

LABOR AND EMPLOYMENT

CHAPTER 334

SENATE BILL NO. 2104

(Senators Redlin, Nothing)

LABOR COMMISSIONER APPOINTED OFFICE

AN ACT to amend and reenact sections 16.1-11-08, 34-05-01.2, and subsection 2 of section 54-06-01 of the North Dakota Century Code, relating to the appointment of the labor commissioner by the governor; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-11-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain offices. No reference may be made to a party ballot or to the party affiliation of a candidate in a petition and affidavit filed by or on behalf of a candidate for nomination in the primary election to an elective county office, the office of judge of the supreme court, judge of the district court, ~~commissioner of labor~~, or superintendent of public instruction.

SECTION 2. AMENDMENT. Section 34-05-01.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-05-01.2. ~~Department Labor commissioner to administer department of labor to be administered by commissioner of labor. The Beginning January 1, 1999, the governor shall appoint a labor commissioner to administer the department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is forty-nine thousand nine hundred dollars through June 30, 1992, and fifty-one thousand two hundred seventy-two dollars thereafter. The labor commissioner shall serve at the pleasure of the governor.~~

SECTION 3. AMENDMENT. Subsection 2 of section 54-06-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Elected and elective state officers" includes the governor, the lieutenant governor, the attorney general, the secretary of state, the state auditor, the state treasurer, the superintendent of public instruction, the commissioner of agriculture, ~~the commissioner of labor~~, the commissioner of insurance, the tax commissioner, and three public service commissioners.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on January 1, 1999, or upon the effective date of a vacancy of the office of commissioner of labor if before January 1, 1999. Notwithstanding section 34-05-01.2, no commissioner of labor may be elected in 1998.

Approved April 4, 1995

Filed April 4, 1995

CHAPTER 335

HOUSE BILL NO. 1254

(Representative Austin)

LABOR COMMISSIONER WAGE STANDARDS,
EMPLOYMENT, AND INVESTIGATIONS

AN ACT to amend and reenact subsection 3 of section 34-06-03, subsection 3 of section 34-06-05, and section 34-06-09 of the North Dakota Century Code, relating to minimum wage standards adopted by the commissioner of labor, illegal employment under certain conditions, and investigations by the commissioner of labor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 34-06-03 of the North Dakota Century Code is amended and reenacted as follows:

- Standards of minimum wages for employees in any occupation in this state ~~and what wages are inadequate to supply the necessary cost of living to any such employees and to maintain them in good health.~~

SECTION 2. AMENDMENT. Subsection 3 of section 34-06-05 of the North Dakota Century Code is amended and reenacted as follows:

- Employees for wages which are ~~inadequate to supply the necessary cost of living and to maintain them in good health~~ less than the state minimum wage.

SECTION 3. AMENDMENT. Section 34-06-09 of the North Dakota Century Code is amended and reenacted as follows:

34-06-09. Conference to consider investigation by commissioner - Members, quorum, report. If, after ~~he has~~ having investigated the matter, the commissioner is of the opinion that any substantial number of employees in any ~~occupation industry~~ are working for unreasonably long hours; ~~or are working under surroundings or conditions detrimental to their health or morals, or are receiving wages inadequate to supply them with the necessary cost of living and to maintain them in good health;~~ he the commissioner may call a conference for the purpose of considering and reporting on such subject as may be submitted to it. The conference must be composed of not more than three representatives of the employers in ~~said occupation~~ that industry, of an equal number of the representatives of the employees in ~~said occupation that industry~~, of not more than three disinterested persons representing the public, and of the commissioner or ~~his~~ the commissioner's representative. The commissioner shall name and appoint all the members of such conference ~~and shall designate the chairman thereof.~~ Two-thirds of the members of any such conference constitute a quorum. The commissioner shall present to such conference all information and evidence in ~~his the commissioner's~~ possession or under the control of ~~his~~ the department of labor which relates to the subject of the inquiry and shall cause to be brought before such conference any witness whose testimony ~~he the commissioner~~ deems material thereto. After completing its consideration of any inquiry submitted to it by the commissioner, such conference

shall make and transmit to the commissioner a report containing its findings and recommendations on the subject.

Approved March 31, 1995

Filed March 31, 1995

CHAPTER 336**HOUSE BILL NO. 1269**

(Representative Poolman)
(Senator Langley)

LABOR CONFERENCE REPORT NOTICES

AN ACT to amend and reenact section 34-06-11 of the North Dakota Century Code, relating to posting of notices by the commissioner of labor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-06-11 of the North Dakota Century Code is amended and reenacted as follows:

34-06-11. Consideration of report by commissioner - Hearing upon approval. Upon the receipt of any report from any conference held as provided in section 34-06-09, the commissioner shall consider and review the recommendations contained in the report, and he may approve or disapprove any of such recommendations. The commissioner may resubmit to the same conference or to any new conference any subject covered by any recommendations which he the commissioner has disapproved. ~~If the commissioner approves any recommendations contained in any such report, he shall publish a notice in at least two newspapers of general circulation in this state at least once each week for four successive weeks stating that a public hearing will be had thereon and specifying the date and place thereof and that all persons in favor of or opposed to the recommendations may appear and be heard.~~

Approved March 24, 1995
Filed March 27, 1995

CHAPTER 337**HOUSE BILL NO. 1188**
(Representative Clark)**LABOR COMMISSIONER HOURS ORDERS**

AN ACT to amend and reenact section 34-06-12 of the North Dakota Century Code, relating to orders issued by the commissioner of labor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-06-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-06-12. Order issued by commissioner - Effective date - Posting. After the hearing provided for in section 34-06-11 has been held, the commissioner may make and render such order as may be necessary and proper to adopt such recommendations and to carry the same into effect and to require all employers in the occupation affected thereby to observe and comply with such recommendations and order. The order made by the commissioner becomes effective on the sixtieth day following its rendition. After the order has become effective, no employer may violate or disregard the terms or provisions thereof or employ any employee in any occupation covered thereby for longer hours or under different conditions or at a lower wage scale than are authorized therein. All effective orders must be reviewed annually. A copy of such order must be mailed by the commissioner to every employer affected thereby, and each such employer shall keep a copy of the order posted in a conspicuous place in a commonly frequented area of the employer's establishment in which employees work. ~~No order of the commissioner may permit the employment of any employee for more hours per day or week than the maximum fixed by this chapter.~~

Approved March 7, 1995
Filed March 7, 1995

CHAPTER 338

SENATE BILL NO. 2252

(Senators Holmberg, Nalewaja)

DISCRIMINATORY EMPLOYMENT PRACTICES

AN ACT to amend and reenact section 34-06.1-03 of the North Dakota Century Code, relating to the prohibition of discriminatory employment practices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

34-06.1-03. Prohibition of discrimination. No employer may discriminate between employees in the same establishment on the basis of ~~sex~~ gender, by paying wages to any employee in any occupation in this state at a rate less than the rate at which ~~he~~ the employer pays any employee of the opposite ~~sex~~ gender for comparable work on jobs which have comparable requirements relating to skill, effort, and responsibility; ~~but not to physical strength~~. Differentials ~~which that~~ are paid pursuant to established seniority systems, job descriptive systems, merit increase systems, or executive training programs, and which do not discriminate on the basis of ~~sex~~ gender, are not within this prohibition. An employer who is paying a wage differential in violation of this chapter may not, in order to comply with ~~it~~ this chapter, reduce the wage rates of any employee. No person may cause or attempt to cause an employer to discriminate against any employee in violation of this chapter. No employer may discharge or discriminate against any employee by reason of any action taken by ~~such~~ the employee to invoke or assist in any manner the enforcement of this chapter, except when proven that the act of ~~such~~ the employee is fraudulent.

Approved March 10, 1995

Filed March 13, 1995

CHAPTER 339**HOUSE BILL NO. 1388**

(Representatives Boehm, Coats, Monson)

SCHOOL-TO-WORK PROGRAM EXEMPTION

AN ACT to amend and reenact sections 34-07-02 and 34-07-15 of the North Dakota Century Code, relating to exempting school-to-work programs from child labor laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-07-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-07-02. Certificate of employment required - Inspection - List of minors employed to be kept. No minor fourteen or fifteen years of age may be employed or permitted to work in any occupation except a school-to-work transition program approved by the commissioner of labor at the request of the North Dakota school-to-work transition team, farm labor, domestic service, or in the employment of, and under the direct supervision of, the minor's parent or guardian unless the minor has graduated from high school or is exempt from compulsory school attendance or, unless the minor has an employment certificate signed by the minor's parent or guardian in accordance with the provisions of this chapter. Any person, firm, corporation, or limited liability company employing a minor must keep on file a completed employment certificate, for each minor, as provided in this chapter. The employment certificate must be accessible to inspection by the principal of the school which the minor attends, a principal in the municipality in which the minor resides, or the commissioner of labor or the commissioner's agent or representative.

SECTION 2. AMENDMENT. Section 34-07-15 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-07-15. Maximum hours of labor of minors fourteen or fifteen years of age - Notice to be posted. No minor fourteen or fifteen years of age may be employed or permitted to work at any occupation, except in a school-to-work transition program approved by the commissioner of labor at the request of the North Dakota school-to-work transition team, domestic services and at farm labor, before the hour of seven a.m. nor after the hour of seven p.m., except that such hours are seven a.m. to nine p.m. from June first through labor day, nor more than eighteen hours during schoolweeks, nor more than three hours on schooldays, nor more than forty hours during nonschoolweeks, nor more than eight hours on nonschooldays. A schoolweek is considered to be any week Monday through Sunday in which a youth is required to be in attendance, for any period of time, four or more days. Provided, however, that the limitations restricting hours of work during schoolweeks and schooldays do 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 must be furnished by the commissioner of labor. The employment of any minor for a longer period than that stated in the notice is a violation of this chapter.

Approved March 27, 1995

Filed March 28, 1995

CHAPTER 340**SENATE BILL NO. 2433**

(Senators Krebsbach, Solberg)
(Representative Poolman)

UNFAIR LABOR PRACTICES

AN ACT to amend and reenact section 34-12-03 of the North Dakota Century Code, relating to unfair labor practices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-12-03 of the North Dakota Century Code is amended and reenacted as follows:

34-12-03. Unfair labor practices.

1. It is an unfair labor practice for any employer:
 - a. To interfere with, restrain, or coerce employees in the exercise of the ~~right~~ rights guaranteed in section 34-12-02.
 - b. To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it. This may not be construed to prohibit an employer from conferring with employees or their bona fide representatives and including, but not by way of limitation, explaining the position of management in connection with the problems of the employer during working hours without the loss of pay.
 - c. By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.
 - d. To discharge or otherwise discriminate against an employee because ~~he~~ the employee has filed charges or given testimony under this chapter.
 - e. To refuse to bargain collectively with the representatives of ~~his~~ the employer's employees, subject to ~~the provisions~~ of section 34-12-02.
2. It is an unfair labor practice for a labor organization or its agents:
 - a. To restrain or coerce employees in the exercise of rights guaranteed in section 34-12-02, provided that a labor organization may prescribe its own rules for the acquisition and maintenance of membership in said labor organization.
 - b. To cause or attempt to cause an employer to discriminate or restrain or coerce employees in the exercise of rights set forth in section 34-12-02.

- c. To restrain or coerce an employer in the selection of ~~his~~ the employer's representatives or to refuse to bargain with an employer if the labor organization or its agent is the representative of ~~his~~ the employer's employees.
 - d. To force or attempt to force an employer or self-employed person to join any organization.
 - e. To engage in, or to induce or encourage any employee to engage in, a strike or a refusal in the course of ~~his~~ the employee's employment to use or work on any goods, articles, materials or commodities, or to perform any services, or to threaten, coerce or restrain any person for the purpose of forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any employer to recognize or bargain with a labor organization as the representative of ~~his~~ the employer's employees unless ~~such~~ the labor organization has been certified as the representative of ~~his~~ the employer's employees under the provisions of section 34-12-05; but nothing in this subsection may be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing, and nothing contained in this subsection may be construed to make unlawful a refusal by any person to enter upon the premises of any employer, other than ~~his~~ the person's own employer, if the employees of ~~such~~ the other employer are engaged in a lawful strike.
 - f. To require of employees as a condition for membership the payment of fees found by the commissioner to be excessive or discriminatory.
 - g. To cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.
 - h. To make, circulate, or cause to be circulated, a black list.
 - i. To coerce or intimidate an employee in the enjoyment of ~~his~~ the employee's legal rights, or to intimidate ~~his~~ the employee's family or any member thereof, picket ~~his~~ the employee's domicile, or injure the person or property of ~~such~~ the employee or ~~his~~ the employee's family or of any member thereof.
 - j. To hinder or prevent by unlawful picketing, threats, intimidation, force, or coercion of any kind, the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or egress from any place of employment, or to obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or conveyance.
3. It is unfair labor practice for a person:
- a. To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 34-12-02.

- b. To coerce or intimidate an employee in the enjoyment of the employee's legal rights, or to intimidate the employee's family or any member thereof, picket the employee's domicile, or injure the person or property of the employee, the employee's family, or any member thereof.
- c. To hinder or prevent by unlawful picketing, threats, intimidation, force, or coercion of any kind, the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or exit from any place of employment, or to obstruct or interfere with free and uninterrupted use of entrances, public roads, streets, highways, railways, airports, or other ways of travel or conveyance.
4. The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, ~~shall~~ is not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if such the expression contains no threat of reprisal or force or promise of benefit.

Approved March 24, 1995

Filed March 27, 1995

CHAPTER 341**HOUSE BILL NO. 1469**
(Representative Clark)**EMPLOYMENT AGENCY LICENSING AND
CONTRACTS**

AN ACT to amend and reenact sections 34-13-03, 34-13-06, 34-13-12, 34-13-13, and 34-13-13.1 of the North Dakota Century Code, relating to license issuance and revocation for employment agents, form and contents of licenses for employment agencies, schedule of charges posted on receipts given by employment agencies, contracts with applicants for employment, and definitions of temporary and permanent employment for the purpose of a service charge refund; and to repeal sections 34-13-11 and 34-13-14 of the North Dakota Century Code, relating to classes of employment agency licenses and the licensing of theatrical agencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-13-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-13-03. License application - Schedule of fees - License issuance and revocation. ~~On or before July first of each year~~ Annually, every applicant for a license shall file with the commissioner a written application stating the name and address of the applicant, ~~the kind of license desired~~, the street and number of the building in which the employment agency is to be maintained, the name of the person who is to have the general management of the office, the name under which the business of the office is to be carried on, whether or not the applicant is pecuniarily interested in any other business of a like nature, and if so, where. Such application must also state whether the applicant is the only person pecuniarily interested in the business to be carried on under the license, and must be signed by the applicant and sworn to before a notary public. If the applicant is a corporation, the application must state the names and addresses of the officers and directors of the corporation, and must be signed and sworn to by the president and treasurer thereof. If the applicant is a limited liability company, the application must state the names and addresses of the managers and governors of the limited liability company and must be signed and sworn to by the president and treasurer thereof. If the applicant is a partnership, the application must also state the names and addresses of all partners therein, and must be signed and sworn to by all of them. The application must also state whether or not the applicant is, at the time of making application, or has at any previous time been, engaged or interested in, or employed by anyone engaged in, the business of conducting an employment agency, either in this state or any other, and if so, when and where. The application must also give as reference the names and addresses of at least three persons of reputed business or professional integrity, located ~~in within the city or town where such applicant intends to conduct his business~~ state. Every applicant for a license to engage in the business of an employment agent shall, at the time of making application for said license, file with the commissioner a schedule of the fees or charges to be collected by such employment agent for any services rendered, together with all rules and regulations that may in any way affect the fees charged or to be charged for any service. Such fees and such rules or regulations may thereafter be changed by filing an amended or supplemental schedule showing such charges, with the commissioner. It is

unlawful for any employment agent to charge, demand, collect, or receive a greater compensation for any service performed by him than is specified in such schedule filed with the commissioner.

~~It is the duty of the The commissioner; and he has the power, jurisdiction, and authority to may issue licenses a license to an employment agents; agent and to refuse to issue such a license whenever if, after due investigation, he the commissioner finds that the character of the applicant makes him the applicant unfit to be an employment agent, or when the premises for conducting the business of an employment agent are found upon investigation to be unfit for such use. Any such license granted by the The commissioner may also be revoked by him revoke a license upon due notice to the holder of said the license, and upon due cause shown. Failure to comply with the duties, terms, conditions, or provisions of this chapter, or any lawful orders of the commissioner is deemed due cause to revoke such a license.~~

SECTION 2. AMENDMENT. Section 34-13-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-13-06. Form and contents of license. After an application for a license has been granted, a license must be issued to the applicant which must state the name of the employment agent, and, if a corporation, the names of the officers, if a limited liability company, the names of the managers, if a partnership, the names of the partners, the location of the office where the business is to be conducted, and the name of the person who is to be charged with the general management of the business. The license must also be numbered and dated ~~and state whether it is a class one, class two, or class three license, as provided in section 34-13-11.~~

SECTION 3. AMENDMENT. Section 34-13-12 of the North Dakota Century Code is amended and reenacted as follows:

34-13-12. Schedule of charges posted and printed on receipts - Sections of law posted - Information given to applicant for employment. Every employment agent ~~licensed under a class one license possessing a valid license~~ shall post in a conspicuous place in ~~every a~~ room used for business purposes in the employment office ~~conducted by him, and shall have printed on the back of every receipt given and which is open to the public,~~ a schedule showing the amount of the service charges to be made to either employees, employers, or both. ~~In no case may the The amount collected may not exceed the schedule of charges so indicated.~~

Every ~~A licensed~~ employment agent ~~licensed under a class one license~~ shall post in a conspicuous place in ~~every a~~ room used for business purposes in the employment office ~~conducted by him,~~ a copy of sections 34-13-12 and 34-13-15, ~~to be furnished the employment agent provided~~ by the commissioner.

No employment agent holding a ~~class one~~ license may direct any applicant to apply for employment at any place outside of the office of such employment agent without first giving to such applicant, in written form, the name and address of the employment agent, the name of the applicant, the name and address of the person to whom the applicant is referred, and the kind of employment supposed to be obtainable at such place. Nothing herein may be construed to prohibit an employment agent from directing an applicant by telephone to apply for employment, but such telephone message must be confirmed in writing by the employment agent within twenty-four hours after the telephone conversation, and a carbon copy of such confirmation must be kept on file at the place of business of the employment agent for a period of one year.

SECTION 4. AMENDMENT. Section 34-13-13 of the North Dakota Century Code is amended and reenacted as follows:

34-13-13. Contract with applicant for employment. Every licensed employment agent ~~licensed under a class two license~~ shall contract, in writing, with every applicant for employment for services to be rendered to the applicant by the employment agent, which contract must contain the date, the name and address of the employment agency, the name of the employment agent, the service charge to be made to the applicant, and the time and method of payments, and, on either the face or back of the contract, must appear the definition of "accept", "method of payment", ~~"temporary position"~~, and "charge for permanent position which ~~proves to be temporary~~ ends within ninety calendar days".

SECTION 5. AMENDMENT. Section 34-13-13.1 of the North Dakota Century Code is amended and reenacted as follows:

34-13-13.1. "Temporary employment" and "permanent employment" defined - Service charge refund - Class one and class two licensees' contracts Contracts and fees approved by commissioner - Cause of action by employee.

- ~~1.~~ 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.~~ 1. If an employment position terminates or the employee is otherwise released ~~fired or laid off~~ before the end of the temporary employment period ninety calendar days, 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. If the employee quits the job voluntarily, the refund does not apply. 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.~~ 2. 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 is valid without the commissioner's approval. In approving or disapproving such contracts and fees, the commissioner shall issue a written determination. This determination is subject to review and appeal under chapter 28-32.
- ~~4.~~ 3. This section does not apply to contracts wherein the service charge does not exceed one hundred dollars.
- ~~5.~~ 4. Any employee who is damaged by a violation of this section is entitled to receive from the licensee the entire amount of service charges he has paid the licensee.

SECTION 6. REPEAL. Sections 34-13-11 and 34-13-14 of the North Dakota Century Code are repealed.

Approved March 28, 1995
 Filed March 28, 1995

CHAPTER 342**HOUSE BILL NO. 1083**

(Representatives Gorder, Svedjan)

(At the request of the Department of Human Services)

WAGE PAYMENTS BY EMPLOYERS

AN ACT to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the time of payment of wages by employers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-14-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-14-02. ~~Semimonthly or agreed~~ Agreed payday - Direct deposit. Every employer shall pay all wages due to his employees ~~at least twice each calendar month, or at least once each calendar month~~ on regular agreed paydays designated in advance by the employer, in lawful money of the United States or with checks on banks convenient to the place of employment. If an employee participates in a direct deposit program, that employee's employer shall deposit the employee's wages into the financial institution of the employee's choice. An employer may not require an employee to directly deposit the employee's wages into a financial institution.

Approved March 31, 1995

Filed March 31, 1995

CHAPTER 343

HOUSE BILL NO. 1235
(Representatives Keiser, Tollefson)

WAGE PAYMENTS TO SEPARATED EMPLOYEES

AN ACT to amend and reenact subsection 1 of section 34-14-03 of the North Dakota Century Code, relating to employees who are separated from payroll before payday.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 34-14-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Whenever an employer discharges or terminates an employee, the unpaid wages or compensation of that employee 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~~ the 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~~ the employer is in default until ~~he~~ the employer has paid in full, without rendering any service therefor, except the employee shall cease to draw wages or salary thirty days after such default.

Approved March 31, 1995

Filed March 31, 1995

CHAPTER 344

HOUSE BILL NO. 1279

(Representatives Kelsch, Austin, Carlson, Stenehjerm)

(Senators Krebsbach, Traynor)

WAGE AND COLLECTION RECIPROCAL
AGREEMENTS

AN ACT to amend and reenact sections 34-14-11, 34-14-12, and 34-14-13 of the North Dakota Century Code, relating to reciprocal agreements between states for collection of wages and collection actions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-14-11 of the North Dakota Century Code is amended and reenacted as follows:

34-14-11. **Reciprocal agreements for collection of wages.** The commissioner of labor may enter into reciprocal agreements with the labor department or corresponding agency of any other state, nation, or country or with the person, board, officer, or commission authorized to act for and on behalf of such the department or agency, for the collection in such the other state, nation, or country of claims or judgments for wages and other demands based upon claims previously assigned to the department of labor.

SECTION 2. AMENDMENT. Section 34-14-12 of the North Dakota Century Code is amended and reenacted as follows:

34-14-12. **Actions in other states, nations, or countries for collection of claims - Assignments for collection.** The department of labor may, to the extent provided for by any reciprocal agreement entered into pursuant to section 34-14-11, or by the laws of any other state, nation, or country, maintain actions in the courts of such the other state, nation, or country for the collection of such claims for wages, judgments, and other demands and may assign such the claims, judgments, and demands to the labor department or agency of such the other state, nation, or country for collection to the extent that the same may be permitted or provided for by the laws of such the state, nation, or country or by reciprocal agreement.

SECTION 3. AMENDMENT. Section 34-14-13 of the North Dakota Century Code is amended and reenacted as follows:

34-14-13. **Claims assigned by other states, nations, or countries - Actions - Collection.** The department of labor may, upon the written request of the labor department or other corresponding agency of any other state, nation, or country or of any person, board, officer, or commission of such the state, nation, or country authorized to act for and on behalf of such the labor department or corresponding agency, maintain actions in the courts of this state upon assigned claims for wages, judgments, and demands arising in such the other state, nation, or country in the same manner and to the same extent that such the actions by the department of

labor are authorized when arising in this state; provided, however, that ~~such~~ the actions may be commenced and maintained only in those cases where ~~such~~ the other state, nation, or country by appropriate legislation or by reciprocal agreement extends a like comity to cases arising in this state.

Approved March 24, 1995

Filed March 27, 1995