

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9803. Discrimination Prohibited.

(a) An employer may not discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence, sexual assault, stalking, or teen dating violence for complying with any and all court orders or subpoena or taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child.

(b) As a condition of taking time off for a purpose set forth in subsection (a), 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 shall 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 or sexual assault.

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

(3) Documentation from a medical professional, social worker, 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 or sexual assault.

(d) To the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave under this section.

(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 this section shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. An 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 subsections (a), (b), or (c).

Source: PL 18-31 § 3(102) (Jan. 10, 2014), modified.

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Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The original legislation contained two subsections designated (c). The Commission corrected subsection designations pursuant to 1 CMC § 3806(g).