

● WAGE COLLECTION LAW

STATUTORY CITATION: N.D. Cent. Code §§ 34-14-01 – 34-14-13

GENERAL SUMMARY: North Dakota's wage collection law, applicable to all classes of employment in the state, regulates paydays, medium of pay, the payment of final wages, and withholding.

SPECIFIC TERMS AND CONDITIONS

PAYDAYS — Every employer must pay employees' wages at least once each calendar month, on regular paydays designated in advance by the employer.

MEDIUM OF PAY — Wages must be paid (1) in lawful U.S. currency, (2) by check, written on a bank convenient to the place of employment, (3) by direct deposit, to a financial institution of the employee's choice, or (4) with a stored-value debit or ATM card issued by a federally insured bank or credit union. The use of a stored-value card is optional for the employer and the employee.

FINAL WAGES — Whenever an employer discharges a worker, or when a worker quits or resigns, any unpaid wages must be paid by the next regular payday.

WITHHOLDING — Employers may withhold from a worker's wages only those amounts (1) authorized to be withheld under state or federal law, or by a court order, (2) authorized in writing by the worker, (3) deducted for repayment of a documented advance made by the employer to the employee, or (4) deducted for damage, breakage or similar cause and authorized by the employee at the time of the deduction.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Wage and Hour Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).* The Department is obligated to cooperate with any employee in the enforcement of a claim for unpaid wages lodged against an employer when it appears that the claim is valid, and when the claim is filed within 2 years from the date the wages are due. In investigating a wage claim, agents of the Department are authorized to enter any place of employment to inspect payroll records, and may hold related hearings as necessary. When authorized by the worker, the Department may take legal action against the employer to collect the claim, which may include interest on the unpaid wages and, under certain circumstances, up to *three times* the unpaid amount as punitive damages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*