

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2138

Introduced by

Senators Hogue, Nodland, Larsen

Representatives Bellew, Damschen, Headland

- 1 A BILL for an Act to create and enact a new section to chapter 34-14 of the North Dakota
2 Century Code, relating to employer's payment of accrued paid time off.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new section to chapter 34-14 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Limitations on accrued paid time off - Investigation.**

7 ~~1. If an employee separates from employment voluntarily, a private employer may~~
8 ~~withhold payment for accrued paid time off if:~~

9 ~~a. At the time of hiring, the employer provided the employee written notice of the~~
10 ~~limitation on payment of accrued paid time off;~~

11 ~~b. The employee has been employed by the employer for less than two years; and~~

12 ~~c. The employee gave the employer less than ten days' written or verbal notice.~~

13 1. If a private sector employee separates from employment voluntarily and following that
14 separation the employer is unsuccessful in locating or contacting the employee in
15 order to pay any accrued paid time off, that employer's obligation to pay the accrued
16 paid time off ceases two years from the date wages are due to be paid under section
17 34-14-03. This section does not apply if during the two-year period there is a change
18 in the employer's physical address or mailing address.

19 2. As provided under section 34-14-05, an employee may report a violation under this
20 section. If a report of violation is made within thirty days of the alleged violation, the
21 labor commissioner shall investigate the merits of the claim. If a report is made more
22 than thirty days following the alleged violation, the commissioner may investigate the
23 merits of the claim.