

LABOR AND EMPLOYMENT

CHAPTER 308

HOUSE BILL NO. 1096

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

EMPLOYER PAYMENT FOR DRUG TESTS

AN ACT to amend and reenact section 34-01-15 of the North Dakota Century Code, relating to employer payment for required drug tests.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-01-15 of the North Dakota Century Code is amended and reenacted as follows:

34-01-15. Employer to pay for medical examination - Penalty for violation. Whenever ~~any~~ an employer requires an employee, or prospective employee, to take a medical examination, or furnish any medical records, as a condition of retaining or obtaining employment, ~~such~~ the employer shall bear the cost of ~~such~~ the examination or the furnishing of ~~such~~ the medical records. ~~Any~~ For purposes of this section, medical examination includes any test for the presence of drugs or alcohol. An employer violating any of the provisions of this section is guilty of an infraction.

Approved March 8, 1999
Filed March 8, 1999

CHAPTER 309

HOUSE BILL NO. 1094

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

LABOR RETALIATION COMPLAINT FILING

AN ACT to amend and reenact subsection 4 of section 34-01-20 of the North Dakota Century Code, relating to the time within which to file retaliation complaints with the department of labor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 34-01-20 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. The department of labor may receive complaints of violations of this section and attempt to obtain voluntary compliance with this section through informal advice, negotiation, or conciliation. In order to receive assistance from the department of labor, a person claiming to be aggrieved by a violation of this section must file a complaint with the department within three hundred days after the alleged act of wrongdoing. An employee is not prohibited from filing, or required to file, a complaint with the department of labor under this subsection before proceeding under other provisions of this section.

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CHAPTER 310

HOUSE BILL NO. 1097

(Education Committee)

(At the request of the Department of Labor)

MINOR EMPLOYMENT AND COMPULSORY SCHOOL ATTENDANCE

AN ACT to amend and reenact sections 34-07-02 and 34-07-15 of the North Dakota Century Code, relating to employment of minors and compulsory school attendance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-07-02 of the 1997 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~~ A minor fourteen or fifteen years of age may not be employed or permitted to work in any occupation except 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 under subsection 2, 3, or 4 of section 15-34.1-03 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 1997 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~~ A minor fourteen or fifteen years of age may not be employed or permitted to work at any occupation, except in domestic services and at farm labor, before the hour of seven a.m. nor after the hour of seven p.m., except that these 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~~ subsection 2, 3, or 4 of section 15-34.1-03. 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 the 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.

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Filed March 8, 1999

CHAPTER 311

HOUSE BILL NO. 1095

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

EMPLOYMENT AGENCY BOND REQUIREMENTS

AN ACT to amend and reenact section 34-13-07 of the North Dakota Century Code, relating to bond requirements to renew employment agency licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-13-07 of the North Dakota Century Code is amended and reenacted as follows:

34-13-07. Duration of license. Every license, unless previously revoked, remains in force until one year after its issue, and every employment agent shall, upon payment of the amount of the license fee required and the filing of a new bond or an authenticated certificate continuing a bond previously approved by the commissioner, have issued to it a license for the ensuing year, unless the commissioner refuses to do so for any of the reasons stated in this chapter.

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