

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1202

Introduced by

Representatives Ruby, Rick C. Becker, Kasper, Louser

Senators Campbell, Hogue, Laffen

1 A BILL for an Act to amend and reenact section 34-14-09.2 of the North Dakota Century Code,
2 relating to withholding of accrued paid time off; and to provide for application.

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

4 **SECTION 1. AMENDMENT.** Section 34-14-09.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **34-14-09.2. Limitations on accrued paid time off - Investigation.**

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

9 a. ~~At~~ 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.

18 **SECTION 2. APPLICATION.** This Act applies to separations from employment which occur
19 on or after the effective date of this Act.