

2013 SENATE INDUSTRY, BUSINESS, AND LABOR

SB 2247

2013 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2247
February 11, 2013
Job Number 18709

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to limitations on withholdings

Minutes:

Testimony Attached

Chairman Klein: Opened the hearing.

Tom Balzer, Executive Vice President of the North Dakota Motor Carriers Association: Written testimony (1), Copy of the bill with overstrikes (2), Amendments (3).

Chairman Klein: Asked if this was a normal agreement with drivers.

Tom Balzer: Said this is something they do on day one.

Senator Murphy: Asked if the employee has to agree to that before it can be deducted.

Tom Balzer: Said they have to agree in writing before it is done.

Senator Laffen: Asked when an employee would ever agree, after they've been fired, to have it taken out of their paycheck.

Tom Balzer: Said that is the beauty of this, in most cases they wouldn't unless they said it was their fault. In the case of when there is a dispute we protect the employee from the deduction from their paycheck. The employer still has the option to go to small claims court.

Senator Laffen: Asked if the wage carnages were a court order.

Tom Balzer: Said they are.

Senator Sorvaag: Said the reoccurring deduction already happens and we are just clearing it up in law.

Tom Balzer: Said it is in a lot of cases.

Tony J Weiler, Commissioner of Labor: Written Testimony (4).

Senator Murphy: Asked if this saves a little back in forth in their office and it's going to clean things up.

Tony: Said it will provide some clarity in interpretation of what that individual item means that is in the law now, that isn't really clear because the changing of commissioners could change the interpretation. There is no case law on this, sometimes they wait for judges to decide what the law means. This would help us understand the law for employers and employees.

Jon Godfrey, Greater North Dakota Chamber of Commerce: Said this came through the labor subcommittee and through legislative affairs. They worked with the Commissioner Weiler and Mr. Balzer and are supportive of the bill.

Donnita Wald, General Counsel with the North Dakota Office of State Tax Commissioner: Said she drafted the amendments for the bill because they had concerns. As introduced the bill appeared to make it discretionary to withhold state and federal income tax and other legally court ordered obligations. With these amendments the tax commissioner takes a neutral position on the bill and without they would have serious concerns with the bill.

Jim Fleming, State Child Support Director with the Department of Human Services: Said he agrees with what Donnita said.

Chairman Klein: Closed the hearing.

Senator Murphy motioned to adopt the amendments.

Senator Sinner seconded the motion.

Roll Call Vote: Yes - 7 No - 0

Senator Murphy motioned a do pass as amended.

Senator Sinner seconded the motion.

Roll Call Vote: Yes - 7 No - 0 Absent - 0

Floor Assignment: Senator Murphy

February 11, 2013



Handwritten signature and date: 2-11-13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2247

Page 1, line 7, overstrike "Every" and insert immediately thereafter "Except for those amounts that are required under state or federal law to be withheld from employee compensation or where a court has ordered the employer to withhold compensation, an"

Page 1, after line 6 insert "only"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "2." with "1."

Page 1, line 14, replace "3." with "2."

Page 1, line 15, replace "4." with "3."

Page 1, line 17, replace "5." with "4."

Renumber accordingly

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2247**

Senate Industry, Business, and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8245.01001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Murphy Seconded By Senator Sinner

| Senators | Yes | No | Senator | Yes | No |
|----------------------|-----|----|----------------|-----|----|
| Chairman Klein | x | | Senator Murphy | x | |
| Vice Chairman Laffen | x | | Senator Sinner | x | |
| Senator Andrist | x | | | | |
| Senator Sorvaag | x | | | | |
| Senator Unruh | x | | | | |
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Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2247**

Senate Industry, Business, and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8245.01001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Murphy Seconded By Senator Sinner

| Senators | Yes | No | Senator | Yes | No |
|----------------------|-----|----|----------------|-----|----|
| Chairman Klein | x | | Senator Murphy | x | |
| Vice Chairman Laffen | x | | Senator Sinner | x | |
| Senator Andrist | x | | | | |
| Senator Sorvaag | x | | | | |
| Senator Unruh | x | | | | |
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Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Murphy

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2247: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "Every" and insert immediately thereafter "Except for those amounts that are required under state or federal law to be withheld from employee compensation or where a court has ordered the employer to withhold compensation, an"

Page 1, after line 6 insert "only"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "2." with "1."

Page 1, line 14, replace "3." with "2."

Page 1, line 15, replace "4." with "3."

Page 1, line 17, replace "5." with "4."

Renumber accordingly

2013 HOUSE FINANCE AND TAXATION

SB 2247

2013 HOUSE STANDING COMMITTEE MINUTES

House Finance and Taxation Committee
Fort Totten Room, State Capitol

SB 2247
March 12, 2013
Job #19782

Conference Committee

Committee Clerk Signature

Mary Brucher

Explanation or reason for introduction of bill/resolution:

A Bill relating to limitations on withholdings.

Minutes:

Attached testimony #1, 2

Chairman Belter: Opened hearing on SB 2247.

Representative Dockter: Introduced bill. This bill has to do with limitations on withholdings and what an employer can do with employees as far as withholdings. It takes out some language and adds a few different ways they can take withholding by having written authorization from the employee.

Senator Klein: This bill was brought to my attention by a group who had issues with how often you need to remind employees what their withholdings were. There were a couple glitches that have been fixed. The commissioner will explain how well it is going to work with these changes.

Tony Weiler, Labor Commissioner: See attached testimony #1.

Representative Trottier: If I'm an employee and my employer puts something in there that I don't agree with how long can he hold my payroll check without the deduction?

Tony Weiler: The law requires that you be paid on the next scheduled pay day. If they would withhold it even though you are objecting to it you could file a wage claim with our office. An employer cannot withhold a check but they might withhold something out of it feeling that it is a valid reason but it couldn't go on indefinitely.

Representative Haak: Can we still take out things such as YMCA dues if you have a group policy?

Tony Weiler: Yes that would be part of a recurring deduction that they specifically sign for and they have something authorizing that deduction plus the employer would know that amount.

Representative Froseth: Union dues are sometimes withheld from paychecks. Are those dues that are being withheld always authorized or does the employer know they are going to be withheld? Does that agreement have to be renewed every so often?

Tony Weiler: With respect to the union dues it would be part of the collective bargaining agreement so there would probably be something in writing with respect to any employees that are part of that union or there would be something authorizing that specific deduction. They may have to resign that when they have a new contract. They could go on indefinitely unless there is something indicating otherwise. In union issues or collectively bargain agreements or organized labor there is so much federal pre-emption that a lot of time the claims don't even come to us.

Representative Kelsh: As a member of the firefighters union and it's a one-time written authorization to pay those dues out of every paycheck up until that member decides they remain in that union or not. If they choose not to remain in that union then the deductions stop and that is also in writing.

Tom Balzer, executive vice president of the North Dakota Motor Carriers Association: See attached testimony #2.

Chairman Belter: Further testimony in support of 2247? Any opposition to 2247? Any neutral testimony? If not, we will close the hearing on 2247.

Vice Chairman Headland: Made a motion for a Do Pass.

Representative Klein: Seconded.

ROLL CALL VOTE: 11 YES 0 NO 3 ABSENT

Representative Dockter will carry this bill.

Date: 3-12-11
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2247

House Finance and Taxation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Headland Seconded By Rep. Klein

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------------|-----|----|---------------------|-----|----|
| Chairman Wesley Belter | ✓ | | Rep. Scot Kelsh | AB | |
| Vice Chairman Craig Headland | ✓ | | Rep. Steve Zaiser | AB | |
| Rep. Matthew Klein | ✓ | | Rep. Jessica Haak | ✓ | |
| Rep. David Drovdal | ✓ | | Rep. Marie Strinden | AB | |
| Rep. Glen Froseth | ✓ | | | | |
| Rep. Mark Owens | ✓ | | | | |
| Rep. Patrick Hatlestad | ✓ | | | | |
| Rep. Wayne Trottier | ✓ | | | | |
| Rep. Jason Dockter | ✓ | | | | |
| Rep. Jim Schmidt | ✓ | | | | |
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Total (Yes) 11 No 0

Absent 3

Floor Assignment Rep. Dockter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2247, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)
recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
Engrossed SB 2247 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2247

**TESTIMONY
SENATE BILL 2247
INDUSTRY, BUSINESS & LABOR COMMITTEE
FEBRUARY 11, 2011**

Mr. Chairman and members of the Senate Industry, Business & Labor committee my name is Tom Balzer, executive vice president of the North Dakota Motor Carriers Association. I am here this morning to testify in support of Senate Bill 2247.

The unauthorized deduction statute was established to give employers, employees and the department a guideline to determine what can be withheld from employees' paychecks and what cannot. Unfortunately the current writing is very vague and open to interpretation.

The bill is intended to provide some more concrete guidelines for deductions and allow for blanket deductions authorized by the employee.

- Subsection 1 & 2 are from the original law.
- Subsection 3 allows recurring deductions authorized in writing.
- Subsection 4 allows nonrecurring deductions authorized in writing but requires that the sources of deduction must be cited specifically.
- Subsection 5 requires that deductions for damage, breakage, shortage or negligence must be authorized at the time of deduction.

We understand that the tax department has some amendments to further clarify that deductions required by state law and by court order are required to be deducted.

We would ask that you amend and give SB 2247 a DO PASS recommendation.

Mr. Chairman, this concludes my testimony, I would be happy to answer any questions the committee members may have.

Employee Wage Deduction Authorization

I _____ understand and agree that if I decide to end my employment with _____ I will promptly return all property belonging to _____ to the terminal in West Fargo, ND in the same working condition it was in at the time I received the property from _____. I understand and agree that if I don't return all property to _____ West Fargo, ND that I will be responsible for all expenses incurred for the retrieval of all trucks, trailers and property and any damage to the property of _____.

I understand that abandonment of my truck and/or trailer is the failure to return this property to _____ West Fargo, ND terminal. I acknowledge that _____ incurs expenses in retrieving abandoned trucks and/or trailers.

I, _____ expressly authorize _____ to withhold from my wages the amount of \$1,000.00 for truck and trailer retrieval expenses should I abandon my _____ truck and/or trailer.

I also understand that I must maintain the interior of the truck. I will be responsible for the reconditioning of the interior of the truck due to my lack of cleanliness, poor hygiene or pets in the truck. I acknowledge that _____ incurs expenses in reconditioning the interior of trucks that are not maintained.

I, _____ expressly authorize _____ to withhold from my wages the amount of \$250.00 for any required interior reconditioning of my _____ truck.

I, _____, as a newly hired Employee of _____ acknowledge receipt of the sign-on bonus in the amount of \$ _____. I understand and agree that I must work for at least 90 days with _____ and if for whatever reason I voluntarily terminate my employment with _____, that I will be required to pay back the sign-on bonus in full.

I, _____ expressly authorize _____ to withhold from my wages, the full amount of my sign-on bonus identified herein for my failure to work for at least 90 days with _____.

Employee

Date

Date

(2)

Prepared by the
Office of State Tax Commissioner for the
for the Senate Industry, Business and Labor Committee
February 11, 2013

PROPOSED AMENDMENTS TO SENATE BILL 2247

Page 1, line 7, overstrike "Every" and insert immediately thereafter "Except for those amounts which are required under state or federal law to be withheld from employee compensation, or where the employer is legally obliged, as by court order to be withheld, an"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "2" With "1"

Page 1, line 14, replace "3" with "2"

Page 1, line 15, replace "4" with "3"

Page 1, line 17, replace "5" with "4"

Renumber accordingly

Prepared by the
Office of State Tax
Commissioner
February 11, 2013

Sixty-third
Legislative Assembly
of North Dakota
Introduced by

Senators Klein, Krebsbach, Unruh
Representatives Dockter, Kempenich, Kreun

1 A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code,
2 relating to limitations on withholdings.

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

4 **SECTION 1. AMENDMENT.** Section 34-14-04.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **34-14-04.1. Limitations on withholdings.**

7 ~~Every~~ Except for those amounts which are required under state or federal law to be
8 withheld from employee compensation, or where the employer is legally obliged, as by court
9 order to be withheld, an employer shall may withhold from the compensation due employees
10 ~~those amounts which are required by state or federal law to be withheld and may deduct~~
11 ~~advances paid to employees, other than undocumented cash, and other individual items~~
12 ~~authorized in writing by the employees.~~

13 ~~1. Those amounts which are required by state or federal law or where the employer is~~
14 ~~legally obliged, as by order of a court to be withheld.~~

15 1. Advances paid to employees, other than undocumented cash.

16 2. A recurring deduction authorized in writing.

17 3. A nonrecurring deduction authorized in writing, when the source of the deduction is
18 cited specifically.

19 4. A nonrecurring deduction for damage, breakage, shortage, or negligence must be
J authorized by the employee at the time of the deduction.

Jack Dalrymple
Governor

Tony J. Weiler
Commissioner



State Capitol - 13th Floor
600 E. Boulevard Ave. - Dept. 406
Bismarck, ND 58505-0340

www.nd.gov/labor
www.nd.gov/humanrights

**Testimony on SB 2247
Prepared for the
Senate Industry Business and Labor Committee**

February 11, 2013

Good morning Chairman Klein and members of the Senate IBL Committee, my name is Tony J. Weiler, and I am the Commissioner of Labor.

I appear before you today in support of SB 2247. In most instances, my office takes a neutral stance on legislation, but because I believe this to be an important and often difficult section of law to apply, I appear before you supporting the changes proposed in this bill.

The North Dakota Department of Labor has two primary areas of responsibility. The first is establishing and enforcing rules relating to the wages and working conditions of employees in North Dakota, this is our wage and hour division. Second we also administer and enforce human rights laws under the North Dakota Human Rights and Housing Acts.

This bill proposes to change North Dakota Century Code of N.D.C.C. § 34-14-04.1, the current statute limiting withholdings from an employee's check. The current statutory language is plain, but the main sticking point is the very last phrase: "and other individual items authorized in writing by the employees." This language has caused the department, employers, and employees some difficulty in interpretation and enforcement over the last several years. Legislation was proposed in 2007 and 2009 by the department to make amendments to this law, and neither attempt was successful.

N.D.C.C. § 34-14-04.1 was enacted in 1973, and the legislative history indicates that assembly was concerned about employers making deductions from an employee's paycheck for items that were unauthorized. In some instances, it appeared that employee's checks were being deducted without them having any knowledge of it.

The legislature again addressed this issue in 1993 at the request of the department. During that session, language was included providing another exception for "documented payroll advances, other than undocumented cash" and also added the individual items language. The law also required that any authorized deductions be in writing.

The term "individual" was a problem then, and continues to be a problem today for the department, employers, and employees when it comes to determining whether a deduction has been appropriately authorized. One concern in 1993 was over the use by employers of what was known as a "blanket authorization," where the employee authorized the employer to make any deductions the employer felt it was entitled to make. There was no specificity anywhere in the authorization indicating to the employee what would or could be deducted.

The department continued to see employers using blanket authorizations for deductions from paychecks, and implemented a policy that these were invalid. The department's rationalization was that blanket authorizations are signed by an employee before it is known whether a loss will occur, what amount if any may be deducted from the employee's compensation, and further does not give the employee any opportunity to dispute the charge. Since approximately 2007, the department also required that the authorization be signed at the time of the deduction. That is, if an employer wanted to withhold anything from an employee's check the employee had to authorize the deduction at the time the employee received the check.

While I support the position that blanket authorizations are invalid under the statute, there is nothing in the statute requiring the authorization be signed at the time of withholding. It is the current department interpretation of the statute that if an employee signed an authorization containing specific items or amounts that would or could be deducted, that is allowed under the law. That policy was bolstered, in my opinion, by two attempts by the department (2007 and 2009) to codify the requirement of signature at time of withholding that were unsuccessful.

I have discussed this issue with Mr. Balzer and a motor carriers association, and the legislative committee at GNDC. The language you see today is something that Mr. Balzer worked hard on and I appreciate his efforts.

Paragraphs 1 and 2 contain provisions of the existing law that have been easier to understand and enforce. Subsection 3 allows an employee to sign for recurring deductions, like the United Way or other charitable contributions. Subsection 4 allows an employee to authorize a non-recurring deduction when the source or specific deduction is cited by the employer in the document authorizing the withholding. In this instance, the employee will know what deduction they are authorizing and will have an opportunity to discuss that with the employer at the time of the authorization. An example here could be a bonus paid to the employee at hire, but requiring the employee to fulfill certain obligations like a specified time of employment. If the employee does not meet those obligations, then the employer may withhold all or a portion of the bonus from the employee's check.

Subsection 5 deals with what is called a non-recurring deduction, for such items as damage, breakage, till shortages, or negligence by the employee. These deductions would require that the authorization be signed at the time of

deduction. For example if an employee's till comes up short, the employer could not have a "blanket" authorization allowing the deduction, but if the employee agrees at the time of deduction to a specified amount, then that deduction would be valid. This allows an employee an opportunity to dispute the deduction and does not allow an employer to simply take away wages due if the employee had nothing to do with the shortage or damage.

The legislation here is intended to clear up the law on limitations on withholdings. This will provide clarity not only to the department, but to employers and employees as well.

I would be happy to answer any questions.

Jack Dalrymple
Governor

Tony J. Weiler
Commissioner



State Capitol - 13th Floor
600 E. Boulevard Ave. - Dept. 406
Bismarck, ND 58505-0340

www.nd.gov/labor
www.nd.gov/humanrights

**Testimony on SB 2247
Prepared for the
House Finance and Taxation Committee**

March 12, 2013

Good morning Chairman Belter and members of the Committee, my name is Tony J. Weiler, and I am the Commissioner of Labor.

I appear before you today in support of SB 2247. In most instances, my office takes a neutral stance on legislation, but because I believe this to be an important and often difficult section of law to apply, I appear before you supporting the changes proposed in this bill.

The North Dakota Department of Labor has two primary areas of responsibility. The first is establishing and enforcing rules relating to the wages and working conditions of employees in North Dakota, this is our wage and hour division. Second we also administer and enforce human rights laws under the North Dakota Human Rights and Housing Acts.

This bill proposes to change North Dakota Century Code of N.D.C.C. § 34-14-04.1, the current statute limiting withholdings from an employee's check. The current statutory language is plain, but the main sticking point is the very last phrase: "and other individual items authorized in writing by the employees." This language has caused the department, employers, and employees some difficulty in interpretation and enforcement over the last several years. Legislation was proposed in 2007 and 2009 by the department to make amendments to this law, and neither attempt was successful.

N.D.C.C. § 34-14-04.1 was enacted in 1973, and the legislative history indicates that assembly was concerned about employers making deductions from an employee's paycheck for items that were unauthorized. In some instances, it appeared that employee's checks were being deducted without them having any knowledge of it.

The legislature again addressed this issue in 1993 at the request of the department. During that session, language was included providing another exception for "documented payroll advances, other than undocumented cash" and also added the individual items language. The law also required that any authorized deductions be in writing.

#12

The term "individual" was a problem then, and continues to be a problem today for the department, employers, and employees when it comes to determining whether a deduction has been appropriately authorized. One concern in 1993 was over the use by employers of what was known as a "blanket authorization," where the employee authorized the employer to make any deductions the employer felt it was entitled to make. There was no specificity anywhere in the authorization indicating to the employee what would or could be deducted.

The department continued to see employers using blanket authorizations for deductions from paychecks, and implemented a policy that these were invalid. The department's rationalization was that blanket authorizations are signed by an employee before it is known whether a loss will occur, what amount if any may be deducted from the employee's compensation, and further does not give the employee any opportunity to dispute the charge. Since approximately 2007, the department also required that the authorization be signed at the time of the deduction. That is, if an employer wanted to withhold anything from an employee's check the employee had to authorize the deduction at the time the employee received the check.

While I support the position that blanket authorizations are invalid under the statute, there is nothing in the statute requiring the authorization be signed at the time of withholding. It is the current department interpretation of the statute that if an employee signed an authorization containing specific items or amounts that would or could be deducted, that is allowed under the law. That policy was bolstered, in my opinion, by two attempts by the department (2007 and 2009) to codify the requirement of signature at time of withholding that were unsuccessful.

I have discussed this issue with Mr. Balzer with the motor carriers association, and the legislative committee at GNDC. The language you see today is something that Mr. Balzer worked hard on and I appreciate his efforts.

The first main paragraph is similar to what is in current law and does not cause any problems for my department. New subsection 1 contains provisions of the existing law that has been easier to understand and enforce. Subsection 2 allows an employee to sign for recurring deductions, like the United Way or other charitable contributions. Subsection 3 allows an employee to authorize a non-recurring deduction when the source or specific deduction is cited by the employer in the document authorizing the withholding. In this instance, the employee will know what deduction they are authorizing and will have an opportunity to discuss that with the employer at the time of the authorization. An example here could be a bonus paid to the employee at hire, but requiring the employee to fulfill certain obligations like a specified time of employment in order for it to not be deducted. If the employee does not meet those obligations, then the employer may withhold all or a portion of the bonus from the employee's check.

#3

Subsection 4 deals with what is called a non-recurring deduction, for such items as damage, breakage, till shortages, or negligence by the employee. These deductions would require that the authorization be signed at the time of deduction. For example if an employee's till comes up short, the employer could not have a "blanket" authorization allowing the deduction, but if the employee agrees at the time of deduction to a specified amount, then that deduction would be valid. This allows an employee an opportunity to dispute the deduction and does not allow an employer to simply take away wages due if the employee had nothing to do with the shortage or damage.

The legislation here is intended to clear up the law on limitations on withholdings. This will provide clarity not only to the department, but to employers and employees as well.

I would be happy to answer any questions.

24

**TESTIMONY
SENATE BILL 2247
FINANCE & TAXATION COMMITTEE
MARCH 12, 2013**

Mr. Chairman and members of the House Finance & Taxation committee my name is Tom Balzer, executive vice president of the North Dakota Motor Carriers Association. I am here this morning to testify in support of Senate Bill 2247.

The unauthorized deduction statute was established to give employers, employees and the department a guideline to determine what can be withheld from employees' paychecks and what cannot. Unfortunately the current writing is very vague and open to interpretation.

The bill is intended to provide some more concrete guidelines for deductions and allow for blanket deductions authorized by the employee.

- Lines 7-9 and Subsection 1 are from the original law.
- Subsection 2 allows recurring deductions authorized in writing.
- Subsection 3 allows nonrecurring deductions authorized in writing but requires that the sources of deduction must be cited specifically.
- Subsection 4 requires that deductions for damage, breakage, shortage or negligence must be authorized at the time of deduction.

The Senate passed this bill by a 46-0 vote.

We would ask that you amend and give SB 2247 a DO PASS recommendation.

Mr. Chairman, this concludes my testimony, I would be happy to answer any questions the committee members may have.

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Employee Wage Deduction Authorization

I _____ understand and agree that if I decide to end my employment with _____ I will promptly return all property belonging to _____ to the terminal in West Fargo, ND in the same working condition it was in at the time I received the property from _____. I understand and agree that if I don't return all property to _____ West Fargo, ND that I will be responsible for all expenses incurred for the retrieval of all trucks, trailers and property and any damage to the property of _____

I understand that abandonment of my truck and/or trailer is the failure to return this property to _____ West Fargo, ND terminal. I acknowledge that _____ incurs expenses in retrieving abandoned trucks and/or trailers.

I, _____ expressly authorize _____ to withhold from my wages the amount of \$1,000.00 for truck and trailer retrieval expenses should I abandon my _____ truck and/or trailer.

I also understand that I must maintain the interior of the truck. I will be responsible for the reconditioning of the interior of the truck due to my lack of cleanliness, poor hygiene or pets in the truck. I acknowledge that _____ incurs expenses in reconditioning the interior of trucks that are not maintained.

I, _____ expressly authorize _____ to withhold from my wages the amount of \$250.00 for any required interior reconditioning of my _____ truck.

I, _____, as a newly hired Employee of _____ acknowledge receipt of the sign-on bonus in the amount of \$ _____. I understand and agree that I must work for at least 90 days with _____ and if for whatever reason I voluntarily terminate my employment with _____, that I will be required to pay back the sign-on bonus in full.

I, _____ expressly authorize _____ to withhold from my wages, the full amount of my sign-on bonus identified herein for my failure to work for at least 90 days with _____

Employee

Date

Date

63

[Redacted]

**Payroll Deduction Authorization Form
Health Premium Deduction**

Name: _____
Please Print

Location: _____

I have been informed of the [Redacted] Tobacco Use policy as relates to my coverage under the BCBS health plan.

I authorize a weekly payroll deduction in the amount of:

_____ \$ 11.54 for one person (either employee or spouse uses tobacco)

_____ \$ 23.08 for two people (both employee and spouse use tobacco)

Employee Signature

Date

[Redacted]