

98129.0000

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the the Labor Commissioner)

1 A BILL for an Act to amend and reenact section 34-14-09 of the North Dakota Century Code,
2 relating to employees' remedies and the limitations on wages collectible.

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

4 **SECTION 1. AMENDMENT.** Section 34-14-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **34-14-09. Employees' remedies - Limitation on wages collectible.** An employee
7 may file a claim for wages due under this chapter or under chapter 34-06 with the department
8 not later than two years from the date the wages are due. For purposes of this section, wages
9 are due at each regular payday immediately following the work period during which wages were
10 earned. If a claim for wages is first filed with the department, the period of limitation for bringing
11 an action in the district court is ninety days from the date the department issues a written notice
12 to the employee that action on the complaint is concluded. Whenever the labor commissioner
13 determines that wages have not been paid and that the unpaid wages constitute an enforceable
14 claim, the commissioner, upon request of the employee, may take an assignment in trust for the
15 wages or a claim for liquidated damages in amounts the commissioner deems valid and
16 enforceable without being bound by any of the technical rules respecting the validity of any
17 assignments and may bring any legal action necessary to collect the claim. The limitation of
18 action under section 34-01-13 is tolled by the filing of a claim with the commissioner until the
19 commissioner determines the claim is not enforceable or the commissioner reassigns the claim
20 to the employee. With the consent of the assigning employee at the time of the assignment, the
21 commissioner may settle and adjust the claim to the same extent as the assigning employee.