Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1202
(Representatives Ruby, Rick C. Becker, Kasper, Louser)
(Senators Campbell, Hogue, Laffen)

AN ACT to amend and reenact section 34-14-09.2 of the North Dakota Century Code, relating to withholding of awarded paid time off; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

34-14-09.2. 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. <u>If an employee separates from employment, a private employer may withhold payment for paid time off if:</u>

   <u>a. The paid time off was awarded by the employer but not yet earned by the employee; and</u>

   <u>b. Before awarding the paid time off, the employer provided the employee written notice of the limitation on payment of awarded paid time off.</u>

3. 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.

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

Wesley R. Belter
Speaker of the House

President of the Senate

Bull J. Reich
Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1202.

House Vote:	Yeas 92	Nays 0	Absent 2
Senate Vote:	Yeas 46	Nays 0	Absent 1

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 10:44 A.M. on April 8, 2015.

Approved at 3:47 P.M. on April 9, 2015.

Jack Dalrymple
Governor

Filed in this office this 9th day of April, 2015,

at 4:37 o'clock P M.

Secretary of State