

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1202**

Introduced by

Representatives Ruby, Rick C. Becker, Kasper, Louser

Senators Campbell, Hogue, Laffen

1 A BILL for an Act to amend and reenact section 34-14-09.2 of the North Dakota Century Code,
2 relating to withholding of awarded paid time off; and to provide for application.

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

4 **SECTION 1. AMENDMENT.** Section 34-14-09.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **34-14-09.2. Limitations on accrued paid time off - Investigation-**

7 1. If an employee separates from employment voluntarily, a private employer may
8 withhold payment for accrued paid time off if:

9 a. At the time of hiring, the employer provided the employee written notice of the
10 limitation on payment of accrued paid time off;

11 b. The employee has been employed by the employer for less than one year; and

12 c. The employee gave the employer less than five days' written or verbal notice.

13 2. If an employee separates from employment, a private employer may withhold payment
14 for paid time off if:

15 a. The paid time off was awarded by the employer but not yet earned by the
16 employee; and

17 b. Before awarding the paid time off, the employer provided the employee written
18 notice of the limitation on payment of awarded paid time off.

19 3. As provided under section 34-14-05, an employee may report a violation under this
20 section. If a report of violation is made within thirty days of the alleged violation, the
21 labor commissioner shall investigate the merits of the claim. If a report is made more
22 than thirty days following the alleged violation, the commissioner may investigate the
23 merits of the claim.

- 1 **SECTION 2. APPLICATION.** This Act applies to separations from employment which occur
- 2 on or after the effective date of this Act.