## **EMPLOYEE RIGHTS UNDER THE**

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

& Associates, Inc.®

**Since 1953** 

The law requires employers to display this poster where employees can readily see it. At least 11/2 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. 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

**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

DEPARTMENT OF LABOR UNITED STATES OF AMERICA



WAGE AND HOUR DIVISION

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



**Effective Date:** 

August 1, 2015

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

An employee employed as an announcer, news editor, or chief

An employee in an artistic profession that is original and creative

Motor carrier as applied to covered employees of motor common,

contract, and private carriers specified by the Motor Carriers Act [49

in nature or where the work is dependent upon the invention,

A teacher, instructor, tutor, or lecturer engaged in teaching in a

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

engineer by a radio or television station.

imagination, or talent of the employee.

school or educational system.

## ND

Department of Labor and Human Rights

STATE CAPITOL 600 EAST BOULEVARD AVENUE BISMARCK, ND 58505-0340 Hours: M-F - 8:00a.m.-5:00p.m.

e-mail - labor@nd.gov web site - www.nd.gov/labor

North Dakota does not have a Training

**OVERTIME** N.D. Admin. Code § 46-02-07-02(4) Overtime pay must be paid at one and one-half times the

Overtime is computed on a weekly basis, regardless of the length of

Overtime is based only on hours worked. Paid holidays, paid time Compensatory time is not legal in private employment for nonexempt employees — overtime hours may not be "banked" and

same employer must have all hours worked counted toward

MEAL PERIODS N.D. Admin. Code § 46-02-07-02(5) A minimum 30-minute meal period must be provided in shifts

Employees may waive their right to a meal period upon agreement

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. 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

is combined with such time into one balance, all of the hours are is kept in a separate balance. 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 paid time off upon separation. An employment contract or policy may require an employee to to take the vacation. The employer must demonstrate that the

employee had notice of such contract or policy provision. 1. If an employee separates from employment voluntarily, a private

three conditions are all met: At the time of hiring, the employer provided the employee

than one year; and

The employee gave the employer less than five days' written 2. If an employee separates from employment, a private employer may

withhold payment for paid time off if:

earned by the employee; and

awarded paid time off.

**PAYDAYS & RECORD KEEPING** N.D.C.C. § § 34-14-02, 03 and N.D. Admin Code § 46-02-07-02

state and federal deductions, and any authorized deductions. 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

employer to withhold compensation, an employer only may withhold from the compensation due employees:

Advances paid to employees, other than undocumented cash. A recurring deduction authorized in writing.

A nonrecurring deduction for damage, breakage, shortage, or

Contracts specifying a term of employment can pre-empt the at-will

**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

offices, County School Superintendents' offices, and local schools.

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). Hazardous job duties for youth age 14 & 15:

**EXEMPTIONS FROM OVERTIME** N.D. Admin. Code

§ 46-02-07-02(4)

Executive — an employee whose primary duties consists of:

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

policies or general business operations; and Who customarily and regularly exercises discretion and

independent judgment Professional — an employee whose primary duties consists of: Work requiring knowledge of an advanced type in a field

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 Work that is predominately intellectual and varied in

character as opposed to routine mental, manual, mechanical, An employee engaged in an agricultural occupation – growing, raising, preparing, or delivering agricultural commodities for

An employee spending at least 51% of the employee's work-time An employee employed in domestic service who resides in the household in which employed.

boat, aircraft, truck, or farm implement dealerships unless that salesperson is required to be on the premises for more than forty 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 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

A mechanic paid on a commission basis off a flat rate schedule.

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## FAIR LABOR STANDARDS ACT

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

REV. 07/2016

\$7.25

services sold.

U.S.C. 315021.

**Minimum Wage & Work Conditions Summary** 

(701)328-2660 1-800-582-8032 Fax - (701)328-2031 TTY - 1-800-366-6888

**MINIMUM WAGE RATE:** 

per hour on Wage. 7/24/09

employee's regular rate of pay for hours worked over forty in any

A work week is a seven consecutive-day period defined by the

the pay period. off, or sick leave need not be counted in computing overtime hours. used for time off in another work week Employees working more than one job under the control of the

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

exceeding five hours when there are two or more employees on

Employees do not have to be paid for meal periods if they are Other breaks (such as 15 minute "coffee" breaks) are not required by

Paid time off includes annual leave, earned time, personal days, or other provisions providing compensation for vacation. If sick leave defined as paid time off. Sick leave is not defined as paid time off if it

earned by the employee prior to separation No employment contract or policy may provide for forfeiture of take vacation by a certain date or lose the vacation ("use it or lose it"), provided that the employee is given a reasonable opportunity

LIMITATIONS ON PAID TIME OFF N.D.C.C. § 34-14-09.2 employer may withhold payment for accrued paid time off if the following

The employee has been employed by the employer for less

written notice of the limitation on payment of accrued paid

The paid time off was awarded by the employer but not yet

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

Employees 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 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

designated by the employee or as otherwise agreed upon by both 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

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

EMPLOYMENT AT WILL N.D.C.C. § 34-03-01 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 notice (for example, a two-week notice) is required.

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

Restricted hours for youth age 14 & 15: Maximum hours per day: 3 per school day, 8 per non-school day.

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

An employee employed in a bona fide executive, administrative, or

professional capacity. The management of the enterprise or recognized department or subdivision thereof

Administrative — an employee whose primary duties consists of:

Directing the work of two or more other employees therein;

Office or non-manual work directly related to management

of science or learning customarily acquired by a prolonged

providing direct care to clients of a shelter, foster care, or other such A straight commission salesperson in retail automobile, trailer,

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

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

rate for hours worked over eight in a day or eighty in a fourteen-day

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 faceto-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 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

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if all the following criteria are met: Attendance is outside of the employee's regular working

Attendance is in fact voluntary. The course, lecture, or meeting is not directly related to the

employee's job. The employee does not perform any productive work during such attendance. Training or education mandated by the state, federal government, or any

political subdivision for a specific occupation need not be counted as work-

§ 46-02-07-02(6)

**TRAVEL TIME** N.D. Admin. Code § 46-02-07-02(7) The following types of travel time are not considered work time for

which an employee must be compensated: 1) Ordinary travel from home to work, 2) Time spent as a passenger on an airplane, train, bus, or automobile outside of regular working hours, 3) Activities that are merely incidental use of an employer-provided vehicle for commuting home to work.

The following types of travel time are considered work time for

which an employee must be compensated: 1) Travel during regular

work hours. 2) Travel on non-work days during regular work hours.

(regular work hours are those typically worked by an employee on work days), 3) Travel time from job site to job site or from

office to job site, 4) The driver of a vehicle is working at any time

when required to travel by the employer, 5) One-day assignments

performed at the employer's request (regardless of driver or 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

**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 voluntary.

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 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 **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, ocation, or privileges of employment because: The employee, or person acting on behalf of an employee, in good faith, reports a violation of federal, state, or local law, ordinance, regulation, or rule to an employer, a governmental body, or law

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.

The employee is requested by a public body or official to participate

Must be posted in a conspicuous place in a commonly frequented area in

This poster summarizes provisions contained in the ND Minimum Wage & Work Conditions Order North Dakota Administrative Code (N.D. Admin

**POSTING REQUIRED** 

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.

**NOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an

REV. 08/2015

employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

**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.

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.

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

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

**EXAMINEE RIGHTS** 

more restrictive with respect to lie detector tests.

FED

**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

**WAGE AND HOUR** DIVISION **UNITED STATES** DEPARTMENT OF LABOR

**1-866-487-9243** TTY: 1-877-889-5627

FED YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily

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.

leave employment positions to undertake military service or certain types

REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you leave that job to perform service in the

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

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

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 are a past or present member of the

uniformed service; or then an employer may not deny you: initial employment; reemployment;

retention in employment;

because of this status.

any benefit of employment In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA

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** 

Advisor can be viewed at <a href="http://www.dol.gov/elaws/userra.htm">http://www.dol.gov/elaws/userra.htm</a>. 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

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. U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special

Employer Support of the Guard and Reserve • 1-800-336-4590

## ND

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

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) may not accept your claim if you fail to tell your employer within 7 days.

Your Employer's DMP is:

worksites. Failure to give notice, post notice, or to inform employees of the DMP voids

Filing a Workers' Compensation Claim

Submit the FROI online at mywsi.workforcesafety.com, or Complete the FROI and send it to WSI.

A claim number is assigned. Information is gathered, facts are reviewed, and a decision is made.

**Your Responsibilities** Tell medical provider(s) your claim number.

to be eligible for these benefits.

Notify WSI immediately: of any work activity, whether you are paid or not, if you change your address or telephone number,

Stay in touch with your employer and update them on your condition.

If you suspect someone is committing fraud, report it immediately to WSI at 800-243-3331.

if you apply for Social Security disability or retirement benefits, or are found

**Workforce Safety &** 

Insurance

**EMPLOYER NAME:** 

PO Box 5507

ND

**Hearing Impaired:** 800-366-6888

A CONSPICUOUS PLACE TO EMPLOYEES: THIS EMPLOYER IS SUBJECT TO THE UNEMPLOYMENT COMPENSATION LAWS OF THE STATE

To file a claim for unemployment compensation benefits:

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

online: www.jobsnd.com • click on the UIICE logoor call: 1 -701-328-4995 • or TTY:

THIS POSTER MUST BE POSTED IN

this notice near the location(s) where worker's services are performed. Employers are prohibited from posting this notice if they are not currently liable for coverage. NDCC 52 NDAC 27 -02-04-01

FED

QR CODE Scan with phone camera: Go to: JJKeller.com/LLPverify Enter this code: 62856-082016

**Equal Employment Opportunity is THE LAW** 

WHAT TO DO IF YOU BELIEVE DISCRIMINATION

employment discrimination. To preserve the ability of

EEOC to act on your behalf and to protect your right to

file a private lawsuit, should you ultimately need to, you

There are strict time limits for filing charges of

and requests for or receipt of genetic services by **Private Employers, State and Local** applicants, employees, or their family members. Governments, Educational Institutions,

**RETALIATION Employment Agencies and Labor** All of these Federal laws prohibit covered entities **Organizations** from retaliating against a person who files a charge Applicants to and employees of most private employers, of discrimination, participates in a discrimination state and local governments, educational institutions, proceeding, or otherwise opposes an unlawful employment agencies and labor organizations are employment practice

**HAS OCCURRED** 

protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, NATIONAL

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin.

the accommodation does not impose undue hardship. Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. 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. The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of

In addition to sex discrimination prohibited by Title VII

of the Civil Rights Act, as amended, the Equal Pay Act

employment. **SEX (WAGES)** 

FED

**LEAVE ENTITLEMENTS** 

of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment. Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training,

classification, referral, and other aspects of employment.

GINA also restricts employers' acquisition of genetic

information and strictly limits disclosure of genetic

information. Genetic information includes information

sorders in family members (family medical history);

about genetic tests of applicants, employees, or their

family members; the manifestation of diseases or

should contact EEOC promptly when discrimination is The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 Religious discrimination includes failing to reasonably accommodate an employee's religious practices where

(toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at

**Employers Holding Federal Contracts or** 

**Subcontracts** Applicants to and employees of companies with a Federal government contract or subcontract are

following bases: RACE, COLOR, RELIGION, SEX, NATIONAL Executive Order 11246, as amended, prohibits job

equality of opportunity in all aspects of employment. INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of 1973. as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment Disability discrimination includes not making reasonable accommodation to the known physical or

mental limitations of an otherwise qualified individual

barring undue hardship. Section 503 also requires that

Federal contractors take affirmative action to employ

with a disability who is an applicant or employee,

and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

The Vietnam Era Veterans' Readjustment Assistance

Act of 1974, as amended, 38 U.S.C. 4212, prohibits job

discrimination and requires affirmative action to emplo

and advance in employment disabled veterans, recently

**DISABLED, RECENTLY SEPARATED, OTHER** PROTECTED, AND ARMED FORCES SERVICE

separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans

(veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

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

Any person who believes a contractor has violated its

nondiscrimination or affirmative action obligations under the authorities above 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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at

or district office, listed in most telephone directories under U.S. Government, Department of Labor. **Programs or Activities Receiving Federal** 

OFCCP-Public@dol.gov, or by calling an OFCCP regional

**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 protected under Federal law from discrimination on the 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 discrimination on the basis of race, color, religion, sex or provision of employment, or where employment national origin, and requires affirmative action to ensure 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

> 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

programs or activities which receive Federal financial

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. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

EEOC-P/E-1

**EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** The United States Department of Labor Wage and Hour Division

**MEDAL VETERANS** 

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.

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

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,

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

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

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;

as soon as possible and, generally, follow the employer's usual procedures.

provide a written notice indicating what additional information is required.

the employee must comply with the employer's normal paid leave policies.

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.

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

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

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies 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

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

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.

For additional information or to file a complaint: 1-866-4-USWAGE

REV. 04/2016

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

U.S. Department of Labor • Wage and Hour Division • WH1420

**Job Safety and Health** 

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

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

Request a confidential OSHA inspection

• File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.

the workplace injury and illness log.

that measure hazards in the workplace, and

IT'S THE LAW!

**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

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.

reporting a work-related injury or illness.

Comply with all applicable OSHA standards.

Notify OSHA within 8 hours of a 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.

Request copies of your medical records, tests

**TWO** ways to verify poster compliance!

To update your labor law posters contact J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

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BISMARCK ND 58506 -5507

are obligated to serve in the uniformed uniformed service; have applied for membership in the

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

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 http://www.dol.gov/vets. An interactive online 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: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify

REV. 04/2017

see any medical provider. If your employer does have a DMP, you are required to see that DMP unless you

Even if you do not receive medical treatment, report your injury so your employer is aware of a potential hazard.

The DMP selection must be visible to workers at all locations, including at mobile

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

What happens after a claim is filed?

You and your employer are notified of the decision.

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

> **Decision Review Office:** 800-701-4932 or 701-328-9900 Fraud & Safety Hotline: 800-243-3331

OF NORTH DAKOTA

RELAY ND 1 -800-366-6888 (for hearing impaired only) The North Dakota Unemployment Compensation Law requires subject employers to post

REV. 05/2006

Job Service North Dakota is an Equal Opportunity Employer/Program Provider.

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

This poster is in compliance with federal and state posting requirements.

www.dol.gov/whd WH1462 REV. 07/2016

promotion; or

You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

**Important Notice to Workers** 

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.

**EMPLOYER RESPONSIBILITIES** 

provide a reason for ineligibility.

DEPARTMENT OF LABOR

UNITED STATES OF

**AMERICA** 

retaliated against. Receive information and training on job hazards, including all hazardous substances in your workplace.

speak in private to the inspector.

See any OSHA citations issued to your

Contact OSHA. We can help.

JOB SERVICE NORTH DAKOTA **U**NEMPLOYMENT INSURANCE

1600 E Century Ave, Ste 1 - PO Box 5585 - Bismarck ND 58506-5585 **Customer Service:** 800-777-5033 or 701-338-3800

This poster is available free from OSHA.

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

AUG2016

# **ONLINE**