

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 4: EMPLOYMENT AND REGISTRATION**

**§ 4931. Standard Conditions of Employment.**

(a) *Single employer.* A foreign national worker may be employed by only one employer pursuant to a single approved employment contract except as provided by regulation.

(b) *Identification.* Upon being issued an identification card, a foreign national worker shall maintain the identification card in his or her personal possession at all times during working hours, including at all times during travel by airplane or boat during working hours. Loss or destruction of the identification card shall be reported to the Department within two business days. Seizure of an identification card by an employer shall be a violation of this section.

(c) *Wage rates.* No foreign national worker employed pursuant to this chapter shall be paid less than the minimum wage provided by law. An approved employment contract shall provide that any future increase in the applicable minimum wage prior to the termination of the contract shall apply to work performed under the contract on or after the effective date of the increase.

(d) *Location of work site.* The location of the work site shall be specified in the approved employment contract.

(e) *Hours of work.* The hours of work shall be specified in the approved employment contract. Overtime work may be offered by the employer but not required. Any period of time during which the foreign national worker is required to be present at any location within the Commonwealth designated by his or her employer shall be considered working hours for purposes of determining wages and overtime pay.

(f) *Payment of wages.* Unless otherwise provided by law, a foreign national worker shall be paid bi-weekly in an amount specified in the approved employment contract. Nothing in this Section requires an employer to pay wages for which the employee did not work. Payment of wages shall be in full compliance with Commonwealth law and applicable federal law.

(g) *Deductions from wages.* Each expense of the employer to be deducted from the wages of a foreign national worker shall be specified in the approved employment contract and shall be itemized on the wage documentation provided to the foreign national worker by the employer. Allowable deductions shall be defined in regulations, and no other deductions may be made from the wages of a foreign national worker.

(h) *Documents.* The employer shall provide to each foreign national worker promptly after arrival in the Commonwealth a copy of the approved employment contract. No employer may withhold from any foreign national worker any passport, identification card, or other document related to the status of the foreign national worker.

(i) *Subcontracting.* Any subcontract by an employer to another employer for the services of a foreign national worker shall be implemented or performed only with the prior approval of the Secretary. The exception for census workers in 3 CMC § 4922(e) shall apply to this subsection.

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(j) *Contract changes.* Any change to an existing approved employment contract shall be implemented or performed only with the prior approval of the Secretary.

(k) *Manpower plan.* Prior to the approval of an employment contract for a foreign national worker, an employer with ten or more employees shall submit to the Department a comprehensive manpower training and education plan for increasing the percentage of citizens and permanent residents in the workforce of the employer; provided however, the Secretary may, by regulation, remove the exemption available to employers against whom two or more judgments are entered in Department proceedings in any two year period. An employer that has submitted adequate documentation with respect to compliance for the immediately preceding two years with 3 CMC § 4525 under chapter 2 of this part may be exempted at the discretion of the Secretary.

**Source:** PL 15-108, § 4(4931); subsections (a) and (k) amended by PL 17-1 § 5(Q)(3)(a) and subsections (b) and (h) amended by PL 17-1 § 5(Q) (March 22, 2010),\* modified.

**Commission Comment:** The Commission replaced section references with proper code citations and deleted figures that repeated written words pursuant to 1 CMC § 3806(c) and (e). \*PL 17-1 (enacted on March 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to 3 CMC § 4511.