

LABOR AND EMPLOYMENT

CHAPTER 306

SENATE BILL NO. 2042
(Legislative Council)
(Interim Committee on Industry, Business & Labor "C")

EMPLOYMENT AGENT DEFINITION

AN ACT to amend and reenact section 34-13-01 of the North Dakota Century Code, relating to the definition of "employment agent" or "employment agency".

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

SECTION 1. AMENDMENT.) Section 34-13-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-13-01. DEFINITIONS.) As used in this chapter, unless the context or subject matter otherwise requires:

1. "Employment agent" or "employment agency" means any person, firm, corporation, or association in this state engaged for hire or compensation in the business of furnishing:
 - a. Persons seeking employment or changing employment, with information or other service enabling or tending to enable such persons to procure employment, by or with employers, other than such employment agent; or
 - b. Furnishing any other person, firm, corporation, or association who may be seeking to employ or may be in the market for help of any kind, with information enabling or tending to enable such other person, firm, corporation, or association to procure such help.

The term "employment agent" or "employment agency" shall not include any person, firm, corporation, or association employing individuals to render part-time or temporary services to or for a third person, if the person, firm, corporation, or association employing the individuals, in addition to wages or salaries, pays social security and unemployment insurance taxes, provides workmen's compensation coverage, and is responsible for the acts of the employees while rendering services to or for a third person.

2. "Employer" means any person, firm, corporation, or association employing or seeking to enter into an arrangement to employ any person through the medium or service of an employment agent.
3. "Employee" means any person, whether employed or unemployed, seeking or entering into any arrangement for employment or change of employment through the medium of service of an employment agent.
4. "Commissioner" means the commissioner of labor.

Approved March 31, 1977

CHAPTER 307

SENATE BILL NO. 2043
(Legislative Council)
(Interim Committee on Industry, Business & Labor "C")

EMPLOYMENT AGENCY LICENSE FEE AND BOND

AN ACT to amend and reenact sections 34-13-04 and 34-13-05 of the North Dakota Century Code, relating to the licensing fees and bonds required of employment agencies.

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

SECTION 1. AMENDMENT.) Section 34-13-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-13-04. LICENSE - FEES.) All such licenses shall be issued for a period of one year only, and the annual fees shall be paid to the commissioner who shall promptly deliver them to the state treasurer, who shall deposit all such moneys in the general fund. The annual fee for such a license shall be two hundred dollars.

SECTION 2. AMENDMENT.) Section 34-13-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-13-05. APPLICANTS TO FURNISH BONDS.) Every application for a license shall be accompanied by a bond in the penal sum of five thousand dollars, with one or more sureties or a duly authorized surety company, to be approved by the commissioner and filed in his office, conditioned that the agent will conform to and not violate any of the terms or requirements of this chapter or violate the covenants of any contract made by such agent in the conduct of said business. Action on this bond may be brought by and prosecuted in the name of any person damaged by any breach or any condition thereof, and successive actions may be maintained thereon.

Approved March 12, 1977

CHAPTER 308

SENATE BILL NO. 2041
(Legislative Council)

(Interim Committee on Industry, Business & Labor "C")

PAYMENT OF WAGES TO SEPARATED EMPLOYEES

AN ACT to amend and reenact section 34-14-03 of the North Dakota Century Code, relating to the payment of wages of employees who have been separated from employment.

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

SECTION 1. AMENDMENT.) Section 34-14-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-14-03. EMPLOYEES WHO ARE SEPARATED FROM PAYROLL BEFORE
PAYDAYS.)

1. Whenever an employer discharges or terminates an employee, the unpaid wages or compensation of that employee shall become due immediately, and the employer shall pay those wages to the employee within twenty-four hours of the time of separation at the employer's place of business, or shall pay those wages within fifteen days or at the next regular pay period, whichever occurs first, by certified mail at an address designated by the employee. If the employer fails to pay such wages within the stated time, the employee may charge and collect wages in the sum agreed upon in the contract of employment for each day his employer is in default until he has paid in full, without rendering any service therefor, except the employee shall cease to draw wages or salary thirty days after such default.
2. Whenever an employee, not having a written employment contract for a definite period, quits or resigns his employment, the wages or compensation earned shall become due and payable not later than the next regular stated payday.
3. In the event of the suspension of work as the result of an industrial dispute, the wages and compensation earned and unpaid at the time of said suspension shall become due and payable at

the next regular payday, as provided in section 34-14-02, including, without abatement or reduction, all amounts due all persons whose work has been suspended as a result of such industrial dispute, together with any deposit or other guaranty held by the employer for the faithful performance of the employee's duties.

Approved March 12, 1977