

LABOR AND EMPLOYMENT

CHAPTER 264

HOUSE BILL NO. 1094
(Committee on Industry, Business and Labor)
(At the request of the Labor Department)

DEFINITION OF WAGES

AN ACT to create and enact a new subsection to section 34-06-01 of the North Dakota Century Code, relating to the definition of wages for the minimum wage law.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 34-06-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

"Wages" shall include all payments made to or on behalf of an employee as remuneration for employment, whether calculated on a time, piece, job, or incentive basis.

Approved March 14, 1973

CHAPTER 265

SENATE BILL NO. 2071
(Thane)

HOURS OF LABOR FOR WOMEN

AN ACT to repeal section 34-06-06 of the North Dakota Century Code, relating to limitations on the hours of labor for women.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Section 34-06-06 of the North Dakota Century Code is hereby repealed.

Approved March 10, 1973

CHAPTER 266

SENATE BILL NO. 2090
(Committee on Industry, Business and Labor)
(At the request of the Labor Department)

MAXIMUM HOURS OF LABOR FOR MINORS

AN ACT to amend and reenact section 34-07-15 of the North Dakota Century Code, relating to maximum hours of labor for minors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 34-07-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-07-15. MAXIMUM HOURS OF LABOR OF MINORS UNDER SIXTEEN YEARS OF AGE - NOTICE TO BE POSTED.) No minor under the age of sixteen years shall be employed or permitted to work at any occupation, except in domestic services and at farm labor, before the hour of seven o'clock a.m. nor after the hour of seven o'clock p.m., except that such hours shall be seven o'clock a.m. to nine o'clock p.m. from June first through labor day, nor more than twenty-four hours during school weeks, nor more than three hours on school days, nor more than forty-eight hours during nonschool weeks, nor more than eight hours on nonschool days. Provided, however, that the limitations restricting hours of work during school weeks and school days shall not apply to minors who are not attending school because they are excepted from compulsory school attendance by the provisions of chapter 15-34.1. Every employer shall post in a conspicuous place where minors are employed, a printed notice stating the hours of work required of the minors each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or other meals. The printed form of such notice shall be furnished by the commissioner of labor. The employment of any minor for a longer period than that stated in the notice shall be a violation of this chapter.

Approved March 19, 1973

CHAPTER 267

SENATE BILL NO. 2108
(Litten)

REGULATION OF EMPLOYMENT AGENCIES

AN ACT to create and enact sections 34-13-13.1 and 34-13-16 of the North Dakota Century Code, relating to regulation of employment agency contracts by the state labor commissioner, refunds in certain instances of fees paid to employment agencies, and defining temporary and permanent employment; and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 34-13-13.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

34-13-13.1. CLASS ONE AND CLASS TWO LICENSEES' CONTRACTS AND FEES APPROVED BY LABOR COMMISSIONER - TEMPORARY AND PERMANENT EMPLOYMENT DEFINED - WHEN FEE REFUND DUE EMPLOYEE - CAUSE OF ACTION BY EMPLOYEE.)

1. For the purposes of this section, temporary employment is employment for three months or less, and permanent employment is employment for more than three months.
2. If an employment position terminates or the employee is otherwise released before the end of the temporary employment period, the employee shall receive a refund of all service charges paid in excess of twenty percent of the gross wages actually received prior to termination or release. Nothing contained in this section restricts an agency from receiving full service charges at the time of the referral, subject to the refund herein provided.
3. This section applies to all class one and class two licensees as defined in section 34-13-11. Every class one and class two licensee shall submit copies of all contracts and fee schedules used by such agency or agent to the commissioner of labor for approval. No contract or fee between a class one and class two licensee and an employer or an employee shall be valid without the

commissioner's approval. In approving or disapproving such contracts and fees, the commissioner shall issue a written determination. This determination shall be subject to review and appeal under chapter 28-32.

4. This section does not apply to contracts wherein the service charge does not exceed one hundred dollars.
5. Any employee who is damaged by a violation of this section shall be entitled to receive from the licensee the entire amount of service charges he has paid the licensee.

SECTION 2.) Section 34-13-16 of the North Dakota Century Code is hereby created and enacted to read as follows:

34-13-16. PENALTY.) Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not to exceed one year, or by both such fine and imprisonment.

Approved March 27, 1973

CHAPTER 268

HOUSE BILL NO. 1097

(Committee on Industry, Business and Labor)
(At the request of the Labor Department)

LIMITATIONS ON WITHHOLDINGS
BY EMPLOYERS

AN ACT to create and enact section 34-14-04.1 of the North Dakota Century Code, relating to limitations on withholdings by employers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 34-14-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

34-14-04.1. LIMITATIONS ON WITHHOLDINGS.) Every employer shall withhold from the compensation due his employees those amounts which are required by state or federal law to be withheld and may deduct other items authorized in writing by the employees.

Approved March 12, 1973

CHAPTER 269

SENATE BILL NO. 2089
(Committee on Industry, Business and Labor)
(At the request of the Labor Department)

ASSIGNMENT OF WAGE CLAIMS

AN ACT to amend and reenact section 34-14-08 of the North Dakota Century Code, relating to assignments of wage claims to the commissioner of labor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 34-14-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-14-08. ASSIGNMENT OF WAGE CLAIMS TO COMMISSIONER OF LABOR FOR RECOVERY BY CIVIL ACTION.) The commissioner of labor or his deputy shall have power and authority to take assignments of wage claims, rights of action for penalties provided by section 34-14-09, not to exceed one thousand dollars in any case of any one claim without being bound by any of the technical rules with reference to the validity of such assignments; and shall have power and authority to prosecute actions for the collection of such claims of persons who, in the judgment of the commissioner or his deputy, are entitled to the services of the commissioner or his deputy and who, in his judgment, have claims which are valid and enforceable in the courts. The commissioner or his deputy shall have power to join various claimants in one preferred claim or lien, and in case of suit to join them in one cause of action.

Approved March 21, 1973

CHAPTER 270

SENATE BILL NO. 2147
(Committee on Industry, Business and Labor)
(At the request of the Labor Department)

INTEREST ON UNPAID WAGES

AN ACT to create and enact section 34-14-09.1 of the North Dakota Century Code, to provide that employees are entitled to interest on unpaid wages.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 34-14-09.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

34-14-09.1. INTEREST ON UNPAID WAGES - EXCEPTION.) In addition to his right to recover unpaid wages as provided in this chapter, every employee shall be entitled to recover from his employer interest on such unpaid wages from the date such wages are due until payment is made in full at the rate of six percent per annum. The provisions of this section shall not apply to wage claims arising under the Railway Labor Act or to wage claims arising under contested application of collective bargaining agreements.

Approved March 19, 1973