

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

**§ 4938. Avoidance and Early Resolution of Potential Labor Disputes.**

(a) *Notice to Foreign National Workers.* The Secretary shall approve a form of written notice and each employer shall deliver the notice to each foreign national worker upon commencement of employment within the Commonwealth. The notice shall be in the principal language of the foreign national worker and shall explain clearly, in separate sentences, each of the basic legal employment rights of foreign national workers in the Commonwealth as provided by law; and such other information as the Secretary deems useful in avoiding potential labor disputes.

(b) *Reporting of potential disputes.*

(1) In the event that an employer fails to make full and complete payment of biweekly wages less allowable deductions on two successive occasions, or if a conflict arises between the foreign national worker and the employer about working conditions or the implementation of the terms of the approved employment contract, the foreign national worker shall report the potential dispute to the Department promptly in order to facilitate early resolution of the potential dispute and to maintain the employment relationship.

(2) In the event that a foreign national worker fails to report for work for two successive weeks without notice to the employer of medical or other reasons for absence, or if a conflict arises between the employer and the foreign national worker about working conditions or the implementation of the terms of the approved employment contract, the employer shall report the potential dispute to the Department promptly in order to facilitate early resolution of the potential dispute and to maintain the employment relationship.

(c) *Accountability.* Each employer is accountable for every foreign national worker for whom the employer has had an approved employment contract in effect at any time during the preceding calendar year and shall ensure that such persons are currently employed by the employer, have transferred to another employer by administrative order, have exited the Commonwealth, are otherwise accounted for as remaining in the Commonwealth lawfully, or are deceased. In the event that an employer becomes unable to account for a foreign national worker, the employer shall report to the Department within fifteen business days. This provision shall have only prospective application.

(d) *Mediation of labor disputes.* The Administrative Hearing Office shall, as it finds necessary and useful, conduct early intervention in potential and actual labor disputes in order to seek a mediated resolution.

(1) Upon the filing of a labor complaint, or upon the receipt of a report from an employer or a foreign national worker pursuant to subsection (c) of this section that reasonably appears likely to be resolved through mediation, the Administrative Hearing Office may set the matter for prompt mediation and notify the parties to appear.

(2) In the event that a matter is set for mediation, the parties shall attend the mediation and make a good faith attempt to settle the dispute before proceed-

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ing with the claim. If the Department is the complainant, it may waive the mediation requirement.

(3) Failure of a complainant to appear at the mediation without providing the Administrative Hearing Office with advance written notice at least five days prior to the scheduled appearance may result in the dismissal of a complaint without prejudice.

(4) At a mediation session, a hearing officer may issue a notice of hearing with respect to the complaint, dismiss a complaint as untimely under Section 4962(b), and take other administrative actions to assist in the prompt resolution of the complaint.

**Source:** PL 15-108, § 4(4938); (a) amended by PL 17-1 § 5(Q)(3)(e) (March 22, 2010),\* modified.

**Commission Comment:** The Commission deleted figures that repeated written words pursuant to 1 CMC § 3806(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.