LABOR AND EMPLOYMENT

CHAPTER 249

SENATE BILL NO. 2138

(Senators Hogue, Nodland, Larsen)
(Representatives Bellew, Damschen, Headland)

AN ACT to create and enact a new section to chapter 34-14 of the North Dakota Century Code, relating to employer's payment of accrued paid time off.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 34-14 of the North Dakota Century Code is created and enacted as follows:

Limitations on accrued paid time off - Investigation.

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

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

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

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

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

Approved April 26, 2011
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