

**FIRST ENGROSSMENT**  
**with Conference Committee Amendments**  
**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 one year; and

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

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