

# LABOR AND EMPLOYMENT

## CHAPTER 409

HOUSE BILL NO. 1560  
(Ulmer, Stofferahn)

### NONUNION EMPLOYEE REPRESENTATION EXPENSES

AN ACT to create and enact a new section to chapter 34-01 of the North Dakota Century Code, relating to assessment by a labor union or labor organization of actual representation expenses from nonunion employees.

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

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

Collection of actual representation expenses from nonunion employees. As used in this section, "actual representation expenses" are only those actual expenses which are sustained by a labor union or labor organization in processing any grievance of a nonunion employee. For grievances arising from actions occurring while an employee was a member of a bargaining unit of a management entity with which a labor union or labor organization has a contract, but while that employee was not a member of that union or organization, that labor union or labor organization shall collect actual representation expenses from that nonunion employee. Actual representation expenses may be assessed only in instances in which a nonunion employee has specifically requested in writing to use representation by the labor union or labor organization. A nonunion employee may not be compelled to pay any expenses incurred by a labor union or labor organization in the course of general contract negotiations or collective bargaining. An assessment under this section is not an abridgement of any rights guaranteed under section 34-01-14. This section does not abridge or in any way interfere with rights guaranteed employees generally under the Labor Management Reporting and Disclosure Act of 1959 [29 U.S.C. 401 et seq.].

Approved April 7, 1987  
Filed April 9, 1987

**CHAPTER 410**

**HOUSE BILL NO. 1612**  
**(Oban, J. DeMers)**

**MARITAL STATUS IN STATE EMPLOYMENT**

AN ACT to create and enact a new section to chapter 34-11.1 of the North Dakota Century Code, relating to rights of state employees to employment with their spouses.

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

SECTION 1. A new section to chapter 34-11.1 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

**Discrimination on basis of marital status in state employment prohibited - Exception.** Each state employee is, if otherwise qualified, entitled to work with that state employee's spouse. A state agency may not discriminate against an employee or an applicant for employment, with respect to working conditions, work place assignment, or other privileges of employment, merely because the spouse of that employee or applicant is also an employee of that state agency. However, the prohibition does not apply to employment of the spouse of a person who has the power to hire or fire, or to make evaluations of performance, with respect to the position involved.

Approved March 12, 1987  
Filed March 16, 1987