

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9244. Collection Suits; Attorney's Fees; Assignments; Relief from Costs.

(a) An action to recover liability under 4 CMC §§ 9221 or 9222 may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated, or the employee or employees may designate an agent or representative to maintain an action for and in behalf of all employees similarly situated.

(b) The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, in the event the plaintiff or plaintiffs prevail, allow a reasonable attorney's fee to be paid by the defendant, and the cost of the action.

(c) At the request of any employee paid less than the amount to which he or she is entitled under this chapter, the director may take an assignment in trust for the assigning employee of the full amount to which he is entitled under this section and may bring any legal action necessary to collect the claim. The employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court in the event the director prevails.

(d) The director shall not be required to pay the filing fee or other costs in connection with such action. The director, in case of suit, may join various claimants against the employer in one action. The right provided by this section to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the director in an action in which restraints are sought by any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation owing to the employee under 4 CMC §§ 9221 or 9222 by an employer liable therefor.

Source: PL 1-20, § 13.

Commission Comment: With respect to the references 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.