

SURVIVOR STATE EMPLOYMENT GUIDE

NORTH DAKOTA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, North Dakota law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, North Dakota has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, North Dakota law does not require private employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

- **State Employee Sick and Safe Leave:** State of North Dakota employees are entitled to paid sick leave which can be used to address domestic violence, sex offenses, stalking or terrorizing. Under North Dakota law (**N.D. Cen. Code § 54-06-14.6**) state employees can use up to 40 hours of sick leave per calendar year to:
 - Seek legal or law enforcement assistance or remedies to ensure victim's health and safety, including preparing for or participating in court proceedings related to or derived from the violence;
 - Seek health care treatment for physical or mental injuries caused by the violence;
 - Obtain services from a domestic violence shelter, rape crisis center, or other social services program; receive mental health counseling;
 - Or participate in safety planning or take other safety related measures. Immediate family members include spouse; parent; child; or sibling.
- **Time Off for Crime Victims:** Under North Dakota Law (**N.D. Cen. Code § 12.1-34-02(7)**), a crime victim has the right to be provided with appropriate employer intercession services to ensure that employers of victims and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance, though this does not mandate any specific leave requirement.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under North Dakota law (**N.D. Cen. Code §52-06-02 (j)**) an individual is not disqualified from unemployment insurance benefits if the individual left work due to domestic violence 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 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.

- *Do I have to show proof of domestic violence or sexual assault?* Yes, an individual may have to provide documentation, that could include: (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; or [5] Licensed attorney.