

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9804. Additional Requirements for Large Employers.

(a) In addition to the requirements and prohibitions imposed on employees* pursuant to 4 CMC § 9802, an employer with 25 or more employees may not discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence or a victim of sexual assault for complying with any and all court orders or subpoena or taking time off from work to attend to any of the following:

(1) To seek medical attention for injuries caused by domestic violence or sexual assault.

(2) To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault.

(3) To obtain psychological counseling related to an experience of domestic violence or sexual assault.

(4) To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

(b) As a condition of taking time off for a purpose set forth in subsections (a)(1), (2), (3), and (4) the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible.

(c) When an unscheduled absence occurs, the employer may not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer. Certification shall be sufficient in the form of any of the following:

(1) A police report indicating that the employee was a victim of domestic violence, sexual assault stalking, or teen dating violence.

(2) A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, stalking, or teen dating violence or other evidence from the court or prosecuting attorney that the employee appeared in court.

(3) Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, stalking, or teen dating violence.

(d) Employers shall maintain the confidentiality of any employee requesting leave under subsection (a). Any person who willfully or knowingly makes any statement or who knowingly supplies information to anyone, with the intent that such disclosure of information be used to interfere with the employee's ability to seek the assistance of the CNMI judiciary and/or law enforcement shall, regardless of whether the disclosure or interference caused any actual harm, be subject to a fine of not less than \$1000.00 and not more than \$10,000.00 and/or imprisonment of not less than 30 days and not more than 5 years.

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(e) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer because the employee has taken time off for a purpose set forth in subsection (a) is entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor.

(f) An employee may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment for time taken off for a purpose specified in subsection (a).

(g) This section does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.).

* So in original.

Source: PL 18-31 § 3(103) (Jan. 10, 2014), modified.

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d).