Dakotans. At the Williston Area Chamber of Commerce we often say that our business community is “stronger together” and a business’ strength comes from the commitment, expertise, and hard work of its employees. A Paid Family Leave Program gives small businesses a fantastic tool to retain expertise, bolster employee loyalty, and create a workforce culture that prioritizes the health and well-being of employees and their families.

Finally, I want to commend the bill sponsors for creating a program that is optional. While I do believe this Paid Family Leave program has many benefits for small businesses, it is also important that we do not put regulations on businesses that would require them to fund or participate in this specific benefit. So, I want to emphasize how important that is that this program is optional and flexible.

I would encourage the committee to recommend a Do Pass on HB 1441.

Thank you for your time and consideration.

Rachel Richter Lordemann

President, Williston Area Chamber of Commerce

[rachel@willistonchamber.com](mailto:rachel@willistonchamber.com)

701.770.6798



**North Dakota AFL-CIO**  
1323 East Front Ave.  
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701-526-8787

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**Testimony of Landis Larson, ND AFL-CIO President  
In Support to HB 1441  
March 8, 2021**

Chairperson Klein and members of the Senate Industry, Business and Labor Committee:

My name is Landis Larson, President of the North Dakota AFL-CIO. The North Dakota AFL-CIO is the federation of labor unions in North Dakota, representing the interests of all working people in our state.

I am testifying on behalf of the North Dakota AFL-CIO in support of House Bill 1441.

The North Dakota AFL-CIO has supported the numerous iterations of paid family leave that have been heard before this body in sessions past. We feel that HB 1441 takes into consideration prior concerns about paid family leave legislation and ensures a fair, basic framework, where workers and employers both can access this very necessary tool.

Working people need paid family leave to maintain their quality of life for their families when unexpected caretaking needs arise. In 2021 in The United States of America, workers should not have to choose between caring for their loved ones and maintaining a basic quality of life. Employers should have access to offering this important benefit to retain a high quality workforce and decrease recruiting and training costs.

This bill is a fair proposal, widely supported by North Dakota working families, that would help tens of thousands of North Dakota families through some of the toughest times of their lives, and deserves serious consideration.

I recommend a “Do Pass” recommendation on House Bill 1441.

Respectfully Submitted,  
Landis Larson  
North Dakota AFL-CIO President



**March 8, 2021**

**Kristie Wolff – Executive Director, North Dakota Women’s Network**

**Support HB 1441**

**North Dakota Senate Industry, Business and Labor Committee**

Chairman Klein and members of the Senate Industry, Business and Labor Committee, my name is Kristie Wolff, I am the Executive Director of the North Dakota Women’s Network.

North Dakota Women’s Network is a local non-profit with members from across the state. Based on our mission to improve the lives of women in North Dakota, I am here today in support of HB 1441.

At some point, nearly every working person will need to take time away from work to address a personal illness, bond with a new child or care for a family member with a serious health condition. However, the U.S. is the only developed nation in the world without a national paid family leave policy. In addition, 46 percent of North Dakota’s private sector workforce are unable to earn even a single paid sick day.

According to National Partnership for Women & Families, the benefits of paid family leave in states that have introduced the policy include improved worker morale, time for parents to bond with their children, increased breastfeeding, and cuts in children’s hospital admissions.

In North Dakota, over 11,000 babies are born every year. The American College of Obstetricians and Gynecologists (ACOG) recommends women take at least six weeks off work following childbirth. Without the availability of paid leave, this option is an unaffordable luxury for many women. Access to paid family leave gives women more choices and security.

Businesses with a paid family leave program retain new mothers at a higher rate. A recent study showed that statewide paid family leave policies can dramatically lower the number of women who drop out of the workforce after having a baby. The study saw 20% fewer women leave their jobs in the first year after having a baby when the policy was available.

Over 62,000 North Dakotans serve as family caregivers and both parents work in nearly 75 percent of North Dakota households with children. Workplace benefits are an important part of balancing work and family. Benefits such as paid family leave can help employees meet their personal and family health care needs, while also fulfilling work responsibilities.

Working families should not be forced to choose between caring for their loved ones and risking their economic security. So today I ask the committee for a DO PASS recommendation on HB 1441.

Thank you,

Kristie Wolff

[kristie@ndwomen.org](mailto:kristie@ndwomen.org)

**March 8, 2021**

Dear Chairman Klein and Members of the Senate Industry, Business, and Labor Committee:

I write today on behalf of the ACLU of North Dakota, which strongly supports House Bill 1441, a bill that would provide for a legislative management study regarding a paid family medical leave program in the state. We urge a **do pass** recommendation on this bill.



P.O. Box 1190  
Fargo, ND 58107  
[aclund.org](http://aclund.org)

North Dakotans work hard. They, like many Americans, put in more hours on the job than workers in other industrialized countries and use fewer vacation and personal days. This is the norm across the United States. However, when workers are faced with the unexpected illness of a family member or require time off to care for a newborn they are often left with the choice between two bad options: keep working and receive a paycheck, or provide essential care to an infant or ill loved one.

HB 1441 provides for a study to assess a potential third option — the creation of a paid family leave program that could be a win for them as a worker and for the business that employs them. It is important to study this critical issue and begin to find ways to will help families and businesses alike get through a serious health event or the birth of a child without having to leave their job or lose their employees.

Another compelling reason to study this potential is that we know that the most vulnerable workers are low-income earners and hourly workers who are overwhelmingly women and disproportionately people of color. Additionally, more than 63 percent of children in the United States are living in a family in which both parents work. At the same time, the number of children living with a single parent is increasing. Elder care is a growing responsibility of American workers, no matter the demands of their job.

Beyond the benefits for the people of this state, a paid family leave study will make clear opportunities to strengthen the business community in North Dakota. A sensible paid family leave program will help North Dakota businesses recruit and keep talented and hard-working employees. Interestingly, recent research data shows that providing workers with paid leave has positive effects on long-term productivity, including improvements in employee motivation, recruitment, and retention.

We respectfully urge you to vote **do pass** on HB 1441 for working families across this state.

Sincerely,

A handwritten signature in black ink that appears to read "Libby Skarin".

Libby Skarin  
Campaigns Director  
ACLU of North Dakota  
[northdakota@aclu.org](mailto:northdakota@aclu.org)



House Bill 1441

March 8, 2021

Senate Industry, Business and Labor Committee

Janelle Moos, AARP ND – [jmoos@aarp.org](mailto:jmoos@aarp.org)

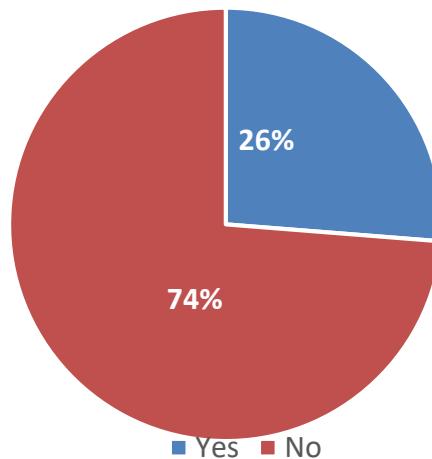
Chairman Klein, Members of the House Industry, Business and Labor Committee, My name is Janelle Moos, Associate State Director for Advocacy with AARP North Dakota. We are here to provide support for House Bill 1441.

As many of you know we at AARP North Dakota have been working for several sessions now trying to provide much needed support for the state's unpaid family caregivers. These are people who care for their loved ones at home – keeping them out of hospitals and nursing homes.

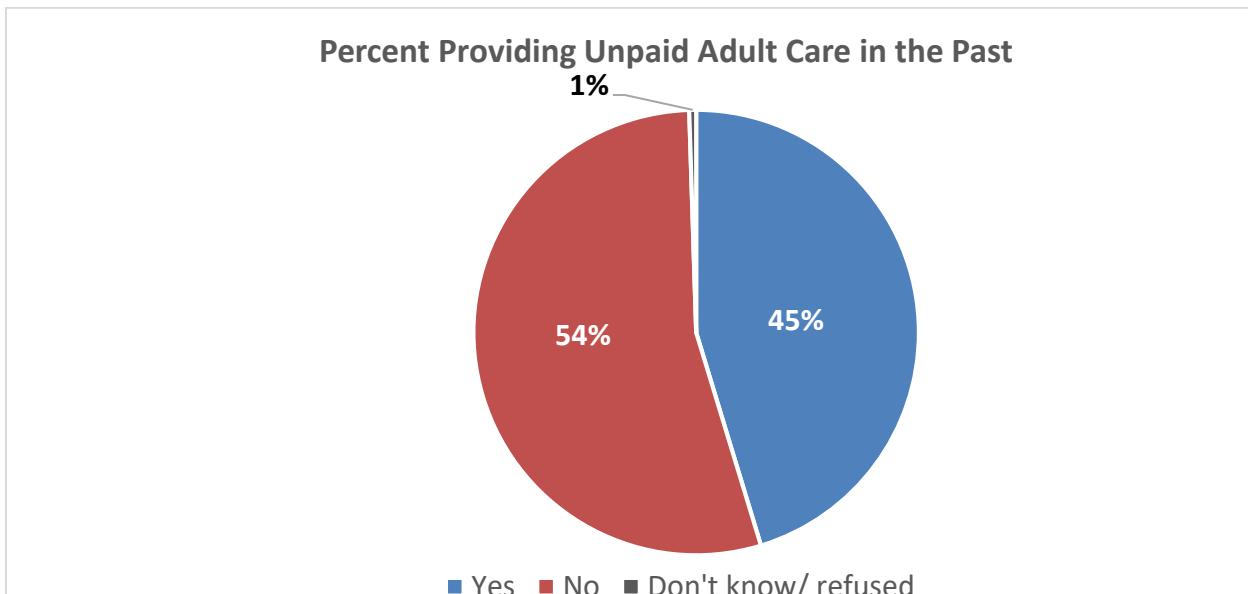
By doing so, these estimated 68,000 caregivers save the state more than \$980 million by providing 57 million hours of FREE health care and other work so their loved ones can stay at home.

In AARP's 2020 survey of North Dakota adults, in the past two years, one quarter (26%) of North Dakota residents age 45+ are currently providing unpaid help to an adult relative or friend.

Percent Providing Unpaid Adult Care



In addition, almost half (45%) of North Dakota residents age 45+ who are not currently unpaid caregivers have provided this type of help in the past.



In a 2017 survey of North Dakota caregivers care primarily for their parents (64%) and spouses (18%) – they assist with transportation (89%), finances (64%), household chores (87%) and shopping (87%). They also perform a number of medical tasks including overseeing medication (63%) and other complex nursing tasks like wound care and injections (56%).

As it relates to the provisions of HB 1441 – 68 percent of current and former caregivers say they work(ed) while also performing the caregiving duties. Of those who said they work(ed) – 72 percent of them said they had taken some time off from work and 28 percent said they had to take extended leave to care for their loved one. Then we have those who left full time jobs for part time ones so they could also provide care (15%) and those who quit work entirely (12%).

According to a new report from Harvard Business School (*The Caring Company: How employers can help employees manage their caregiving responsibilities – while reducing costs and increasing productivity*) released in 2019 – almost a third of workers – including many senior executives – say their careers have been adversely affected by caregiving obligations. And close to one-third of the employees surveyed in this study say they had voluntarily left a job during their career due to caregiving responsibilities.

It's these caregivers, the ones who work or could be working, who can truly benefit from paid family leave programs.

AARP strongly supported the federal Family and Medical Leave Act in 1993. That act provides patients with serious medical conditions and family members caring for them up to 12 weeks of

time off with guarantees to maintain insurance and retain a similar job when they return. As with House Bill 1509, the law focuses on businesses with 50 employees or more, lessening the burden on small businesses.

At the state level, AARP supports laws that provide paid leave – similar to the one proposed today.

Thank you for your thoughtful work on this bill. We encourage a do pass on HB 1441.



Testimony on HB 1441  
 2021 Legislative Session  
 February 3, 2021

Senator Klein and members of the Committee,

My name is Donene Feist and I am the Director for Family Voices of North Dakota (FVND), Inc. I want to provide to you today testimony on HB 1441

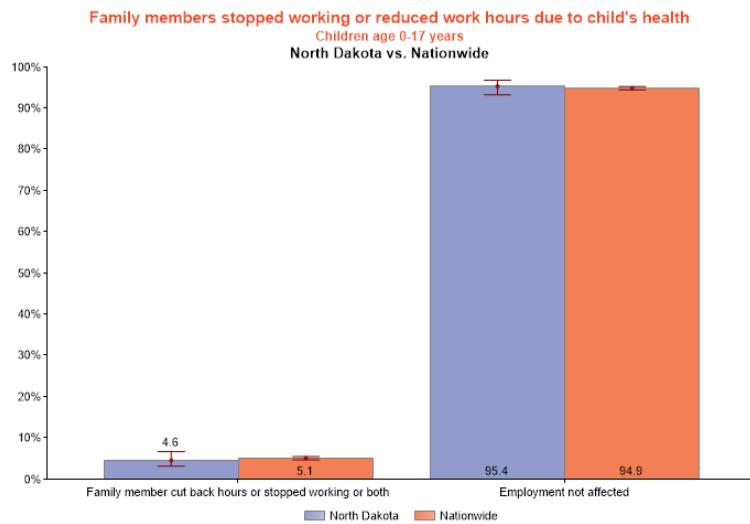
Family Voices of North Dakota is statewide family to family health information and education center who serves families of children with special health care needs in ND. Each state in the country and our territories has one family organization that has been designated as a family to family health information and education center by HRSA federally. We are that entity for ND.

We provide emotional and informational support to many families across North Dakota who have a child who has a chronic health condition and/or disability. In addition to the support and 1:1 assistance we provide to families, we also provide various trainings and workshops, which help families understand how systems work so that they can also be good stewards of state dollars and the programs of which their children are enrolled. Our staff, who all are parents to children with special health care needs, provides assistance to families by helping them access and navigate services; explaining what the services mean, how systems work, and where the funding comes from; by providing emotional support to assist with their unique and individual needs.

National prevalence data estimates from the National Data Resource Center indicates there is an estimated 30,224 children and youth with special health care needs (CYSHCN) in ND. **One in five families in North Dakota (ND) has a child with special health care needs.**

That being said for many of our families who have a child with a chronic health illness or disability, while they may have the time off, certainly does not address what happens if they do not have the amount of sick leave or vacation time to be paid.

We know and hear from many families across the state the financial impact of having a child with a chronic illness and disability. Additionally, data from the National Data Resource Center, we can identify that 4.6% of families who have a child with a disability as compared to 5.1% nationally are having to stop working or reduce hours to care for their child.



Some of these families may be a family who has a newborn that run into complications and have to be at the NICU or the PICU, for an extended amount of time. We have had families who have had to stay with their family in the cities for nearly 2 years, staying with their child while the other parent returns to work.

We have families in ND who due to the child's condition ended up in the hospital setting up to 20 times within the year, who are to medically compromised to return to a child care setting following those hospitalizations. The scenarios are many.

We assist families across the state who really are some of the most vulnerable. By and large North Dakota families are hardworking individuals who take pride in their employment and are dedicated to the employer. We as a state have always taken pride in this fact.

Most of our children don't fit a mold. All are uniquely their own, and many have multiple diseases or disorders so rare that often doctors have never seen. Early on families realize with a heavy heart, the world we live in isn't built for our children. Each and every day families are fighting someone about some aspect of their care. It could be a doctor, nurse, therapist, educator, or an insurance company. Every day

families launch battles for what we know our children need to thrive, and sometimes our fight ends in defeat. We cry in our bedrooms at night. In the dead of night, many families lie awake, overcome by fear of the unknown.

Every day many families are fighting a battle against a disability, disease or chronic illness that we will never beat. Most of families know the very real implications of what can happen to our children at any given time.

More and more crowd funding has happened because of the time families are left not working and caring for a loved one. I recently read a report that of the 5 billion dollars raised by apps like Go Fund Me, 30-35% of those funds are for individuals who are paying medical bills and time away from work.

We also can identify that more and more families are caring for their own child with a disability but also caring for an aging parent. An increasing population are grandparents are raising their grandchildren who may have a disability. Family dynamics are changing.

With a fund where both families and employers pay into, to have paid leave while they are able to care for family members would be very helpful. Many caregivers are returning to their place of employment who have not taken the time to care for themselves due to having to return to their employment in order to keep milk on the table. Many return to work to avoid the loss of health insurance that cover the cost of their children's care. HB 1441 would help with that. 84% of employees across the country support a comprehensive paid family and medical leave.

We also have families who have given up seeking employment because of the care that they have to provide for their family. Many employers do not cover sick leave and annual leave benefits. This bill would provide an option for employers and employees. Raising a child or youth with special health care needs, accessing quality services and paying for them while still meeting the needs of the entire family and maintain employment is stressful.

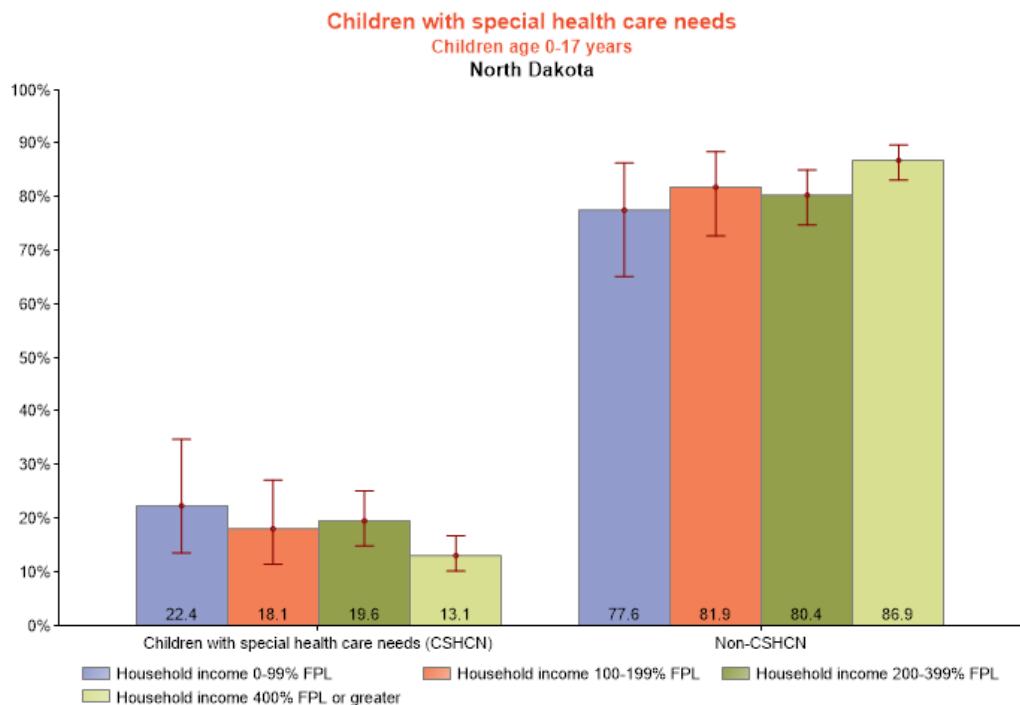
We know the financial hardships that families face. We have heard some devastating stories from families. Health costs are continuing to rise. Exacerbating the scenario even further is if they have to take leave with no pay. This bill would certainly assist the families that we serve who find themselves in this situation. It would keep families employed and not have to do crowd funding to stay afloat. To me, each and every day when I see this happening it is heart breaking. Families work hard. Lets' protect them.

In closing, let us remember as each of us makes decisions that will affect children—whether we are parents, educators, health professionals, or government officials—it is our duty to consider if that decision either affirms or denies a child's most basic human rights. Families are not looking for handouts, but they do often need a rope to hang on to, to keep from drowning in an every changing system. Let's help them.

I have included some data below

Please support 1441

Thanks for your time,  
Donene Feist  
Family Voices of North Dakota  
701-493-2634; [fvnd@drtel.net](mailto:fvnd@drtel.net)



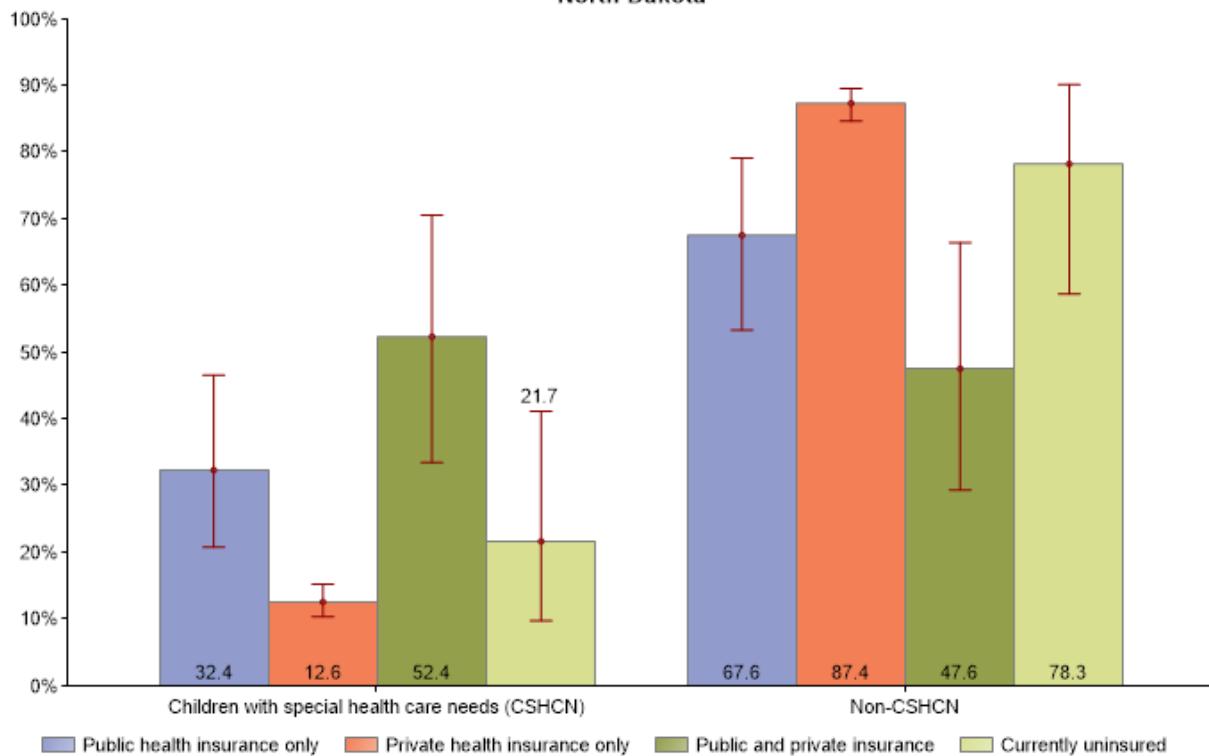
Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/data/national-surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

### Children with special health care needs

Children age 0-17 years

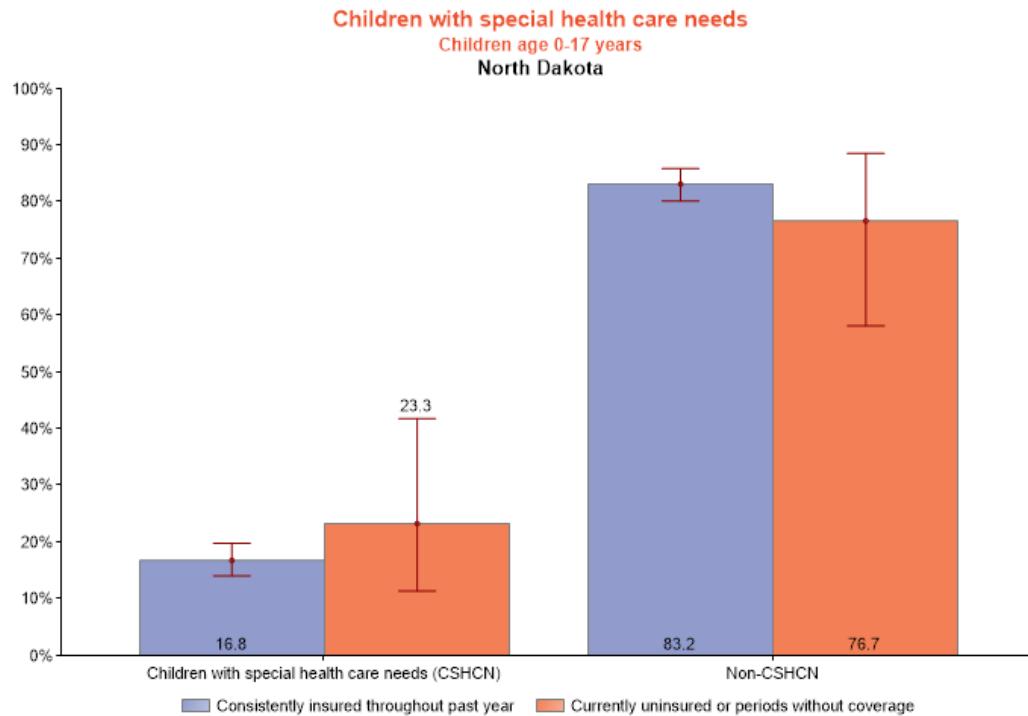
North Dakota



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource C Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Matern Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

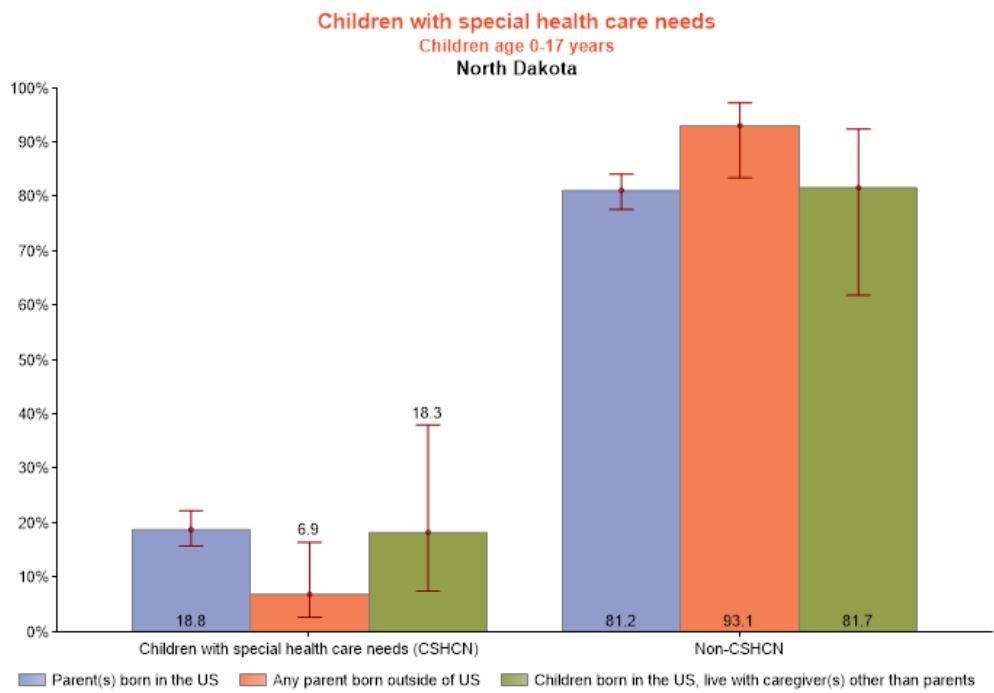
**Number of children with special health care needs continuously covered. I find this diagram a bit alarming.**



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/data/national-surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

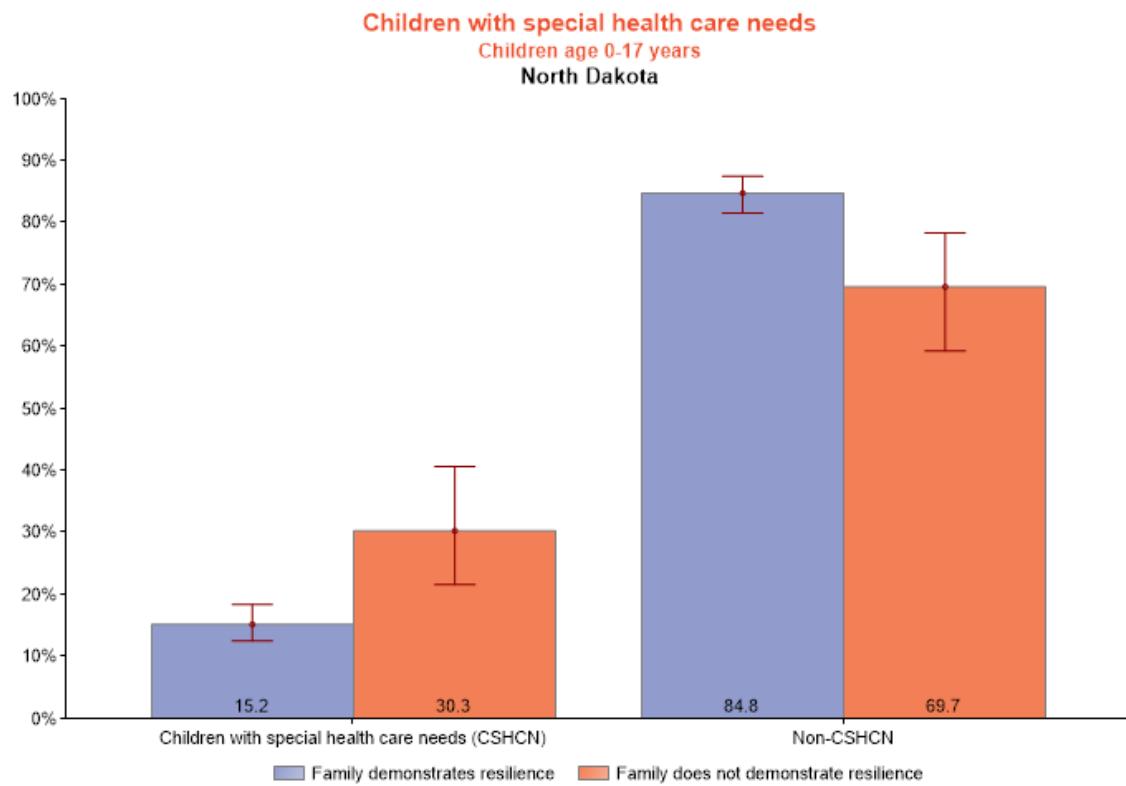
**ND demographics. Of concern here is the increasing number of children being raised by someone other than their parent is alarming. That may mean a grandparent, sibling, foster care, who may or may not have the means if the child does not have access to services.**



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/data/national-surveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).

**Percent of families who are able to demonstrate resilience. This is also a concerning number and we are seeing this with many of the families we serve. The needs are so vast for families and given the pandemic, that has also increased.**



Data Source: National Survey of Children's Health, Health Resources and Services Administration, Maternal and Child Health Bureau. <https://mchb.hrsa.gov/datalsurveys>

Citation: Child and Adolescent Health Measurement Initiative. 2018-2019 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB). Retrieved [mm/dd/yy] from [www.childhealthdata.org](http://www.childhealthdata.org).



**NORTH DAKOTA**  
Nurse Practitioner Association

Written testimony to:

67th Legislative Assembly  
Senate Industry, Business and Labor Committee

HB 1441

Chairman Senator Jerry Klein and Committee Members

I am Paula Moch, Legislative Liaison for the North Dakota Nurse Practitioner Association (NDNPA). I am also a resident of District 14 in North Dakota. I am submitting this written testimony on behalf of the NDNPA. The NDNPA is supporting HB 1441; a bill to create a study for Paid Family Medical Leave, as written.

The NDNPA supports Paid Family Medical Leave as it builds upon the Family Medical Leave (FMLA). Paid Family Medical Leave would provide financial peace of mind for those that need extended leave for a qualifying event. This eliminates the financial stress that such events create. Studies have proven that stress has short and long term health consequences.

Paid Family Medical Leave is an added benefit that makes employers more attractive to employees.

This concludes my written testimony in support of the study of Paid Family Medical Leave.

Thank you for your time.

Paula M Moch BSN, MSN, FNP-BC

NDNPA Legislative Liaison 2021

[ndnpalegislative@gmail.com](mailto:ndnpalegislative@gmail.com) 701-321-3193

# 2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee  
Fort Union Room, State Capitol

HB 1441  
3/10/2021

A BILL for an Act to provide for a legislative management study regarding a paid family medical leave program.

**Chair Klein** opened the meeting at 2:24 p.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, and Marcellais.

**Discussion Topics:**

- Purpose of the study

**Senator Larsen** moved a DO NOT PASS [14:24].

**Senator Kreun** seconded the motion [14:24].

[14:25]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	N
Senator Curt Kreun	Y
Senator Richard Marcellais	N
Senator Shawn Vedaa	Y

Motion passed: 4-2-0

**Senator Larsen** will carry the bill [14:26].

**Chair Klein** ended the meeting at 2:26 p.m.

*Isabella Grotberg, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1441, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed HB 1441 was placed on the Fourteenth order on the calendar.