

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~~one
12 year; and
13 c. The employee gave the employer less than ~~ten~~five days' written or verbal notice.
14 2. As provided under section 34-14-05, an employee may report a violation under this
15 section. If a report of violation is made within thirty days of the alleged violation, the
16 labor commissioner shall investigate the merits of the claim. If a report is made more
17 than thirty days following the alleged violation, the commissioner may investigate the
18 merits of the claim.