Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1463
(Representatives Muscha, Beadle, Mitskog, Mooney, Oversen, Schneider, Toman, Wallman)
(Senators Dotzenrod, Oban)

AN ACT to amend and reenact section 14-02.4-03 of the North Dakota Century Code, relating to reasonable accommodations in the workplace for pregnancy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-02.4-03 of the North Dakota Century Code is amended and reenacted as follows:

14-02.4-03. Employer's discriminatory practices.

1. It is a discriminatory practice for an employer to fail or refuse to hire ~~a person~~an individual; to discharge an employee; or to accord adverse or unequal treatment to ~~a person~~an individual or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or a term, privilege, or condition of employment, because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

2. It is a discriminatory practice for an employer to fail or refuse to make reasonable accommodations for an otherwise qualified ~~person~~individual with a physical or mental disability, because that individual is pregnant, or because of that ~~person's~~individual's religion. An employer is not required to provide an accommodation that would disrupt or interfere with the employer's normal business operations; threaten an individual's health or safety; contradict a business necessity of the employer; or impose an undue hardship on the employer, taking into consideration the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation.

3. This chapter does not prohibit compulsory retirement of any employee who has attained sixty-five years of age, but not seventy years of age, and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if the employee is entitled to an immediate nonforfeiture annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equal, in the aggregate, at least forty-four thousand dollars.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1463.

House Vote:	Yeas 93	Nays 0	Absent 1
Senate Vote:	Yeas 45	Nays 1	Absent 1

Chief Clerk of the House

Received by the Governor at 2:52 P.M. on April 1, 2015.

Approved at 10:40 A.M. on April 6, 2015.

Governor

Filed in this office this 6th day of April, 2015,

at 12:17 o'clock P M.

Secretary of State