

LABOR AND EMPLOYMENT

CHAPTER 296

HOUSE BILL NO. 1035
(E. Metzger, Bunker, Orange, Powers)
(From Legislative Council Study)

FRAUDULENTLY BENEFITTING FROM EMPLOYER REPEAL

AN ACT to repeal section 34-01-10 of the North Dakota Century Code, relating to an employee fraudulently securing transportation or benefits from an employer.

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

* SECTION 1. REPEAL.) Section 34-01-10 of the North Dakota Century Code is hereby repealed.

Approved March 6, 1975

*NOTE: Section 34-01-10 was repealed by section 673 of Senate Bill No. 2039, chapter 106.

CHAPTER 297

HOUSE BILL NO. 1298
(Hensrud, Mertens)

WAGES DUE DECEASED EMPLOYEE

AN ACT to amend and reenact section 34-01-12 of the North Dakota Century Code, relating to payment of wages due a deceased employee.

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

SECTION 1. AMENDMENT.) Section 34-01-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-01-12. EMPLOYER TO PAY SURVIVING SPOUSE OR HEIRS WAGES DUE.) For the purposes of this section, the word "employer" shall include every person, firm, partnership, corporation, the state of North Dakota, and all municipal corporations. If at the time of the death of any person, his employer is indebted to him for work, labor, or services performed, and no executor or administrator of his estate has been appointed, such employer, upon the request of the surviving spouse, or, if there is no surviving spouse, then upon the request of the person's next eligible heir or heirs as determined by section 56-01-04, forthwith shall pay said indebtedness to the said surviving spouse or heirs. The employer shall require proof of the claimant's or claimants' relationship to the decedent by affidavit and shall require claimant or claimants to acknowledge receipt of such payment in writing. Any payments made by an employer pursuant to the provisions of this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of such payment, and no employer thereafter shall be liable therefor to the decedent's estate or the decedent's executor or administrator thereafter appointed. Any amount so received by a spouse or heirs shall be considered in diminution of the allowance provided for by section 30.1-07-02.

Approved April 8, 1975

CHAPTER 298

HOUSE BILL NO. 1033
(Bunker, E. Metzger, Orange, Powers)
(From Legislative Council Study)

REPEAL OF LAW ON RECOVERY OF WAGES

AN ACT to repeal section 34-06-16 of the North Dakota Century Code, relating to a civil action by an employee to recover the difference between a minimum wage established by the commissioner of labor and the wage actually paid to the employee by the employer.

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

SECTION 1. REPEAL.) Section 34-06-16 of the North Dakota Century Code is hereby repealed.

Approved March 6, 1975

CHAPTER 299

HOUSE BILL NO. 1034
(Tweten, Bunker, E. Metzger, Orange)
(From Legislative Council Study)

ENFORCEMENT OF CHILD LABOR LAWS

AN ACT to amend and reenact section 34-07-19 of the North Dakota Century Code, relating to enforcement of child labor provisions by the commissioner of labor; and to repeal section 34-07-09 and subsection 11 of section 34-07-16 of the North Dakota Century Code, relating to the number of years of required school attendance by a minor for issuance of an employment certificate, and to the prohibition of the employment of a minor as a pin boy in a bowling alley.

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

SECTION 1. AMENDMENT.) Section 34-07-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-07-19. DUTIES OF COMMISSIONER OF LABOR.) The commissioner of labor shall prepare all blanks necessary in the administration of this chapter, shall distribute such blanks to the school officers and authorities of this state, shall exercise general supervision over the administration of the provisions of this chapter, and shall enforce the same. He and his agents and representatives shall have full power of visitation and inspection of all factories, industries, and other establishments in which minors may be employed or permitted to work.

SECTION 2. REPEAL.) Section 34-07-09 and subsection 11 of section 34-07-16 of the North Dakota Century Code are hereby repealed.

Approved March 6, 1975

CHAPTER 300

HOUSE BILL NO. 1036
(E. Metzger, Bunker, Orange)
(From Legislative Council Study)

UNFAIR LABOR PRACTICE AUTHORITY

AN ACT to amend and reenact section 34-12-08 of the North Dakota Century Code, relating to the authority of the commissioner of labor to order any person to cease and desist from engaging in any unfair labor practice.

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

SECTION 1. AMENDMENT.) Section 34-12-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-12-08. AUTHORITY OF COMMISSIONER.) Whenever it is charged that any person is engaged in or has engaged in any unfair labor practice, the commissioner shall investigate the charges informally and if it appears that an unfair labor practice is occurring or has occurred, the commissioner shall have power to issue and cause to be served upon such person a written specification of the issues which are to be considered and determined. If, upon the evidence, the commissioner shall be of the opinion that any person named in the written specifications has engaged in or is engaging in any such unfair labor practice, he shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without backpay, as will effectuate the policies of this chapter. Where an order requires reinstatement of an employee, backpay may be required of the employer or employee organization, as the case may be, responsible for the discrimination suffered by the employee. No order of the commissioner shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any backpay, if such individual was suspended or discharged for cause. If the order is not obeyed, the commissioner shall have the authority to apply to the appropriate district court for such action as is necessary to enforce his order, including injunction and mandamus proceedings. The commissioner may act as a conciliator in any labor dispute.

Approved March 6, 1975

CHAPTER 301

HOUSE BILL NO. 1037
(Bunker, E. Metzger, Orange)
(From Legislative Council Study)

AMOUNT OF RECOVERY ON UNPAID WAGES

AN ACT to amend and reenact section 34-14-09.1 of the North Dakota Century Code, relating to amounts an employee may recover on unpaid wages.

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

SECTION 1. AMENDMENT.) Section 34-14-09.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-14-09.1. INTEREST ON UNPAID WAGES - AMOUNT OF RECOVERY - 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:

1. 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; and
2. An amount equal to:
 - a. Double the employee's unpaid wages, if, within one year preceding the date such wages are due, the employer has, on separate occasions, been subject to, and found liable for, two previous wage claims under the provisions of this chapter; or
 - b. Treble the employee's unpaid wages, if, within one year preceding the date such wages are due, the employer has, on separate occasions, been subject to, and found liable for, three or more previous wage claims under the provisions of this chapter.

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 6, 1975