

# **North Dakota & Federal Employment Notices**

DATE POSTED: Labor Laws change often. Please call your distributor twice a year to confim if you are in compliance. All Rights Reserved. Unauthorized copies are illegal



• If your employer does have a DMP, you are required to see that DMP unless you selected your own DMP before the injury occurred.

• If your employer does not have a Designated Medical Provider (DMP) you may see any medical provider.

• 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.

PRODUCT ID:



# OSHA<sup>®</sup> Job Safety and Health T'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.

IOTE: OSHA REQUIRES THAT REPRODUCTIONS OR FACSIMILES OF THE POSTER BE AT LEAST 8.5" X 14" INCHES WITH 10 POINT

- 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.

### **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.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION LEAVE ENTITLEMENTS: Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: • The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth or placement); To care for the employee's spouse, child, or parent who has a qualifying serious health condition; • For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; • For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. BENEFITS & PROTECTIONS: While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. ELIGIBILITY REQUIREMENTS: An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must Have worked for the employer for at least 12 months Have at least 1,250 hours of service in the 12 months before taking leave;\* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. \*Special "hours of service" requirements apply to airline flight crew employees. REQUESTING LEAVE: Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave gualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required. EMPLOYER RESPONSIBILITIES: Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. ENFORCEMENT: Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. 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 rights. For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd U.S. Department of Labor • Wage and Hour Division Updated 8/1 **Polygraph Protection** 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. 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 Act. EXEMPTIONS 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 in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests. **EXAMINEE RIGHTS** 

MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILITY

**Family Medical Leave Act** 

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. 1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd



YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed Form W-4 with your employer did you...

Your nonwage income (interest, dividend, capital gains, etc.)?

Your family wage income (you or your spouse started or





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Your Employer's DMP is:

mportant Notice to Workers

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

n Case of Injury at Work Seek first aid or medical treatment immediately

Tell your employer about the injury as soon as you become aware of the injury

• If it is an emergency, you can treat with any medical provider.

### What happens after a claim is filed?

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

### Your Responsibilities

- 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 immediately to WSI at 800-243-3331.

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

> 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

> > WSI North Dakota Workforce Safety & Insurance

Updated 8/1

## **USERRA**

### • FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS • YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: • you ensure that your employer receives advance written or verbal notice of your service: • you have five years or less of cumulative service in the uniformed services while with that particular employer; • you return to work or apply for reemployment in a timely manner after conclusion of service; and • you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

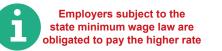
If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

**RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION** 

### Contact OSHA. We can help.



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



### **Federal Minimum Wage** \$7.25 PER HOUR BEGINNING JULY 24, 2009



**OVERTIME PAY:** At least 1<sup>1</sup>/<sub>2</sub> 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 certain work hours restrictions. Different rules apply in agricultural employment.

### TIP CREDIT

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

#### NURSING MOTHERS:

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

#### ENFORCEMENT:

The Department has authority to recover back wages and an equal amount in liquidated damages 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 penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened 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 violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

### ADDITIONAL INFORMATION

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

 Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. • 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 pay protections and correctly classified independent contractors are not.

· Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

#### 1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd WAGE AND HOUR DIVISION • WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

### **Equal Employment Opportunity**

#### Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

### Who is Protected?

Race

Color

identity)

Disability

Religion

National origin

Age (40 and older)

All aspects of employment, including:

• Pay (unequal wages or compensation)

religious belief, observance or practice

• Discharge, firing, or lay-off

Hiring or promotion

Assignment

Benefits

Referral

Job training

Classification

following ways:

• Employees (current and former), including managers and temporary employees Job applicants • Union members and applicants for membership in a union

### What Organizations are Covered?

 Most private employers State and local governments (as employers) • Educational institutions (as employers) Unions Staffing agencies

### What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

Genetic information (including employer requests for, or purchase, use, or

disclosure of genetic tests, genetic services, or family medical history)

• Retaliation for filing a charge, reasonably opposing discrimination, or

What Employment Practices can be Challenged as Discriminatory?

Failure to provide reasonable accommodation for a disability or a sincerelyheld

discrimination, filing a charge, or participating in an investigation or proceeding.

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

participating in a discrimination lawsuit, investigation, or proceeding.

• Harassment (including unwelcome verbal or physical conduct)

Obtaining or disclosing genetic information of employees

· Requesting or disclosing medical information of employees

• Conduct that might reasonably discourage someone from opposing

What can You Do if You Believe Discrimination has Occurred?

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

Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### Asking About, Disclosing, or Discussing Pay

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

### Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal

### **IRS Withholding**

### If you can answer "yes" ...

To any of these or you owed extra tax when you filed your last return, you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS website.

Employer: Please poster or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

Updated 1

Updated 4/15

Updated 4

### **Human Rights**

#### Human Rights Protections

Marry or divorce?

ended a job)?

Your tax credits?

Change your name?

Gain or lose a dependent?

Your itemized deductions?

Were there major changes to ...

North Dakota citizens are protected from unlawful discrimination under state and federal law. Under state law, protection is provided by the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Protection is also provided under several federal laws, including: Title I of the Americans with Disabilities Act (ADA) of 1990, Title VII of the Civil Rights Act of 1964 (Title VII), as amended, the Civil Rights Act of 1991, the Age Discrimination in Employment Act (ADEA) of 1967, as amended, the Equal Pay Act (EPA), and the Federal Fair Housing Act. The Human Rights Division of the North Dakota Department of Labor is responsible for enforcing the provisions of these laws. This responsibility includes receiving and investigating complaints alleging discriminatory practices, mediating or conciliating settlements, and enforcing remedies when discrimination is determined to have occurred. In addition, the Division is responsible for educating the public about rights and responsibilities under human rights laws and for studying the nature and extent of discrimination in North Dakota. In order to preserve complainants' rights under federal law, the Human Rights Division "dual" files eligible employment charges with the federal Equal Employment Opportunity Commission (EEOC) and conducts the investigation for the EEOC under the terms of a Work sharing Agreement. Similarly, eligible housing cases are "dual" filed with the U.S. Department of Housing and Urban Development (HUD) under a Cooperative Agreement. You are only protected from discrimination or retaliation if you are a member of a protected class or were participating in protected activity. Under North Dakota human rights laws, it is unlawful for any person to be discriminated against because of his or her:

• Race • Color • National Origin • Religion • Sex • Age (40 years old and older) • Mental or Physical Disability • Marital Status • Familial Status (the presence of children under the age of 18, being pregnant, or in the process of obtaining legal custody of a minor child) (housing only) • Receipt of Public Assistance (either state or federal 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 interests of the employer) (employment only).

#### Types of Unlawful Discrimination

Youth Employment Laws

specifically:

Updated 8/1

Discrimination is prohibited under North Dakota law in employment, housing, public services, public accommodations and credit transactions. In these areas, rotections from discrimination based on your status in a protected category include

• Employment - regarding terms and conditions of employment such as hiring, selection, promotion, transfer, pay, discharge and discipline. • Housing - including sale or rental of real estate, application of realtor or brokerage services, and mortgage lending. A few examples of possible types of discrimination in housing are: 1) altering the terms, conditions or privileges of a transaction, refusing to show or rent a rental unit. 3) refusing to receive or transmit a bona fide offer, 4) misrepresenting that a property is not available for rent or sale, and 5) eviction.

The North Dakota Department of Labor and Human Rights enforces state youth

employment laws. These laws establish a minimum age of 14 to be employed in

North Dakota and place limitations on the employment of teens ages 14 and 15,

with the Department of Labor and Human Rights. This form contains sections to

be completed by the worker, the worker's parent or guardian, and the employer.

It is specific to each job held and a new certificate must be filed when a 14 or 15

and Human Rights' office and web site. Job Service North Dakota offices and

Limit the hours that may be worked by persons ages 14 and 15. Such persons

I through Labor Day. In addition, 14 and 15 year-old workers are limited to a

and 18 hours in a school week and 40 hours in a non-school week. A school

week is any week, Sunday through Saturday, in which school attendance is

Prohibit persons ages 14 and 15 from performing certain types of work. Some

examples of prohibited employment are employment involving the use of power

driven machinery, construction work, work involving the use of chemicals, door-

to-door sales, driving, and cooking. I awnmowing is not prohibited for persons

ages 14 and 15 under state law but is prohibited by federal law, except in

maximum of 3 hours of work on a school day and 8 hours on a non-school day

may only work between the hours of 7:00 AM and 7:00 PM from Labor Day

through May 31 and between the hours of 7:00 AM and 9:00 PM from June

County School Superintendents' offices may also have a supply.

required for any part of four or more days.

domestic employment.

year-old worker changes jobs. Forms are available from the Department of Labor

Require 14 and 15 year-old workers to file an Employment and Age Certificate

• Public Accommodations - by failing to provide a person access to the use of any benefit from the services and facilities offered by privately owned businesses. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. If a place of public accommodation has an architectural or communication barrier, such barrier must be removed if removal is readily achievable. If removal of the barrier is not readily achievable, accessibility to the goods, services, privileges, advantages or accommodation must be made available through alternative methods

• Public Services - by failing to provide a person access to the use of and benefit of services and facilities provided by public entities. Reasonable Accommodations

Employers, housing providers, public accommodation providers, and public service providers are required to make "reasonable" accommodations to allow persons with disabilities equal access to employment, housing, services, and facilities. Examples of reasonable accommodation may include: making existing facilities readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs.

### Filing a Complaint

If you believe you have been discriminated or retaliated against in any of the areas listed above because you are a person in a protected class or were participating in a protected or lawful activity, you may file a complaint with the Division of Human Rights or you may file a civil action in state court. For more information on this process, please refer to our brochure on How to File a Discrimination Complaint in North Dakota, which is available in hard copy or on our website at the contacts noted below. Investigation

If a formal complaint is filed, the Division will conduct a thorough investigation into the allegations contained in the complaint. After gathering and reviewing all available evidence, Division staff will determine whether there is "reasonable cause" to believe that unlawful discrimination occurred. If the allegations are not supported by available evidence, the complaint will be dismissed. If a reasonabl cause finding is issued, the Division will provide for an administrative hearing on the complaint to determine what remedy is necessary to correct the effects of the discriminatory practice. The Division will emphasize conciliation to resolve complaints. The parties to a complaint may agree to settle the complaint at any

Have Additional Questions? Need assistance with this information? Contact us at:

North Dakota Department of Labor, Human Rights Division 600 East Boulevard Ave. Dept. 406. Bismarck. ND 58505-0340

here are no restrictions on employment for persons age 16 and over under

certain types of employment for anyone under 18 years of age. Types of

work involving power-driven machines.

North Dakota youth employment laws. However, federal child labor laws prohibit

employment prohibited under these rules include roofing, most driving, and most

Teens may be exempt from some or all of the state youth employment rules under certain conditions:

Employment and Age Certificate if they work for and under the direct supervisio

They are exempt from the minimum age (14) and the requirement to file an

of their parent or guardian and if that person is 100 percent owner of the

They are exempt from the restricted hours and the requirement to file an

Employment and Age Certificate if they are exempt from compulsory school

attendance because they have completed the requirements for graduation.

to file an Employment and Age Certificate if they work in domestic service

Babysitting in domestic service does not constitute employment unless it

involves 20 or more hours of work for 3 or more consecutive weeks.

cannot be taught in a mainstream classroom due to a disability.

because they are needed to help financially support their family, or because they

They are exempt from the minimum age, restricted hours, and the requirement

They are exempt from all youth employment provisions if they work in agricultura

Enter ND Unemployment Acct#

(performing services of a household nature in or about the employer's private

Phone - (701)328-2660 or 1-800-582-8032 TTY (Relay ND) - 1-800-366-6888 c Fax - (701)328-2031 E-Mail - humanrights@nd.gov

Web site - nd.gov/humanrights

### **Worker's Compensation**

Please fill in Worker's Compensation information

**Youth Employment** 

business

employment.

**No Smoking** 

No employer shall knowingly or intentionally permit,

and no person shall engage in, the smoking of tobacco

products in an enclosed space at a place of employment.

**Unemployment Insurance** 

Account #:

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

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

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

Job Service North Dakota, Unemployment Insurance PO Box 5507, Bismarck ND 58506 – 5507 Job Service North Dakota is an Equal Opportunity Employer/

THIS POSTER MUST BE POSTED IN A CONSPICUOUS PLACE

Enter Employer Name

Program Provider. Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities.

Employers are prohibited from posting this notice if they are not currently liable for coverage. NDCC 52-06-35 NDAC 27-02-04-01

vou: • are a past or present member of the uniformed service: • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • retemployment; • retention in employment; • promotion; or • any benefit of employment because of this status.

### HEALTH INSURANCE PROTECTION

• If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for serviceconnected illnesses or injuries.

### ENFORCEMENT

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. • For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/ vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra • If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

n addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



### **State Minimum Wage**

### Effective Date: August 1, 2015 MINIMUM WAGE RATE: \$7.25 per hour on 7/24/09. North Dakota does not have a Training Wage.

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 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

• Employees working more than one job under the control of the same employer must have all hours worked counted toward overtime. Exemptions from overtime are listed on the reverse side of this poster.

### Formulas for calculating overtime are available in N.D. Admin. Code Section 46-03-01.

MEAL PERIODS N.D. Admin. Code § 46-02-07-02(5) • A minimum 30-minute meal period must be provided in shifts exceeding five hours when there are two or more employees on duty.

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

• 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.

PAID TIME OFF N.D. Admin. Code § 46-02-07-02(12) - Applies unless a limitation below is met A minimum 30-minute meal period must be provided in shifts exceeding five hours when there are two or more employees on duty.

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

• 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

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

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

a. At the time of hiring, the employer provided the employee written notice of the limitation on payment of accrued paid time off;

b. The employee has been employed by the employer for less than one year; and

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

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

notice (for example, a two-week notice) is required. Contracts specifying a term of employment can pre-empt the at-will provision.

• 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. • 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 parties.

### DEDUCTIONS FROM PAY N.D.C.C. § 34-14-04.1

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 only may withhold from the compensation due employees:

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 minimum length of

Employment & Age Certificates (work permits) are required for workers ages 14 & 15 and are available from the Department of Labor, Job Service offices, County

1. Advances paid to employees, other than undocumented cash.

2. A recurring deduction authorized in writing.

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

YOUTH EMPLOYMENT N.D.C.C. ch. 34-07

RIGHT TO WORK N.D.C.C. § 34-01-14

3. A nonrecurring deduction authorized in writing, when the source of the deduction is cited specifically. 4. A nonrecurring deduction for damage, breakage, shortage, or negligence must be authorized by the employee at the time of the deduction.

ndents' offices, and loca 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 more days), 40 per non-school week. 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 membership or nonmembership in any labor union or labor organization.

Hazardous job duties for youth age 14 & 15:

Workers ages 14 & 15 are prohibited from performing certain job duties defined as hazardous in labor law.

EXEMPTIONS FROM OVERTIME N.D. Admin. Code § 46-02-07-02(4)

• An employee employed in a bona fide executive, administrative, or professional capacity.

Executive - an employee whose primary duties consists of:

a. The management of the enterprise or recognized department or subdivision thereof; b. Directing the work of two or more other employees therein; and

. The authority to hire or fire other employees or whose suggestions will be given particular weight.

<u>Administrative</u> - an employee whose primary duties consists of:

a. Office or non-manual work directly related to management policies or general business operations; and

. Who customarily and regularly exercises discretion and independent judgment.

Professional - an employee whose primary duties consists of:

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:

. 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 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 at a rate of at least \$27.63. • 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.

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

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

• A highly compensated employee: an employee who is paid total annualized compensation of 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 or nonmanual work. • 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 work (cleaning, laundry, or meal preparation). N.D.C.C. § 34-06-03.1

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. b. Attendance is in fact voluntary. d. The employee does not perform any productive work during such attendance.

Fraining or education mandated by the state, federal government, or any political subdivision for a specific occupation need not be counted as work-time. 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 nonwork 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 required to travel by the employer, 5) One-day assignments performed at the employer's request (regardless of driver or passenger status)

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

• 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 and must be compensated.

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. 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 agreement between the parties.

• 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.

ROOM AND BOARD N.D. Admin. Code § 46-02-07-02(13)

The reasonable value, not exceeding the employer's actual cost, of board, lodging, and other facilities customarily furnished by the employer for the employee's benefit may be treated as part of the wages, up to a maximum of eighteen dollars per day, if agreed to in writing and if the employee's acceptance of facilities is in fact voluntar

### UNIFORMS N.D. Admin. Code § 46-02-07-02(11)

An employer may require an employee to purchase uniforms if the cost of such uniforms does not bring that employee's wage below the hourly minimum wage for all hours worked during any pay period.

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

contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### • Sex (including pregnancy and related conditions, sexual orientation, or gender

38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

### Retaliation

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol. gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

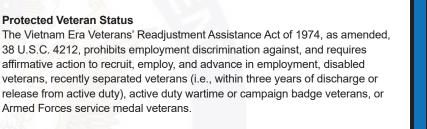
Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/ Portal/Login.aspx

Call 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) -844-234-5122 (ASL video phone) Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

### EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:



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 causes or may

cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

### Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

**Near Miss Reports** 

1600 E Century Ave Ste 1 - PO Box 5585 Bismarck ND 58506-5585 (701) 328-3800 1-800-777-5033 Hearing impaired: 1-800-366-6888 Fraud & Safety HotLine: 1-800-243-3331 For information on near misses: (701) 328-6010 www.WorkforceSafety.com

**Employer Name:** 

impaired only)

All employees must IMMEDIATELY report unsafe conditions and/or circumstances related to a "near miss" to their supervisor so that appropriate action can be taken to evaluate the situation and take corrective action to avoid a similar type of occurrence in the future.

If the first incident had been reported, in vestigated, and corrective measures taken, it would have prevented the second accident and serious injury to the third person.



A "near miss" is an incident that does not involve injury or property damage, but has the potential for injury or property damage. Why near misses SHOULD be reported:

Updated 10/2 **Payday Notice** 

### PAYDAY IS ON

□ MONDAY □ TUESDAY □ WEDNESDAY □ THURSDAY □ FRIDAY □ SATURDAY □ SUNDAY

FIRE-RESCUE:

#### **PAY SCHEDULE IS**

PAYCHECKS ARE ISSUED ON THE	AND	OF THE MONTH

# **Emergency Notice**

TO REORDER, CALL 1-888-488-7678 OR ORDER AT STATEANDFEDERALPOSTER.COM

AMBULANCE:

HOSPITAL:	PHYSICIAN:
ALTERNATE:	POLICE:
ОЅНА:	HAZARDOUS MATERIAL:
<b>ProService</b> HAW HR that powers your but	

If the near miss goes unreported, the incident may happen again, perhaps producing tomorrow's disabling injury, death		
	Why workers DO NOT report near misses:	Why workers SHOULD
	<ul> <li>It is perceived that there is much "red tape" involved.</li> <li>Fear of their supervisor's disapproval.</li> <li>Not wanting the incident on their record.</li> <li>Perception that they are "rocking the boat" or a "trouble - maker" if they report a near miss.</li> <li>Not wanting to be embarrassed by coworkers' ridicule or sarcasm.</li> <li>Concern that reporting a near miss will result in more work.</li> <li>Reluctance to spoil the group's safety record.</li> <li>Failure to understand why incidents should be reported.</li> </ul>	<ul> <li>To prevent extra expenses, as some damage may not be covered by insura</li> <li>To prevent the loss of skilled employed</li> <li>To prevent higher costs to their emploint time used to train replacement workers</li> <li>To prevent customers from going to construct the prevent work stoppage.</li> </ul>
	<ul> <li>Failure to recognize the damage that could result.</li> <li>Not wanting to be the subject of an incident investigation.</li> </ul>	AND MOST IM
		<ul> <li>To prevent injury, or even death, to</li> </ul>

th. or even business closure. LD report near misses: property privileges of employment because: rance. /ees. ployer and extra competitors. MPORTANTLY to themselves or other co-workers.

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. 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 • 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 law enforcement official. • 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.

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

MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILIT

Indated 8/1