Your Employee Rights Under the **Family and Medical Leave Act**

unable to work,

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take up to 12 workweeks of FMLA leave in a The birth, adoption or foster placement of a child with you. Your serious mental or physical health condition that makes you

physical health condition, and Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care

To care for your spouse, child or parent with a serious mental or

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need

Am I eligible to take FMLA leave?

You are an eligible employee if all of the following apply:

lef.: 29 CFR §825.300

EXEMPTIONS

EXAMINEE

RIGHTS

You work for a covered employer You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

Your employer has at least 50 employees within 75 miles of your

How do I request FMLA leave?

Generally, to request FMLA leave you must:

same reason when requesting additional leave.

Personnel Management or Congress.

You work for a **covered employer** if **one** of the following applies:

government agency. Most federal employees are covered by

Title II of the FMLA, administered by the Office of Personnel

Follow your employer's normal policies for requesting leave.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective

bargaining agreement that provides greater family or medical leave

State employees may be subject to certain limitations in pursuit of

direct lawsuits regarding leave for their own serious health conditions

Most federal and certain congressional employees are also covered

by the law but are subject to the jurisdiction of the U.S. Office of

· Give notice at least 30 days before your need for FMLA leave, or

If advance notice is not possible, give notice as soon as possible

 Allow you to take job-protected time off work for a qualifying You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and You work for an elementary or public or private secondary school, Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including You work for a public agency, such as a local, state or federal

> Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation

If you are eligible for FMLA leave, your **employer** <u>must</u>:

shift and location, at the end of your leave

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in

About your FMLA rights and responsibilities, and

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the Where can I find more information?

Call 1-866-487-9243 or visit dol.gov/fmla to learn more. Your employer may request certification from a health care provided to verify medical leave and may request certification of a qualifying

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD



WH1420 REV 04/23

SCAN ME

EMPLOYEE RIGHTS

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

EMPLOYEE POLYGRAPH PROTECTION ACT

PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the

> Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees

have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons. **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants

may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.





Account #:

NDAC 27-02-04-01

WAGE AND HOUR DIVISION 1-866-487-9243
UNITED STATES DEPARTMENT OF LABOR www.dol.gov/agencies/whd

in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

Important Notice to Workers

In Case of Injury at Work

- 1. Seek first aid or medical treatment immediately • If your employer does not have a Designated Medical
- Provider (DMP) you may see any medical provider • If your employer does have a DMP, you are required to see that DMP unless you selected your own DMP before the injury occurred
- How much of your requested leave, if any, will be FMLA-protected If it is an emergency, you can treat with any medical provider

2. Tell your employer about the injury as soon as you become

 Workforce Safety & Insurance (WSI) may not accept your claim if you fail to tell your employer within 7 days. Even if you do not receive medical treatment, report your injury so your employer is aware of a potential hazard.

Your Employer's DMP is/are:

Employers:

The DMP selection must be visible to workers at all locations, including at mobile worksites. Failure to give notice, post notice, or to inform employees of the DMP voids the selection.

Filing a Workers' Compensation Claim File a claim with WSI within 24 hours after a work injury

• Complete the FROI with your employer, if possible - Submit the First Report of Injury (FROI) online at mywsi.workforcesafety.com, or - Complete the FROI and send it to WSI

What happens after a claim is filed?

- 1. A claim number is assigned 2. Information is gathered, facts are reviewed, a decision is
- 3. You and your employer are notified of the decision

Your Responsibilities

- Seek first aid or medical treatment immediately Tell medical provider(s) your claim number
- Stay in touch with your employer and update them on your condition Notify WSI immediately: - of any work activity, whether you are paid or not
- if you change your address or telephone number - if you apply for Social Security disability or retirement

benefits, or are found to be eligible for these benefits If you suspect someone is committing fraud, report it

For a detailed explanation of the information contained in this poster, please contact WSI at the numbers listed below or visit our website at www.workforcesafety.com

immediately to WSI at 800-243-3331.

1600 E Century Ave, Ste 1 - PO Box 5585 - Bismarck ND 58506-5585 **Customer Service:** 800-777-5033 or 701-338-3800 Hearing Impaired: 800-366-6888 **Decision Review Office:** 800-701-4932 or 701-328-9900 Fraud & Safety Hotline: 800-243-3331

THIS POSTER MUST BE POSTED IN A CONSPICUOUS PLACE

TO EMPLOYEES:

THIS EMPLOYER IS SUBJECT TO THE UNEMPLOYMENT COMPENSATION LAWS OF THE STATE OF NORTH DAKOTA

Employer Name:

Enter ND Unemployment Acct #

Enter Employer Name

YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT COMPENSATION BENEFITS IF YOU MEET THE ELIGIBILITY REQUIREMENTS

To file a claim for unemployment compensation benefits:

online: www.jobsnd.com click on the *UI ICE* logo

or call: 1-701-328-4995 or TTY: RELAY ND 1-800-366-6888 (for hearing impaired only)

The North Dakota Unemployment Compensation Law requires subject employers to post this notice near the location(s) where worker's



Bismarck ND 58506-5507 Job Service North Dakota is an Equal Opportunity Employer/Program Provider. Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities.

JSND 4032 (R.05-06)

For employers not currently liable for coverage: Do not fill in Employer Name and Unemployment Account Number above.



Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace. Request a confidential OSHA inspection
- of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

LABOR LAW

EMERGENCY NUMBERS CALL 911

POLICE: **AMBULANCE:**

HOSPITAL:

FIRE DEPARTMENT:

POISON CONTROL:

OSHA:

PHYSICIAN:

PAY DAY NOTICE

PAY DAY IS ON:

☐ THURSDAY

☐ FRIDAY ■ MONDAY **□** TUESDAY **□** SATURDAY **□** WEDNESDAY □ SUNDAY

PAY SCHEDULE IS:

□ WEEKLY □ SEMI MONTHLY **□** BIWEEKLY ■ MONTHLY

PAYCHECKS ARE ISSUED ON THE:

AND OF THE MONTH TIME:

MINIMUM WAGE RATE: North Dakota does not have a Training Wage.

MEAL PERIODS N.D. Admin. Code § 46-02-07-02(5)

Dakota | Labor and Human Rights

OVERTIME PAY At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work

in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit

of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an

based on tips received by their employees. Employers must pay tipped employees a cash wage

employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equa

breast milk for their nursing child for one year after the child's birth each time the employee needs

to express breast milk. Employers must provide a place, other than a bathroom, that is shielded

in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each

willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money

from view and free from intrusion from coworkers and the public, which may be used by the

certain work hours restrictions. Different rules apply in agricultural employment.

the minimum hourly wage, the employer must make up the difference

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages

WORK CONDITIONS Hours: M-F - 8:00a.m.-5:00p.m. (701) 328-2660 1-800-582-8032 Fax - (701) 328-2031 TTY - 1-800-366-6888 e-mail - labor@nd.gov web site - www.nd.gov/labor

ND MINIMUM WAGE &

\$7.25

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

The law requires employers to display this poster where employees can readily see it.

INFORMATION

Effective Date: August 1, 2015

civil money penalties may be assessed for each child labor violation that results in the death or

serious injury of any minor employee, and such assessments may be doubled when the violation are determined to be willful or repeated. The law also prohibits retaliating against or discharging

Certain occupations and establishments are exempt from the minimum wage, and/or overtime

pay provisions. Certain narrow exemptions also apply to the pump at work requirements.

Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are

actually employees under the FLSA. It is important to know the difference between the two

because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime

Certain full-time students, student learners, apprentices, and workers with disabilities may be

workers who file a complaint or participate in any proceeding under the FLSA.

Special provisions apply to workers in American Samoa, the Comm

Mariana Islands, and the Commonwealth of Puerto Rico.

OVERTIME N.D. Admin. Code § 46-02-07-02(4) Overtime pay must be paid at one and one-half times the employee's regular rate of pay for hours worked over forty in any work week.

A minimum 30-minute meal period must be provided in shifts exceeding five hours when there are two or more employees on duty.

 A work week is a seven consecutive-day period defined by the employer. • Overtime is computed on a weekly basis, regardless of the length of the pay period. Overtime is based only on hours worked. Paid holidays, paid time off, or sick leave need not be counted in computing overtime hours.

 Compensatory time is not legal in private employment for non-exempt employees — overtime hours may not be "banked" and used for time off in another work week. • Employees working more than one job under the control of the same employer must have all hours worked counted toward overtime.

• Employees may waive their right to a meal period upon agreement with the employer.

PAID TIME OFF N.D. Admin. Code § 46-02-07-02(12) - Applies unless a limitation below is met • Paid time off includes annual leave, earned time, personal days, or other provisions providing compensation for vacation. If sick leave is combined with such time into one balance, all of the hours are defined as paid time off. Sick leave is not defined as paid time off if it is kept in a separate balance.

• An employment contract or policy may require an employee to take vacation by a certain date or lose the vacation ("use it or lose it"), provided that the employee is given a reasonable opportunity to take the vacation. The employer must demonstrate that the employee had notice of such contract or policy provision.

LIMITATIONS ON PAID TIME OFF N.D.C.C. § 34-14-09.2

b. The employee has been employed by the employer for less than one year; and c. The employee gave the employer less than five days' written or verbal notice. 2. If an employee separates from employment, a private employer may withhold payment for paid time off if:

b. Before awarding the paid time off, the employer provided the employee written notice of the limitation on payment of awarded paid time off.

• Every employer must furnish to an employee each pay period a check stub or voucher indicating hours worked, rate of pay, required state and federal deductions, and any authorized deductions. When an employee is terminated from employment, separates from employment voluntarily, or is suspended from work as the result of an industrial dispute, unpaid wages or compensation become due and payable at the regular payday(s) established in advance by the employer for the period(s) worked by the employee

more days), 40 per non-school week.

• When an employer terminates an employee, the employer shall pay those wages to the employee by certified mail at an address designated by the employee or as otherwise agreed upon by both DEDUCTIONS FROM PAY N.D.C.C. § 34-14-04.1

only may withhold from the compensation due employees: Advances paid to employees, other than undocumented cash. A recurring deduction authorized in writing.

A nonrecurring deduction authorized in writing, when the source of the deduction is cited specifically. A nonrecurring deduction for damage, breakage, shortage, or negligence must be authorized by the employee at the time of the deduction.

Employment & Age Certificates (work permits) are required for workers ages 14 & 15 and are available from the Employment relationships without a specific term exist at the will of both parties and can be terminated by either party upon notice to the other. No Department of Labor, Job Service offices, County School Superintendents' offices, and local schools.

minimum length of notice (for example, a two-week notice) is required.

07-02(4)

Contracts specifying a term of employment can pre-empt the at-will provision. RIGHT TO WORK N.D.C.C. § 34-01-14

May work only between 7a.m.-7p.m. (until 9p.m. from June 1st - Labor Day). An individual's right to work may not be denied or abridged due to Hazardous job duties for youth age 14 & 15: membership or nonmembership in any labor union or labor organization. Workers ages 14 & 15 are prohibited from performing certain job duties defined as hazardous in labor law.

EXEMPTIONS FROM OVERTIME N.D. Admin. Code § 46-02-

a. The management of the enterprise or recognized department or subdivision thereof; b. Directing the work of two or more other employees therein; and c. The authority to hire or fire other employees or whose suggestions will be given particular

a. Office or non-manual work directly related to management policies or general business operations; and b. Who customarily and regularly exercises discretion and independent judgment.

a. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes;

mental, manual, mechanical, or physical work. An employee engaged in an agricultural occupation - growing, raising, preparing, or delivering

agricultural commodities for market. An employee spending at least 51% of the employee's work-time providing direct care to clients of a shelter, foster care, or other such related establishment. An employee employed in domestic service who resides in the household in which employed.

A straight commission salesperson in retail automobile, trailer, boat, aircraft, truck, or farm

implement dealerships unless that salesperson is required to be on the premises for more than forty hours per week. • A computer professional exercising discretion and independent judgment when designing, developing, creating, analyzing, testing, or modifying computer programs or who is paid hourly

• An employee who is customarily and regularly engaged away from the employer's premises for the purpose of making sales or taking orders. Work unrelated to outside sales may not exceed 20% of the hours worked in the week. • A mechanic paid on a commission basis off a flat rate schedule.

the minimum hourly rate applicable if more than half of the employee's compensation for a period of not less than one month is derived from commission on goods or services sold. An employee employed as an announcer, news editor, or chief engineer by a radio or television

is dependent upon the invention, imagination, or talent of the employee. . Motor carrier as applied to covered employees of motor common, contract, and private carriers specified by the Motor Carriers Act [49 U.S.C 31502]. A teacher, instructor, tutor, or lecturer engaged in teaching in a school or educational system.

one hundred thousand dollars or more, which includes at least four hundred fifty-five dollars per week paid on a salary or fee basis. The employee's primary duty includes performing office

• An employee providing companionship services (fellowship, care, or protection) to aged or disabled individuals. No more than 20% of the hours worked in the week may be household

TAXI DRIVER AND HEALTHCARE OVERTIME PROVISIONS N.D. Admin. Code § 46-02-07-02(4) Taxicab drivers must be paid overtime for all hours worked in excess of fifty hours in any work week.

• Hospitals and residential care establishments may adopt, by agreement with their employees, a fourteen-day overtime period, if the employees are paid at least time and one-half their regular rate for hours worked over eight in a day or eighty in a fourteen-day work period.

TIPS N.D. Admin. Code § 46-02-07-03 Gratuities offered to an employee by a customer belong to the employee and may not be retained by the employer.

• Employers may utilize a tip credit of 33% of the minimum wage for tipped employees. With the tip credit applied, the minimum direct wage payable to a tipped employee is \$4.86 per hour effective July 24, 2009. The employer must maintain written records verifying that tipped employees receive at least the full minimum wage for all hours worked when the direct wage and tips are combined. • A tipped employee is any service employee in an occupation in which he or she receives more than thirty dollars per month in tips. • A service employee is any employee who is providing direct service to the customer and to whom that customer shows appreciation for that service by tipping that employee for the direct service. The employee must regularly and customarily provide personal face-to-face service to individual customers, which the customer would recognize as being performed for his or her benefit. Services such as cooking and dishwashing are not included.

• An employer who elects to use the tip credit must inform the employee in advance. • Tip pooling is allowed only among the tipped employees. A vote of tipped employees to allow tip pooling must be taken, and fifty percent plus one of all tipped employees must approve it. The employer must maintain a written record of each vote on tip pooling, including names of employees voting and the vote totals. A vote on whether to pool tips is required if requested by fifty-one percent or more of the tipped employees. The tipped employees shall provide documentation verifying the request. Time spent in meetings called by the employees exclusively for tip issues is not work time. Gaming sites, which regularly have four or fewer tipped employees on duty, can require tip pooling among all tipped employees at the site. Pit bosses or supervisors at gaming sites are

not tipped employees and cannot be part of the tip pool when performing functions of those positions other than dealing blackjack (twenty-one). MEETINGS AND TRAINING TIME N.D. Admin. Code § 46-02-07-02(6) Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if all the following criteria are met: a. Attendance is outside of the employee's regular working hours. c. The course, lecture, or meeting is not directly related to the employee's job.

TRAVEL TIME N.D. Admin. Code § 46-02-07-02(7) • The following types of travel time are not considered work time for which an employee must be compensated: 1) Ordinary travel from home to work, 2) Time spent as a passenger on an airplane, train, bus, or automobile outside of regular working hours, 3) Activities that are merely incidental use of an employer-provided vehicle for commuting home to work. The following types of travel time are considered work time for which an employee must be compensated: 1) Travel during regular work hours, 2) Travel on non-work days during regular work hours (regular work hours are those typically worked by an employee on work days), 3) Travel time from job site to job site or from office to job site, 4) The driver of a vehicle is working at any time when

• When employees are required to remain on-call on the employer's premises or so close thereto that they cannot use the time effectively for their own purposes, they are considered to be working When employees are on-call and are not required to remain on the employer's premises but are required to respond to a beeper or leave word at home or the employer's business where they may be reached, they are not considered to be working and need not be compensated.

required to travel by the employer, 5) One-day assignments performed at the employer's request (regardless of driver or passenger status).

BONUSES AND COMMISSIONS N.D. Admin. Code § 46-02-07-02(15) • An earned bonus is an amount paid in addition to a salary, wage, or commission. An earned bonus is compensable when an employee performs the requirements set forth in a contract or an • A commission is a fee or percentage given for compensation to an individual for completion of a sale, service, or transaction. Upon separation from employment, the past practices, policies, and entire employment relationship will be used to determine if the commission is earned and compensable.

dollars per day, if agreed to in writing and if the employee's acceptance of facilities is in fact voluntary.

EMPLOYMENT DISCRIMINATION N.D.C.C. ch. 14-02.4 Employers may not discriminate against employees or applicants on the basis of: race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, status with respect to marriage or public assistance, participation in lawful activity off the employer's premises during non-working hours which is not in direct conflict with the essential business-related functions of the employer, or opposition to such discrimination in the work place.

• The employee is requested by a public body or official to participate in an investigation, a hearing, or an inquiry. • The employee refuses an employer's order to perform an action that the employee believes violates local, state, or federal law, ordinance, rule, or regulation. The employee must have an

objective basis in fact for that belief and shall inform the employer that the order is being refused for that reason. Public employees should also see N.D.C.C. ch. 34-11.1 Public Employees Relations Act for further information.

> This poster summarizes provisions contained in the ND Minimum Wage & Work Conditions Order North Dakota Administrative Code (N.D. Admin. Code) Chapter 46-02-07, as well as selected provisions of North Dakota Century Code (N.D.C.C.) Title 34 and N.D.C.C. Chapter 14-02.4.



What Organizations are Covered?

What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the

EMPLOYERS HOLDING FEDERAL CONTRACTS

OR SUBCONTRACTS

Visit an EEOC field office (information at www.eeoc.gov/field-office)

Individuals with Disabilities

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-

PROGRAMS OR ACTIVITIES RECEIVING

83734 072023





per hour on 7/24/09 Exemptions from overtime are listed on this poster. Formulas for calculating overtime are available in N.D. Admin. Code Section 46-03-01

 Employees do not have to be paid for meal periods if they are completely relieved of their duties and the meal period is at least thirty minutes in length. Employees are not completely relieved if they are required to perform any duties during the meal period. Other breaks (such as 15 minute "coffee" breaks) are not required by law, but must be paid breaks if they are offered by the employer.

Once paid time off is made available for an employee's use, any unused portion of such time is considered wages upon separation from employment and must be paid at the regular rate of pay earned by the employee prior to separation. No employment contract or policy may provide for forfeiture of earned paid time off upon separation.

1. If an employee separates from employment voluntarily, a private employer may withhold payment for accrued paid time off if the following three conditions are all met: a. At the time of hiring, the employer provided the employee written notice of the limitation on payment of accrued paid time off;

PAYDAYS & RECORD KEEPING N.D.C.C. § § 34-14-02, 03 and N.D. Admin Code § 46-02-07-02 • Employees must be paid at least once each calendar month on the regular payday(s) designated in advance by the employer.

Except for those amounts that are required under state or federal law to be withheld from employee compensation or where a court has ordered the employer to withhold compensation, an employer

EMPLOYMENT AT WILL N.D.C.C. § 34-03-01 YOUTH EMPLOYMENT N.D.C.C. ch. 34-07

Restricted hours for youth age 14 & 15: Maximum hours per day: 3 per school day, 8 per non-school day. . Maximum hours per week: 18 per school week (any week in which school attendance is required any part of 4 or

a. The paid time off was awarded by the employer but not yet earned by the employee; and

POSTING REQUIRED Must be posted in a conspicuous place in a commonly frequented area in which employees work.

 An employee employed in a bona fide executive, administrative, or professional capacity. Executive - an employee whose primary duties consists of:

Administrative - an employee whose primary duties consists of: Professional - an employee whose primary duties consists of:

b. Work requiring the consistent exercise of discretion and judgment in its performance; and c. Work that is predominately intellectual and varied in character as opposed to routine

An employee of a retail establishment if the employee's regular rate of pay exceeds 1.5 times

• An employee in an artistic profession that is original and creative in nature or where the work

• A highly compensated employee: an employee who is paid total annualized compensation of

work (cleaning, laundry, or meal preparation). N.D.C.C. § 34-06-03.1

b. Attendance is in fact voluntary. d. The employee does not perform any productive work during such attendance. Training or education mandated by the state, federal government, or any political subdivision for a specific occupation need not be counted as work-time.

ON-CALL N.D. Admin. Code § 46-02-07-02(8)

ROOM AND BOARD N.D. Admin. Code § 46-02-07-02(13) UNIFORMS N.D. Admin. Code § 46-02-07-02(11) The reasonable value, not exceeding the employer's actual cost, of board, lodging, and other facilities customarily An employer may require an employee to purchase uniforms if the cost furnished by the employer for the employee's benefit may be treated as part of the wages, up to a maximum of eighteen of such uniforms does not bring that employee's wage below the hourly minimum wage for all hours worked during any pay period.

EMPLOYMENT RETALIATION N.D.C.C. § 34-01-20 An employer may not discharge, discipline, threaten, discriminate, or penalize an employee regarding the employee's compensation, conditions, location, or privileges of employment because: • The employee, or person acting on behalf of an employee, in good faith, reports a violation of federal, state, or local law, ordinance, regulation, or rule to an employer, a governmental body, or

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity,

Executive Order 11246, as amended, protects applicants and employees of contractors from discrimination based on inquiring about, disclosing, or disc their compensation or the compensation of other applicants or employees. FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination excess a research professional consideration. in play, fining benefits, about similaring, classification, referral, and other aspects of employments benefits, play, fining benefits, p individuals with disabilities at all levels of employment, including the executive level

Asking About, Disclosing, or Discussing Pay

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38

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