

HOUSE BILL NO. 1183

Introduced by

Industry, Business and Labor Committee

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact section 34-14-03 of the North Dakota Century Code,
2 relating to wages payable upon separation from employment.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 34-14-03 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **34-14-03. Employees who are separated from payroll before paydays.**

7 ~~1.~~ Whenever an employee is discharged or terminated from employment by an
8 employer, separates from employment voluntarily, or is suspended from work as
9 the result of an industrial dispute, the employee's unpaid wages or compensation
10 becomes due and payable at the regular paydays established in advance by the
11 employer for the periods worked by the employee. When an employer discharges
12 or terminates an employee, the unpaid wages or compensation of that employee
13 become due immediately, and the employer shall pay those wages to the
14 employee within fifteen days or at the next regular pay period, whichever occurs
15 first, by certified mail at an address designated by the employee or as otherwise
16 agreed upon by both parties. If the employer fails to pay the wages within the
17 stated time, the employee may charge and collect wages in the sum agreed upon
18 in the contract of employment for each day the employer is in default until the
19 employer has paid in full, without rendering any service therefor, except the
20 employee shall cease to draw wages or salary thirty days after such default.

21 ~~2.~~ ~~Whenever an employee, not having a written employment contract for a definite~~
22 ~~period, quits or resigns his employment, the wages or compensation earned~~
23 ~~become due and payable not later than the next regular stated payday.~~

- 1 3. ~~In the event of the suspension of work as the result of an industrial dispute, the~~
2 ~~wages and compensation earned and unpaid at the time of said suspension~~
3 ~~become due and payable at the next regular payday, as provided in section~~
4 ~~34-14-02, including, without abatement or reduction, all amounts due all persons~~
5 ~~whose work has been suspended as a result of such industrial dispute, together~~
6 ~~with any deposit or other guaranty held by the employer for the faithful~~
7 ~~performance of the employee's duties.~~