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

HOUSE BILL NO. 1212
(Representatives Delmore, P. Anderson, Hawken, Oversen)
(Senators Grabinger, Luick)

AN ACT to amend and reenact paragraph 3 of subdivision b of subsection 2 of section 52-04-07 and subdivision j of subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to eligibility for unemployment compensation benefits for victims of stalking.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Paragraph 3 of subdivision b of subsection 2 of section 52-04-07 of the North Dakota Century Code is amended and reenacted as follows:

(3) Was separated from employment with the most recent employer for reasons directly attributable to domestic violence, stalking, or sexual assault.

SECTION 2. AMENDMENT. Subdivision j of subsection 1 of section 52-06-02 of the North Dakota Century Code is amended and reenacted as follows:

j. (1) This subsection does not apply if the reason for separation from the individual's employment is directly attributable to domestic violence, stalking, or sexual assault that is verified by documentation submitted to job service North Dakota which substantiates the individual's reason for separation from the most recent employment and such continued employment would jeopardize the safety of the individual or of the individual's spouse, parent, or minor child. After receiving a claim for unemployment insurance benefits for which the individual identifies domestic violence, stalking, or sexual assault as the reason for separation, job service North Dakota shall notify the most recent employer of the reason for separation provided by the individual.

(2) For purposes of this subdivision, documentation of domestic violence or sexual assault includes:

(a) A court order, protection order, restraining order, or other record filed with a court;

(b) A police or law enforcement record;

(c) A medical record indicating domestic violence or sexual assault; or

(d) A written affidavit provided by an individual who has assisted the claimant in dealing with the domestic violence or sexual assault and who is a:

[1] Licensed counselor;

[2] Licensed social worker;

[3] Member of the clergy;

[4] Director or domestic violence advocate at a domestic violence sexual assault organization as defined in section 14-07.1-01; or

[5] Licensed attorney.

(3) For purposes of this subdivision, documentation of stalking must include:

(a) A police or law enforcement record; and

(b) A written affidavit provided by an individual who has assisted the claimant in dealing with the stalking and who is a:

[1] Licensed counselor;

[2] Licensed social worker;

[3] Member of the clergy;

[4] Director of domestic violence advocate at a domestic violence sexual assault organization as defined in section 14-07.1-01; or

[5] Licensed attorney.

(4) Documentation must be received by job service North Dakota within fourteen calendar days from the date the individual files a claim for unemployment insurance benefits after separating from employment for reasons directly attributable to domestic violence, stalking, or sexual assault.

~~(4)~~(5) A false statement of domestic violence, stalking, or sexual assault in a claim for unemployment insurance benefits is subject to subsection 8 and section 52-06-40.

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. 1212.

House Vote:	Yeas 75	Nays 15	Absent 4
Senate Vote:	Yeas 46	Nays 0	Absent 1

Chief Clerk of the House

Received by the Governor at 11:40 A.M. on March 11, 2015.

Approved at 1:37 P.M. on March 12, 2015.

Governor

Filed in this office this 12th day of March, 2015,

at 425 o'clock P M.

Secretary of State