# **North Dakota State Postings**





### **ND MINIMUM WAGE & WORK CONDITIONS SUMMARY**

State Capitol 600 East Boulevard Avenue Bismarck, ND 58505-0340 Houss M-F - 800am. 5:00p.m. 100; M-F - 800am. 5:00p.m. (701) 328-2660 1-800-582-8032 Fav. (701) 328-26701 TTY - 1-800-366-6888 e-mail - labor/3nd.gov web site - www.nd.gov/labor

### 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.

- defined by the employer.

  Destrien is compared on a weekly basis, regardise of the length of the pay period.

  Destrien is based only on hours worked. Paid holdings, raid time for it raids leave meed not be counted in competing overtime hours.

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

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

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

# PAID TIME OFF N.D. Admin. Code § 46-02-07-02(12) -Applies unless a limitation below is met

- If an employee separates from employment voluntarily, a private employer may withhold payment for accrued paid time off if the following three conditions are all met
- se conducts are surmer.

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

  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.

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

- Every employer must furnish to an employee each pay period a check stub or voucher indicating hours worked, rate of pay, required state and foderal deductions, and any authorized deductions.
- deductors, and any surrorate deductors. When an employee is terminated from employment separates from employment voluntarily, or is suspended from work as the result of an includial diapute, unpaid wages or compensation become due and payable at the regular psychytic established in advance by the employer for the periodisj worked by the employee.

### RIGHT TO WORK N.D.C.C. § 34-01-14

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

Employment & Age Certificates (work permits) are requir for workers ages 14 & 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 achool aftendance 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 Days).

  Tell Labor Days

  Tell Labor

Hazardous job duties for youth age 14 & 15:

## Workers ages 14 & 15 are prohibited from pe 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 exadministrative, or professional capacity. Executive - an employee whose primary duties co
- Directing the work of two or more other employees therein; and
- Administrative an employee whose primary duties consists of:

# b. Who customarily and regularly exercises discretion and independent judgment. Professional - an employee whose primary duties consists of:

- 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, or physical work.
- mployee engaged in an agricultural occupation ring, raising, preparing, or delivering agricultural modities 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.

- An employee employed as an announcer, news editor, or chief engineer by a radio or television station.
- 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].

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

### N.D. Admin. Code § 46-02-07-02(4)

- the etitipayee and may not one returned 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 \$4.68 per hour effective July 24, 2009. The employer may maintain written records verifying that tipped employees roceive at least the full minimum wage for all hours worked when the direct wage and tips are combined.

### MINIMUM WAGE RATE:

### \$7.25

### ner hour on 7/24/09 Effective Date: August 1, 2015

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if all the following criteria are met:

- c. The course, lecture, or meeting is not directly related to the employee's job. d. The employee does not perform any productive work during such attendance.

- work. The following types of travel time are considered work time for which an employee must be compensated: 1) fravel design for which an employee must be compensated; 1) fravel design work hours are those typically worked by an employee own with Funder on those typically worked by an employee own with wight. 3) Farriell time force job also to job acts of them office to job acts, 4) the other of a which is switched as the property of the pro

- When employees are on-call and are not required to remain on the employer's premises but are required to respond to beeper or leave word at home or the employer's business where they may be reached, they are not considered to be

- 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.

UNIFORMS N.D. Admin. Code § 46-02-07-02(11) mployer may require an employee to purchase uniforms if cost of such uniforms does not bring that employee's wage w the hourly minimum wage for all hours worked during any

- 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.
- body, or aw entercement consul.

  The employee in equested by a public body or official to participato in an investigation, a hearing, or an inquiry.

  The employee refuses an employer's creder to perform an action that the employee believes violates local, state, or federal law, ordinance, rule, or regulation. The employee have an objective basis in fact for that belief and shall infi the employer that the order is being refused for that result.

mployees should also see N.D.C.C. ch. 34-11.1 Public es Relations Act for further information.

### POSTING REQUIRED

This poster summarizes provisions contained in the NO Minimum Wage & Work Conditions Order North Dalota 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.

## **IMPORTANT NOTICE TO WORKERS**

### In Case of Injury at Work

# Seek first aid or medical treatment immediately

may see any medical provider.

NORTH DAKOTA

- 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) may not accept your claim if you fail to tell your employer with 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

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

### 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 tough 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

North Dakota Workforce

Safety & Insurance

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

Hearing Impaired: 800-366-6888 Decision Review Office: 800-701-4932 or 701-328-9900

Fraud & Safety Hotline: 800-243-3331

THIS POSTER MUST BE POSTED IN A CONSPICUOUS PLACE

# **TO EMPLOYEES:**

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

Employer Name:	Enter Employer Name	

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

### To file a claim for unemployment compensation benefits online: www.jobsnd.com click on the UI ICE logo

or call: 1-701-328-4995

or TTY: RELAY ND 1-800-366-6888 (for hearing impaired only) The North Dakota Unemployment Compensation Law requires subject employers to post this notice near the location(s) where worker's services are performed. Employers are prohibited from posting this notice if they are not currently liable for coverage. NDCC 52-06-58 NDAC 27-02-04-01



Dakota | Job Service

Unemployment Insurance PO Box 5507 Bismarck ND 58506-5507

# Job Service North Dakota is an Equal Opportunity Employer/Program Provider ciliary Aids and Services are Available Upon Request to Individuals with Disabil

Notice to Employers / Employees

NORTH DAKOTA SP-ND-E



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**Compliance Date** August 2015



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