

**FED**

**EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**

**FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009**

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

**OVERTIME PAY**  
At least 1 1/2 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.

**PUMP AT WORK**  
The FLSA requires employers to provide reasonable break time for a nursing employee to express 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 from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

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

WH1088 REV. 04/2003

**FED**

**EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT**

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 (armed 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.

**EXAMINER RIGHTS**  
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examiners 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 to refuse to disclose to unauthorized persons the results of the test.

**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.**

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

WH1462 REV. 02/2002

**FED**

U.S. Equal Employment Opportunity Commission  
**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?**  
Employees (current and former), including managers and temporary employees  
Job applicants  
Union members and applicants for membership in a union

**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 basis of:  
Race  
Color  
Religion  
National origin  
Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)  
Age (40 and older)  
Disability  
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 participating in a discrimination lawsuit, investigation, or proceeding  
Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

**What Rights are Covered?**  
Most private employers  
State and local governments (as employers)  
Educational institutions (as employers)  
Unions  
Staffing agencies

**What Employment Practices can be Challenged as Discriminatory?**  
All aspects of employment, including:  
Discharge, firing, lay-off  
Harassment (including unwelcome verbal or physical conduct)  
Sex (including promotion)  
Assignment  
Pay (unequal wages or compensation)  
Failure to provide reasonable accommodation for a disability, pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice  
Benefits  
Job training  
Referral  
Obtaining or disclosing genetic information of employees  
Requesting or disclosing medical information of employees  
Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding

**What is FMLA?**  
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 12-month period, for:  
The birth, adoption or foster placement of a child with you,  
Your serious mental or physical health condition that makes you unable to work,  
To care for your spouse, child or parent with a serious mental or 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 for the servicemember.

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 #28M(c) for more information.

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 FMLA leave.

**Am I eligible to take FMLA leave?**  
You are an eligible employee if all of the following apply:  
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 work location.

Airline flight crew employees have different "hours of service" requirements. You work for a covered employer if one of the following applies:  
You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year, or  
You work for an elementary or public or private secondary school, or  
You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

**How do I request FMLA leave?**  
Generally, to request FMLA leave you must:  
Follow your employer's normal policies for requesting leave,  
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.

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 may also inform your employer if

Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

**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 work). You can reach the EEOC in any of the following ways:  
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) 1-844-234-5122 (ASL video phone)  
Visit an EEOC field office (information at [www.eeoc.gov/field-office](http://www.eeoc.gov/field-office))  
E-Mail [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://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, you are protected under Federal law from discrimination on the following bases:  
Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin  
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 contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

**Protected Veteran Status**  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 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 1-800-367-4251 (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/>, or by calling an OFCCP regional or office office listed on our telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <https://www.ofccp.gov/contact-us>

**PROGRAMS OR ACTIVITIES RECEIVING 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 is a substantial or significant part of the assistance. 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 discrimination against individuals with disabilities in programs or activities which receive Federal financial assistance. Discrimination is prohibited in all aspects of employment, including recruitment, hiring, promotion, 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.

REV. 06/27/2003

**ND**

Department of Labor and Human Rights  
**MINIMUM WAGE & WORK CONDITIONS**

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0340  
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](mailto:labor@nd.gov) web site - [www.nd.gov/labor](http://www.nd.gov/labor)

**MINIMUM WAGE RATE: \$7.25 per hour on 7/24/09**  
Effective Date: August 1, 2015

**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-employee workers - overtime hours may not be "banked" and used for time off at a later date.  
Employees working more than one job under the control of the same employer must have all hours worked counted toward overtime.

**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.  
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  
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 kept in a separate bank.  
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.  
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 may not require the employee to have had notice of such contract or policy provision.

**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 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;  
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:  
a. 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  
Employers must be paid at least once each calendar month on the regular payday(s) designated in advance by the employer.  
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 employer 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 by a federal law to be withheld from employee compensation or where a court has ordered the employer to withhold compensation, an employer may withhold from the compensation due employees:  
1. Advances paid to employees, other than undocumented cash,  
2. A recurring deduction authorized in writing,  
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.

**EMPLOYMENT AT WILL** N.D.C.C. § 34-03-01  
Employment relationships without a specific contract are at will. Both parties and can be terminated by either party upon notice to the other. No minimum length of notice (for example, a two-week notice) is required. Contracts specifying a term of employment can pre-empt the at-will provision.

**RIGHT TO WORK** N.D.C.C. § 34-01-14  
An individual's right to work may not be denied or abridged due to membership or nonmembership in any labor union or labor organization.

**YOUTH EMPLOYMENT** N.D.C.C. ch. 34-07  
Employment & Age Certificates (work permits) are required for workers ages 14 to 15 and are available from the Department of Labor, Job Service Offices, County School Superintendents' Offices, and local schools.  
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 7 a.m.-7 p.m., (until 9 p.m. from June 1st - Labor Day).  
Hazardous jobs (titles 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:  
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 weight.

**Administrative** - an employee whose primary duties consist of:  
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.

**Professional** - an employee whose primary duties consist 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;  
b. Work requiring the consistent exercise of discretion and judgment in its performance; and  
c. Work that is predominantly 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 employer'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 regularly employed 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 workweek.  
A mechanic paid on a commission basis off a flat rate schedule.

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

WH1088 REV. 04/2003

**FED**

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

In 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.

**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 service-connected illness 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/users>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/users>.  
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.

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/users/poster/Federal Labor requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where their customary place notifies employees](https://www.dol.gov/agencies/vets/programs/users/poster/Federal%20Labor%20requires%20employers%20to%20notify%20employees%20of%20their%20rights%20under%20USERRA,%20and%20employers%20may%20meet%20this%20requirement%20by%20displaying%20the%20text%20of%20this%20notice%20where%20their%20customary%20place%20notifies%20employees)

U.S. Department of Labor 1-866-487-2365  
U.S. Department of Justice Office of Special Counsel  
Employer Support of the Guard and Reserve 1-800-338-4590

REV. 05/2002

**FED**

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

**What is FMLA?**  
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Visit an EEOC field office (information at [www.eeoc.gov/field-office](http://www.eeoc.gov/field-office))  
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The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 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 1-800-367-4251 (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/>, or by calling an OFCCP regional or office office listed on our telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <https://www.ofccp.gov/contact-us>

**PROGRAMS OR ACTIVITIES RECEIVING 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 is a substantial or significant part of the assistance. 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 discrimination against individuals with disabilities in programs or activities which receive Federal financial assistance. Discrimination is prohibited in all aspects of employment, including recruitment, hiring, promotion, 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.

REV. 06/27/2003

**ND**

Department of Labor and Human Rights  
**MINIMUM WAGE & WORK CONDITIONS**

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0340  
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](mailto:labor@nd.gov) web site - [www.nd.gov/labor](http://www.nd.gov/labor)

**MINIMUM WAGE RATE: \$7.25 per hour on 7/24/09**  
Effective Date: August 1, 2015

**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-employee workers - overtime hours may not be "banked" and used for time off at a later date.  
Employees working more than one job under the control of the same employer must have all hours worked counted toward overtime.

**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.  
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  
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 kept in a separate bank.  
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.  
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 may not require the employee to have had notice of such contract or policy provision.

**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 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;  
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:  
a. 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  
Employers must be paid at least once each calendar month on the regular payday(s) designated in advance by the employer.  
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 employer 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 by a federal law to be withheld from employee compensation or where a court has ordered the employer to withhold compensation, an employer may withhold from the compensation due employees:  
1. Advances paid to employees, other than undocumented cash,  
2. A recurring deduction authorized in writing,  
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.

**EMPLOYMENT AT WILL** N.D.C.C. § 34-03-01  
Employment relationships without a specific contract are at will. Both parties and can be terminated by either party upon notice to the other. No minimum length of notice (for example, a two-week notice) is required. Contracts specifying a term of employment can pre-empt the at-will provision.

**RIGHT TO WORK** N.D.C.C. § 34-01-14  
An individual's right to work may not be denied or abridged due to membership or nonmembership in any labor union or labor organization.

**YOUTH EMPLOYMENT** N.D.C.C. ch. 34-07  
Employment & Age Certificates (work permits) are required for workers ages 14 to 15 and are available from the Department of Labor, Job Service Offices, County School Superintendents' Offices, and local schools.  
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 7 a.m.-7 p.m., (until 9 p.m. from June 1st - Labor Day).  
Hazardous jobs (titles 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:  
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 weight.

**Administrative** - an employee whose primary duties consist of:  
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.

**Professional** - an employee whose primary duties consist 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;  
b. Work requiring the consistent exercise of discretion and judgment in its performance; and  
c. Work that is predominantly 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 employer'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 regularly employed 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 workweek.  
A mechanic paid on a commission basis off a flat rate schedule.

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

WH1088 REV. 04/2003

**ND**

**Important Notice to Workers**

**In Case of Injury at Work 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.
- If it is an emergency, you can treat with any medical provider.

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

- Workforce Safety & Insurance (WSI) will 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:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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**