

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9223. Exemptions.

(a) *Exemption.* The provisions of 4 CMC §§ 9221 and 9222 do not apply with respect to:

- (1) A person employed by his son, daughter, spouse, or parents;
- (2) A person employed in a bona fide executive, administrative or professional capacity, or in the capacity of an outside salesman, or as an outsider collector;
- (3) A person employed in the propagating, catching, taking, harvesting, cultivating or farming of any kind of fish, shell fish, *Crustacea*, sponges, seaweed or other aquatic forms of animal or vegetable life, including going to and from work and loading and unloading such products prior to first processing;
- (4) A person employed as a seaman;
- (5) A person employed as a driver of a vehicle carrying passengers for hire operated solely on call from a fixed stand;
- (6) A person employed as a golf caddie;
- (7) A student employed by a private or public school in which the student is enrolled;
- (8) A full-time student who is employed between semesters during holidays or during summer vacation;
- (9) A person employed in agriculture for any workweek in which the employer employs less than 10 employees; or
- (10) A person employed in domestic service in or about the home of his or her employer, provided that the employee:
 - (i) Is employed on a casual basis to provide babysitting services;
 - (ii) Resides in the home of the employer and the employer has one or more children in his or her care under the age of 18 years; or
 - (iii) Resides in the home of the employer and the employer has under his or her care an elderly person or handicapped person. For purposes of this subsection, an "elderly person" is any person who is at least 60 years old.

(b) *Special Minimum Wage for Exempt Categories.* Pursuant to the authority of the department to adopt rules and regulations under 4 CMC § 9236, the director shall establish a special minimum wage for each exempt category of employment set forth in subsection (a) of this section. The special minimum wage shall be no less than 40 and no more than 60 percent of the statutory minimum wage prevailing at the time; provided, however, that any person employed in a job category pursuant to subsections (a)(3), (a)(9), or (a)(10) of this section shall be paid not less than \$300 per month, and shall not be required to work more than 12 hours per day, or 72 hours per week, without overtime compensation.

(c) *Exemption for Existing Employment Contracts.* The provisions of 4 CMC § 9221(a)(2) and (b)(2) do not apply for the duration of the contract, with respect to any employee employed under a valid contract of employment on May 6, 1996; provided, that the employee is paid the wages required by the contract and such wages are at least \$2.75 per hour. This exemption shall expire July 1, 1997.

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Source: PL 1-20, § 5; amended by PL 3-16, § 3; PL 8-21, § 6; PL 10-13, § 1.

Commission Comment: With respect to the reference to the “director” of the Department of Commerce and Labor, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 4 CMC § 9212.