

TITLE 3: HUMAN RESOURCES
DIVISION 4: EMPLOYMENT AND REGISTRATION

§ 4950. Preservation of Private Rights of Action.

(a) A foreign national worker may bring a direct action in the Commonwealth courts against an employer, or against the issuer of any bond required by the Department of Labor to secure the performance of an employer, with respect to any obligation to pay wages, overtime, medical expenses, or other benefits secured by an employment contract.

(b) The Department of Labor may, but is not required to, enforce its administrative orders by bringing an action in the courts.

(c) Nothing in this part shall be construed as limiting the ability of a foreign national worker third-party beneficiary of a bond to bring suit directly against the surety to enforce the bond and collect from the surety to the limits of the bond any finally adjudicated unsatisfied liabilities of the employer to the worker.

(d) This section shall have retroactive effect. Claims shall be preserved that are pending or were dismissed or subject to dismissal for lack of authority to bring a direct action. Any statute of limitations for such claims shall be tolled from February 5, 2007, to the effective date of this Act [Public Law 17-1].

Source: PL 17-1 § 5(Q)(4)(d) (March 22, 2010),* modified.

Commission Comment: The Commission changed “this act” to “this part” and inserted the bracketed information pursuant to 1 CMC § 3806(c). *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.