

ND MINIMUM WAGE & WORK CONDITIONS

State Capitol 600 East Boulevard Avenue 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 web site - www.nd.gov/labor

MINIMUM WAGE RATE:

North Dakota does not have
a Training Wage.

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

Exemptions from overtime are listed on the reverse side of this poster. Formulas for calculating overtime are available in N.D. Admin. Code Section 46-03-01.

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

- A minimum 30-minute meal period must be provided in shifts exceeding five hours when there are two or more employees on duty.
- Employees may waive their right to a meal period upon agreement with the employer.
- Employees do not have to be paid for meal periods if they are completely relieved of their duties and the meal period is at least thirty minutes in length. Employees are not completely relieved if they are required to perform any duties during the meal period.
- Other breaks (such as 15 minute "coffee" breaks) are not required by law, but must be paid breaks if they are offered by the employer.

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

- Paid time off includes annual leave, earned time, personal days, or other provisions providing compensation for vacation. If sick leave is combined with such time into one balance, all of the hours are defined as paid time off. Sick leave is not defined as paid time off if it is kept in a separate balance.
- 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 must demonstrate that the employee had notice of such contract or policy provision.

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

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

- 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 state and federal deductions, and any authorized deductions.
- When an employee is terminated from employment, separates from employment voluntarily, or is suspended from work as the result of an industrial dispute, unpaid wages or compensation become due and payable at the regular payday(s) established in advance by the employer for the period(s) worked by the employee.
- When an employer terminates an employee, the employer shall pay those wages to the employee by certified mail at an address designated by the employee or as otherwise agreed upon by both parties.

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

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

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 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. 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 & 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 7a.m.-7p.m. (until 9p.m. from June 1st - Labor Day).

Hazardous job duties for youth age 14 & 15:

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

POSTING REQUIRED

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

See REVERSE SIDE of this Poster for Additional Information.

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

- An employee employed in a bona fide executive, administrative, or professional capacity.
Executive - an employee whose primary duties consists of:
 - a. The management of the enterprise or recognized department or subdivision thereof;
 - b. Directing the work of two or more other employees therein; and
 - c. The authority to hire or fire other employees or whose suggestions will be given particular weight.**Administrative** - an employee whose primary duties consists 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 consists of:
 - a. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes;
 - b. Work requiring the consistent exercise of discretion and judgment in its performance; and
 - c. Work that is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work.
- An employee engaged in an agricultural occupation – growing, raising, preparing, or delivering agricultural commodities for market.
- An employee spending at least 51% of the employee's work-time providing direct care to clients of a shelter, foster care, or other such related establishment.
- An employee employed in domestic service who resides in the household in which employed.
- A straight commission salesperson in retail automobile, trailer, boat, aircraft, truck, or farm implement dealerships unless that salesperson is required to be on the premises for more than forty hours per week.
- A computer professional exercising discretion and independent judgment when designing, developing, creating, analyzing, testing, or modifying computer programs or who is paid hourly at a rate of at least \$27.63.
- An employee who is customarily and regularly engaged away from the employer's premises for the purpose of making sales or taking orders. Work unrelated to outside sales may not exceed 20% of the hours worked in the week.
- A mechanic paid on a commission basis off a flat rate schedule.
- An employee of a retail establishment if the employee's regular rate of pay exceeds 1.5 times the minimum hourly rate applicable if more than half of the employee's compensation for a period of not less than one month is derived from commission on goods or services sold.
- An employee employed as an announcer, news editor, or chief engineer by a radio or television station.
- An employee in an artistic profession that is original and creative in nature or where the work is dependent upon the invention, imagination, or talent of the employee.
- Motor carrier as applied to covered employees of motor common, contract, and private carriers specified by the Motor Carriers Act [49 U.S.C. 31502].
- A teacher, instructor, tutor, or lecturer engaged in teaching in a school or educational system.
- A highly compensated employee: an employee who is paid total annualized compensation of one hundred thousand dollars or more, which includes at least four hundred fifty-five dollars per week paid on a salary or fee basis. The employee's primary duty includes performing office or nonmanual work.
- An employee providing companionship services (fellowship, care, or protection) to aged or disabled individuals. No more than 20% of the hours worked in the week may be household work (cleaning, laundry, or meal preparation). N.D.C.C. § 34-06-03.1

TAXI DRIVER AND HEALTHCARE OVERTIME PROVISIONS N.D. Admin. Code § 46-02-07-02(4)

- Taxicab drivers must be paid overtime for all hours worked in excess of fifty hours in any work week.
- Hospitals and residential care establishments may adopt, by agreement with their employees, a fourteen-day overtime period, if the employees are paid at least time and one-half their regular rate for hours worked over eight in a day or eighty in a fourteen-day work period.

TIPS N.D. Admin. Code § 46-02-07-03

- Gratuities offered to an employee by a customer belong to the employee and may not be retained by the employer.
- Employers may utilize a tip credit of 33% of the minimum wage for tipped employees. With the tip credit applied, the minimum direct wage payable to a tipped employee is \$4.86 per hour effective July 24, 2009. The employer must maintain written records verifying that tipped employees receive at least the full minimum wage for all hours worked when the direct wage and tips are combined.
- A tipped employee is any service employee in an occupation in which he or she receives more than thirty dollars per month in tips.
- A service employee is any employee who is providing direct service to the customer and to whom that customer shows appreciation for that service by tipping that employee for the direct service. The employee must regularly and customarily provide personal face-to-face service to individual customers, which the customer would recognize as being performed for his or her benefit. Services such as cooking and dishwashing are not included.
- An employer who elects to use the tip credit must inform the employee in advance.
- Tip pooling is allowed only among the tipped employees. A vote of tipped employees to allow tip pooling must be taken, and fifty percent plus one of all tipped employees must approve it. The employer must maintain a written record of each vote on tip pooling, including names of employees voting and the vote totals. A vote on whether to pool tips is required if requested by fifty-one percent or more of the tipped employees. The tipped employees shall provide documentation verifying the request. Time spent in meetings called by the employees exclusively for tip issues is not work time. Gaming sites, which regularly have four or fewer tipped employees on duty, can require tip pooling among all tipped employees at the site. Pit bosses or supervisors at gaming sites are not tipped employees and cannot be part of the tip pool when performing functions of those positions other than dealing blackjack (twenty-one).

MEETINGS AND TRAINING TIME N.D. Admin. Code § 46-02-07-02(6)

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

- a. Attendance is outside of the employee's regular working hours.
- b. Attendance is in fact voluntary.
- 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.

Training or education mandated by the state, federal government, or any political subdivision for a specific occupation need not be counted as work-time.

TRAVEL TIME N.D. Admin. Code § 46-02-07-02(7)

- The following types of travel time are not considered work time for which an employee must be compensated: 1) Ordinary travel from home to work, 2) Time spent as a passenger on an airplane, train, bus, or automobile outside of regular working hours, 3) Activities that are merely incidental use of an employer-provided vehicle for commuting home to work.
- The following types of travel time are considered work time for which an employee must be compensated: 1) Travel during regular work hours, 2) Travel on 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 passenger status).

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

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

BONUSES AND COMMISSIONS N.D. Admin. Code § 46-02-07-02(15)

- An earned bonus is an amount paid in addition to a salary, wage, or commission. An earned bonus is compensable when an employee performs the requirements set forth in a contract or an agreement between the parties.
- A commission is a fee or percentage given for compensation to an individual for completion of a sale, service, or transaction. Upon separation from employment, the past practices, policies, and entire employment relationship will be used to determine if the commission is earned and compensable.

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

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

EMPLOYMENT RETALIATION N.D.C.C. § 34-01-20

An employer may not discharge, discipline, threaten, discriminate, or penalize an employee regarding the employee's compensation, conditions, location, or 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 enforcement official.
- The employee is requested by a public body or official to participate in an investigation, a hearing, or an inquiry.
- The employee refuses an employer's order to perform an action that the employee believes violates local, state, or federal law, ordinance, rule, or regulation. The employee must have an objective basis in fact for that belief and shall inform the employer that the order is being refused for that reason.

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

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

SALARIO MÍNIMO Y CONDICIONES LABORALES DE ND RESUMEN

State Capitol 600 East Boulevard Avenue Bismarck, ND 58505-0340
Horario: de lunes a viernes, de 8:00 a. m. a 5:00 p. m.
(701) 328-2660 1-800-582-8032 Fax - (701) 328-2031 TTY - 1-800-366-6888
correo electrónico: labor@nd.gov sitio web: www.nd.gov/labor

TASA DE SALARIO MÍNIMO:

7,25 dólares
Por hora desde el
24 de julio de 2009

Fecha de entrada en vigor:
1.º de agosto de 2015

Dakota del Norte no tiene
un salario de capacitación.

HORAS EXTRA Código Administrativo de Dakota del Norte (North Dakota, ND) § 46-02-07-02(4)

- El pago de una hora extra debe equivaler al pago de una hora y media de la tasa de pago regular del empleado por las horas trabajadas por encima de cuarenta en cualquier semana laboral.
- Una semana laboral es un período de siete días consecutivos definido por el empleador.
- Las horas extras se calculan semanalmente, independientemente de la duración del período de pago.
- Las horas extras se basan únicamente en las horas trabajadas. No es necesario contar los días festivos remunerados, el tiempo libre remunerado o los permisos por enfermedad para calcular las horas extras.
- El tiempo compensatorio no es legal en el empleo privado para empleados no exentos; las horas extras no se pueden "acumular" ni usar como tiempo libre en otra semana laboral.
- Los empleados que hagan más de un trabajo bajo el control del mismo empleador deben tener todas las horas trabajadas contabilizadas como horas extras.
En el reverso de este cartel encontrará las exenciones de las horas extras. Las fórmulas para calcular las horas extras están disponibles en el Código Administrativo de ND Sección 46-03-01.

PERÍODOS PARA COMER Código Administrativo de ND § 46-02-07-02(5)

- Se debe proporcionar un período mínimo para comer de 30 minutos en turnos que excedan las cinco horas, cuando hay dos o más empleados en servicio.
- Los empleados pueden renunciar a su derecho a un período para comer según lo acuerde con el empleador.
- No es necesario pagarles a los empleados por los períodos para comer si están completamente relevados de sus funciones y el período para comer es de, al menos, treinta minutos de duración. Los empleados no se consideran completamente relevados de sus funciones si se les pide que realicen alguna tarea durante el período para comer.
- Otros descansos (como descansos para tomar "café" de 15 minutos) no son obligatorios por ley, pero deben ser descansos pagados si los ofrece el empleador.

TIEMPO LIBRE REMUNERADO Código Administrativo de ND § 46-02-07-02(12) - Se aplica a menos que se cumpla una de las siguientes limitaciones

- El tiempo libre remunerado incluye vacaciones anuales, tiempo ganado, días personales u otras disposiciones que brinden compensación por vacaciones. Si el permiso por enfermedad se combina con ese tiempo en un solo saldo, todas las horas se definen como tiempo libre remunerado. El permiso por enfermedad no se define como tiempo libre remunerado si se mantiene en un saldo aparte.
- Una vez que el tiempo libre remunerado está disponible para que el empleado lo tome, cualquier parte no utilizada de dicho tiempo se considera salario al momento de la separación del empleo y se debe pagar a la tarifa regular de pago que gana el empleado antes de la separación.
- Ningún contrato o política de empleo puede estipular la pérdida del tiempo libre remunerado ganado al momento de la separación.
- Un contrato o política de empleo puede requerir que un empleado tome vacaciones en una fecha determinada o las perderá ("tómelas o piérdalas"), siempre que el empleado tenga una

LIMITACIONES DEL TIEMPO LIBRE REMUNERADO NDCC § 34-14-09.2

1. Si un empleado se separa del empleo voluntariamente, un empleador privado puede retener el pago del tiempo libre remunerado acumulado si se cumplen las tres condiciones siguientes:
 - a. En el momento de la contratación, el empleador le proporcionó al empleado una notificación por escrito de la limitación del pago del tiempo libre remunerado acumulado.
 - b. El empleado ha estado empleado por el empleador durante menos de un año.
 - c. El empleado le notificó al empleador por escrito o verbalmente con menos de cinco días de anticipación.
2. Si un empleado se separa del empleo, un empleador privado puede retener el pago del tiempo libre remunerado si se cumple lo siguiente:
 - a. El tiempo libre remunerado fue otorgado por el empleador, pero el empleado aún no lo ganó.
 - b. Antes de otorgar el tiempo libre remunerado, el empleador le proporcionó al empleado una notificación por escrito de la limitación en el pago del tiempo libre remunerado otorgado.

DÍAS DE PAGO Y PRESERVACIÓN DE REGISTROS Código del Siglo de Dakota del Norte (North Dakota Century Code, NDCC) § § 34-14-02, 03 y Código Administrativo de ND § 46-02-07-02

- A los empleados se les debe pagar, al menos, una vez por mes calendario en el día o días de pago regulares designados por adelantado por el empleador.
- Cada empleador debe proporcionar a un empleado en cada período de pago un talón de cheque o comprobante que indique las horas trabajadas, la tasa de pago, las deducciones estatales y federales requeridas y las deducciones autorizadas.
- Cuando un empleado es despedido del empleo, se separa del empleo voluntariamente o lo suspenden del trabajo como consecuencia de una disputa laboral, los salarios impagos o la compensación vencen y se pagan en los días de pago regulares establecidos por adelantado por el empleador para los períodos trabajados por el empleado.
- Cuando un empleador despide a un empleado, deberá pagar esos salarios al empleado por correo certificado a una dirección designada por el empleado o según lo acordado por ambas partes.

DEDUCCIONES DEL PAGO NDCC § 34-14-04.1

Excepto por aquellas cantidades que la ley estatal o la federal requieren que se retengan de la compensación del empleado o cuando un tribunal le haya ordenado al empleador que retenga la compensación, un empleador solo puede hacer retenciones de la compensación que se le debe a los empleados en los siguientes casos:

1. Anticipos pagados a empleados, distintos del efectivo no documentado.
2. Una deducción recurrente autorizada por escrito.
3. Una deducción no recurrente autorizada por escrito, cuando se cita específicamente la fuente de la deducción.
4. El empleado debe autorizar una deducción no recurrente por daños, destrozos, escasez o negligencia en el momento de la deducción.

EMPLEO A VOLUNTAD NDCC § 34-03-01

Las relaciones laborales sin término específico son a voluntad de ambas partes y cualquiera de las partes las pueden rescindir mediante notificación a la otra. No se requiere un tiempo mínimo de aviso (por ejemplo, un aviso con dos semanas de antelación). Los contratos que especifican un período de empleo pueden prevalecer sobre la disposición a voluntad.

DERECHO AL TRABAJO NDCC § 34-01-14

El derecho de una persona a trabajar no se puede denegar ni restringir por el hecho de ser miembro o no de un sindicato u organización laboral.

EMPLEO JUVENIL NDCC Cap. 34-07

Los certificados de empleo y edad (permisos de trabajo) son necesarios para los trabajadores de 14 y 15 años y están disponibles en el Departamento de Trabajo, oficinas de Servicios Laborales, oficinas de los superintendentes escolares del condado y escuelas locales.

Horas restringidas para jóvenes de 14 y 15 años:

- Horas máximas por día: 3 por día escolar, 8 por día no escolar.
- Horas máximas por semana: 18 por semana escolar (cualquier semana en la que se requiera asistencia escolar en cualquier parte de 4 días o más), 40 por semana no escolar. Puede trabajar solamente entre las 7 a. m. y las 7 p. m. (hasta las 9 p. m. desde el 1.º de junio hasta el Día del Trabajo).

Deberes laborales en situaciones perjudiciales para jóvenes de 14 y 15 años:

Los trabajadores de 14 y 15 años tienen prohibido llevar a cabo determinadas tareas laborales definidas como perjudiciales en la legislación laboral.

REQUIERE PUBLICACIÓN

Se debe colocar en un lugar visible en un área comúnmente frecuentada en la que trabajen los empleados.

Consulte el REVERSO de este cartel para obtener información adicional.

EXENCIONES DE HORAS EXTRAS Código Administrativo de ND § 46-02-07-02(4)

- Un empleado que se desempeña en una función ejecutiva, administrativa o profesional bona fide.
Ejecutivo: empleado cuyas funciones principales consisten en:
a. La gerencia de la empresa o de un departamento reconocido o subdivisión de esta.
b. Dirigir el trabajo de dos o más empleados en la empresa.
c. Autorizar la contratación o el despido de otros empleados o sus sugerencias reciben un peso especial.
Administrativo: empleado cuyas funciones principales consisten en:
a. Trabajo de oficina o no manual directamente relacionado con políticas de gerencia u operaciones comerciales generales.
b. Habitual y regularmente ejerce la discreción y el juicio independiente.
Profesional: empleado cuyas funciones principales consisten en:
a. Trabajo que requiera conocimientos de tipo avanzado en un campo de la ciencia o aprendizaje adquirido habitualmente mediante un curso prolongado de enseñanza y estudio intelectual especializado, a diferencia de una educación académica general y de un aprendizaje, y de la capacitación en el desempeño de rutinas mentales, manuales o procesos físicos.
b. Trabajo que requiera el ejercicio constante de discreción y juicio en su desempeño.
c. Trabajo que es predominantemente intelectual y de carácter variado en contraposición a trabajo rutinario mental, manual, mecánico o físico.
- Un empleado que se dedica a una ocupación agrícola: cultivar, criar, preparar o entregar productos agrícolas para el mercado.
- Un empleado que invierte, al menos, el 51 % de su tiempo de trabajo brindando atención directa a clientes de un refugio o en cuidado de crianza temporal o en otro establecimiento relacionado.
- Empleado que trabaja en servicio doméstico y reside en el hogar que lo contrató.
- Un vendedor a comisión directa en concesionarios minoristas de automóviles, remolques, barcos, aviones, camiones o implementos agrícolas, a menos que se requiera que el vendedor esté en las instalaciones durante más de cuarenta horas a la semana.
- Un profesional de la computación que ejerza discreción y juicio independiente al diseñar, desarrollar, crear, analizar, probar o modificar programas de computadora o que se le pague por hora a una tarifa de, al menos, 27,63 dólares.
- Un empleado que se contrata de manera habitual y regular fuera de las instalaciones del empleador con el fin de hacer ventas o recibir pedidos. El trabajo no relacionado con ventas externas no puede exceder el 20 % de las horas trabajadas en la semana.
- Un mecánico a quien se le paga una comisión sobre la base de una tarifa fija establecida.
- Un empleado de un establecimiento minorista si la tarifa regular de pago del empleado excede 1,5 veces la tarifa mínima por hora aplicable si más de la mitad de la compensación del empleado por un período de no menos de un mes se deriva de la comisión sobre bienes o servicios vendidos.
- Un empleado ocupado como locutor, editor de noticias o ingeniero jefe en estaciones de radio o televisión.
- Un empleado en una profesión artística que es de naturaleza original y creativa o donde el trabajo depende de la invención, la imaginación o el talento del empleado.
- Autotransportista según se aplica a los empleados cubiertos de autotransportistas comunes, por contrato y privados especificados por la Ley de Autotransportistas [Título 49 del Código de Estados Unidos (US Code, USC), Sección 31502].
- Un maestro, instructor, tutor o conferencista dedicado a la enseñanza en una escuela o sistema educativo.
- Un empleado altamente remunerado: un empleado a quien se le paga una compensación anual total de cien mil dólares o más, que incluye, al menos, cuatrocientos cincuenta y cinco dólares por semana pagados como salario u honorarios. El deber principal del empleado incluye llevar a cabo trabajo de oficina o no manual.
- Un empleado que brinda servicios de acompañamiento (compañía, cuidado o protección) a personas mayores o con discapacidades. No más del 20 % de las horas trabajadas en la semana pueden ser tareas domésticas (limpiar, lavar la ropa o preparar comidas). NDCC § 34-06-03.1.

DISPOSICIONES DE HORAS EXTRAS PARA CONDUCTORES DE TAXI Y PERSONAL DE ATENCIÓN MÉDICA Código Administrativo de ND § 46-02-07-02(4)

- A los conductores de taxis se les debe pagar horas extras por todas las horas trabajadas que excedan las cincuenta horas en cualquier semana laboral.
- Los hospitales y los establecimientos de atención residencial pueden adoptar, en acuerdo con sus empleados, un período de horas extras de catorce días, si a los empleados se les paga, al menos, una vez y media su tarifa regular por horas trabajadas luego de ocho horas en un día u ochenta horas en un período de trabajo de catorce días.

PROPINAS Código Administrativo de ND § 46-02-07-03

- Las propinas ofrecidas a un empleado por un consumidor pertenecen al empleado y el empleador no puede retenerlas.
- Los empleadores pueden utilizar un crédito de propinas del 33 % del salario mínimo para empleados que reciben propinas. Con el crédito de propinas aplicado, el salario mínimo directo pagable a un empleado que recibe propinas es de 4,86 dólares por hora desde el 24 de julio de 2009. El empleador debe mantener registros escritos que verifiquen que los empleados que reciben propinas reciben, al menos, el salario mínimo completo por todas las horas trabajadas cuando se combinan el salario directo y las propinas.
- Un empleado que recibe propinas es cualquier empleado de servicio en una ocupación en la que recibe más de treinta dólares al mes en propinas.
- Un empleado de servicio es cualquier empleado que está brindando un servicio directo al consumidor y a quien ese consumidor muestra aprecio por ese servicio al darle una propina por el servicio directo. El empleado debe proporcionar de forma regular y habitual un servicio personal cara a cara a consumidores individuales, algo que estos reconocerían como realizado para su beneficio. Servicios como cocinar y lavar platos no están incluidos.
- Un empleador que opte por utilizar el crédito de propinas debe informarlo al empleado con anticipación.
- Está permitido compartir propinas solo entre empleados que reciben propinas. Se debe realizar un voto de los empleados que reciben propinas para permitir que se compartan las propinas, y el cincuenta por ciento más uno de todos los empleados que reciben propinas deben aprobarlo. El empleador debe mantener un registro escrito de cada voto para compartir propinas, incluidos los nombres de los empleados que votaron y los totales de los votos. Se requiere una votación para compartir las propinas si lo solicita el cincuenta y uno por ciento o más de los empleados que reciben propinas. Los empleados que reciben propinas deberán proporcionar documentación que verifique la solicitud. El tiempo dedicado a reuniones convocadas por los empleados exclusivamente para asuntos de propinas no es tiempo de trabajo. Los sitios de juegos, que regularmente tienen cuatro o menos empleados que reciben propinas en servicio, pueden requerir que se compartan propinas entre todos los empleados que reciben propinas en el sitio. Los jefes de sala o supervisores en los sitios de juego no son empleados que reciben propinas y no pueden ser parte del grupo en el que se comparten propinas cuando realizan funciones de esas posiciones que no sean repartir en el blackjack (veintiuno).

REUNIONES Y TIEMPO DE CAPACITACIÓN Código Administrativo de ND § 46-02-07-02(6)

La asistencia a conferencias, reuniones, programas de capacitación y actividades similares no necesita contabilizarse como tiempo de trabajo si se cumplen todos los siguientes criterios:

- La asistencia está fuera del horario laboral habitual del empleado.
- El curso, la conferencia o la reunión no están directamente relacionados con el trabajo del empleado.
- La asistencia es, de hecho, voluntaria.
- El empleado no lleva a cabo ningún trabajo productivo durante dicha asistencia.

La capacitación o la educación ordenadas por los gobiernos estatal o federal o por cualquier subdivisión política para una ocupación específica no necesitan contarse como tiempo de trabajo.

TIEMPO DE VIAJE Código Administrativo de ND § 46-02-07-02(7)

- Los siguientes tipos de tiempo de viaje no se consideran tiempo de trabajo por el cual se debe dar compensación a un empleado: 1) traslados ordinarios de la casa al trabajo; 2) el tiempo que pasa como pasajero en un avión, tren, autobús o automóvil fuera del horario de trabajo habitual; 3) actividades que son simplemente el uso incidental de un vehículo proporcionado por el empleador para ir de la casa al trabajo.
- Los siguientes tipos de tiempo de viaje se consideran tiempo de trabajo por el cual se debe dar compensación a un empleado: 1) viajar durante las horas de trabajo regulares; 2) viajar en días no laborales durante las horas de trabajo regulares (las horas de trabajo regulares son las que normalmente trabaja un empleado en los días de trabajo); 3) el tiempo de traslado de un lugar de trabajo a otro o de la oficina a lugar de trabajo; 4) el conductor de un vehículo está trabajando en cualquier momento cuando el empleador lo requiera para un traslado; 5) asignaciones de un día hechas a solicitud del empleador (independientemente del estatus del conductor o pasajero).

ESTAR DE GUARDIA Código Administrativo de ND § 46-02-07-02(8)

- Cuando los empleados deben permanecer de guardia en las instalaciones del empleador o tan cerca de ellas que no pueden usar el tiempo de manera eficaz para sus propósitos, se considera que están trabajando y se les debe dar compensación.
- Cuando los empleados están de guardia y no están obligados a permanecer en las instalaciones del empleador, pero sí deben responder a un buscapersonas o dejar un mensaje en casa o en el negocio del empleador para que se comuniquen con ellos, no se considera que estén trabajando y no es necesario darles compensación.

BONOS Y COMISIONES Código Administrativo de ND § 46-02-07-02(15)

- Un bono ganado es una cantidad que se paga además de un sueldo, salario o comisión. Un bono ganado es compensable cuando un empleado cumple con los requisitos establecidos en un contrato o un acuerdo entre las partes.
- Una comisión es una tarifa o porcentaje que se otorga como compensación a una persona por completar una venta, un servicio o una transacción. Tras la separación del empleo, las prácticas pasadas, las políticas y la relación laboral completa se utilizarán para determinar si la comisión se gana y se debe compensar.

ALOJAMIENTO Y COMIDAS Código Administrativo de ND § 46-02-07-02(13)

El valor razonable, que no exceda el costo real del empleador, de comida, alojamiento y otras instalaciones habitualmente proporcionadas por el empleador para el beneficio del empleado puede tratarse como parte del salario, hasta un máximo de dieciocho dólares por día, si se acuerda por escrito y si la aceptación de las instalaciones por parte del empleado es de hecho voluntaria.

UNIFORMES Código Administrativo de ND § 46-02-07-02(11)

Un empleador puede requerir que un empleado compre uniformes si su costo no hace que el salario del empleado sea inferior al salario mínimo por hora para todas las horas trabajadas durante cualquier período de pago.

DISCRIMINACIÓN LABORAL NDCC Cap. 14-02.4

Los empleadores no pueden discriminar a los empleados o solicitantes por motivos de raza, color, religión, sexo, embarazo, origen nacional, edad, discapacidad mental o física, estado con respecto al matrimonio o ayuda estatal, participación en actividades legales fuera de las instalaciones del empleador durante horas no laborales que no entren en conflicto directo con las funciones esenciales del empleador relacionadas con el negocio, ni por oposición a dichas discriminaciones en el lugar de trabajo.

REPRESALIAS DE EMPLEO NDCC § 34-01-20

Un empleador no puede despedir, disciplinar, amenazar, discriminar ni sancionar a un empleado con respecto a su compensación, sus condiciones, su ubicación o sus privilegios de empleo porque:

- el empleado, o la persona que actúa en nombre de un empleado, de buena fe, informe de una violación de la ley, ordenanzas, reglamentos o reglas federales, estatales o locales a un empleador, un organismo gubernamental o un funcionario encargado de hacer cumplir la ley;
- un organismo público o un funcionario le solicite al empleado que participe en una investigación, una audiencia o una indagación;
- el empleado rechace la orden de un empleador de realizar una acción que el empleado cree que viola la ley, ordenanzas, reglas o reglamentos locales, estatales o federales. El empleado debe tener una base objetiva de hecho para esa creencia y le informará al empleador que la orden está siendo rechazada por ese motivo.

Los empleados públicos también deben consultar el NDCC, Cap. 34-11.1 Ley de Relaciones de Empleados Públicos, para obtener más información.

En este cartel se resumen las disposiciones contenidas en la *Orden de Condiciones Laborales y de Salario Mínimo de ND* Código Administrativo de Dakota del Norte (ND) Capítulo 46-02-07, así como disposiciones seleccionadas del Código del Siglo de Dakota del Norte (NDCC) Título 34 y NDCC, Capítulo 14-02.4.

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: **GF PARK DISTRICT**
Account #: **348899**

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 52-06-35 NDAC 27-02-04-01



Job Service North Dakota
Unemployment Insurance
PO Box 5507
Bismarck ND 58506-5507

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

CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with 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.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA’s child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as “independent contractors” when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA’s minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
www.dol.gov/agencies/whd



WH1088 REV 0423

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 (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

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

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
www.dol.gov/agencies/whd



WH1462 REV 02/22

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

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,
- 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 **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your employer **may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your employer **must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

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

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

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit [dol.gov/fmla](https://www.dol.gov/fmla) to learn more.

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



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR





Job Safety and Health IT'S THE LAW!

All workers have the right to:

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

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

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

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





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 bases 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 Organizations 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, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or 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
- Classification
- 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
- 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 live/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>

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

Call 1-800-669-4000 (toll free)
1-800-669-6820 (TTY)
1-844-234-5122 (ASL video phone)

E-Mail info@eeoc.gov

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



EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

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

Race, Color, 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
1-800-397-6251 (toll-free)

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

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals with Disabilities

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

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

EMPLOYEE RIGHTS

UNDER THE NATIONAL LABOR RELATIONS ACT

The NLRA guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity.

Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board, the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- **Organize a union** to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- **Form, join or assist a union.**
- **Bargain collectively** through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- **Discuss your terms and conditions of employment** or union organizing with your co-workers or a union.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- **Threaten** you that you will lose your job unless you support the union.
- **Refuse to process a grievance** because you have criticized union officials or because you are not a member of the union.
- **Use or maintain discriminatory standards or procedures** in making job referrals from a hiring hall.
- **Cause or attempt to cause an employer to discriminate against you** because of your union-

Under the NLRA, it is illegal for your employer to:

- **Prohibit you from soliciting for a union during non-work time,** such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- **Question you about your union** support or activities in a manner that discourages you from engaging in that activity.
- **Fire, demote, or transfer you, or reduce your hours or change your shift,** or otherwise take adverse action against you, or

- **Take action** with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- **Strike and picket**, depending on the purpose or means of the strike or the picketing.
- **Choose not to do any of these activities**, including joining or remaining a member of a union.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: www.nlrb.gov.



- related activity.
- **Take other adverse action against you** based on whether you have joined or support the union.

If you and your coworkers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

You can also contact the NLRB by calling toll-free: 1-844-762-NLRB (65722). Language assistance is available. Hearing impaired callers who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requester with instructions on how to schedule a relay service call.



SCAN TO LEARN MORE

- threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- **Threaten to close your workplace** if workers choose a union to represent them.
- **Promise or grant promotions, pay raises, or other benefits** to discourage or encourage union support.
- **Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace** except under special circumstances.
- **Spy on or videotape peaceful union activities** and gatherings or pretend to do so.

*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).



North Dakota Workforce
Safety & Insurance

Art Thompson
Director

Grand Forks Park District
PO Box 12429
Grand Forks ND 58208-2429

January 29, 2024

Account Information Employer account number: 129346
Issue date: 01/29/2024
Expiration date: 03/16/2025

Certificate of Payment

Reason For Notice Workforce Safety & Insurance (WSI) certifies Grand Forks Park District has North Dakota workers' compensation coverage from 01/01/2024 to 12/31/2024. Employees of Grand Forks Park District are entitled to apply for WSI benefits.

Required Action Employers must post this Certificate of Payment in a conspicuous manner at the workplace. A penalty of \$250 may apply for failure to comply with this requirement. See North Dakota Century Code § 65-04-04.

Additional Information Coverage under this certificate extends to employers for their North Dakota exposure. Limited coverage may be extended for temporary and/or incidental exposure outside of North Dakota.

WSI may revoke the Certificate of Payment for failure to make required premium payments.

For More Information Contact customer service at 800-777-5033 or 701-328-3800 with questions.

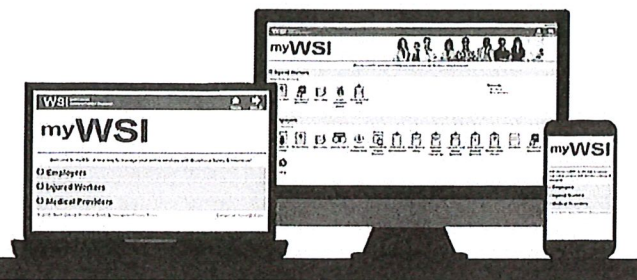
Class	Classification Description
0004	Tree Planting-Trimming-Harvest
8747	Professional/Business Reps
8747I	Directors & Board Members
8805	Clerical Office Employees
9182A	Park Boards & Amusements

Sincerely,

Barry Schumacher
Chief of Employer Services

PL5

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

Your Employer's DMP is:

Altru Health System
1000 South Columbia Road
Grand Forks, ND
(701) 780-6000

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.

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

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 myws.workforcesafety.com, or
 - Complete the FROI and send it to WSI.

What happens after a claim is filed?

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

Your Responsibilities

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

WSI

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



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

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of 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 illnesses or injuries.

ENFORCEMENT

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

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



U.S. Department of Labor
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

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