FED

& Associates, Inc.®

EMPLOYEE RIGHTS UNDER THE

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.

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





Effective Date:

August 1, 2015

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

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

used for time off in another 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

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 nonexempt employees — overtime hours may not be "banked" and

Employees working more than one job under the control of the same employer must have all hours worked counted toward 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

Employees may waive their right to a meal period upon agreement

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 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

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

The employee has been employed by the employer for less The employee gave the employer less than five days' written

or verbal notice 2. If an employee separates from employment, a private employer may

withhold payment for paid time off if: The paid time off was awarded by the employer but not yet earned by the employee; and

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

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 gnated 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 employer to withhold compensation, an employer only may withhold from

Advances paid to employees, other than undocumented cash. A recurring deduction authorized in writing. A nonrecurring deduction authorized in writing, when the source of the deduction is cited specifically.

A nonrecurring deduction for damage, breakage, shortage, or 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. 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 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 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. **EXEMPTIONS FROM OVERTIME N.D. Admin. Code §**

46-02-07-02(4) An employee employed in a bona fide executive, administrative, or

professional capacity. <u>Executive</u> — an employee whose primary duties consists of:

The management of the enterprise or recognized department or subdivision thereof;

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

Directing the work of two or more other employees therein;

<u>Administrative</u> — an employee whose primary duties consists of: Office or non-manual work directly related to management policies or general business operations; and

Who customarily and regularly exercises discretion and independent judgment. <u>Professional</u> — an employee whose primary duties consists of: Work requiring knowledge of an advanced type in a field

of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes;

Work requiring the consistent exercise of discretion and judgment in its performance; and 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 providing direct care to clients of a shelter, foster care, or other such

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

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.

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.

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

per hour on

\$7.25 MINIMUM WAGE RATE:

North Dakota does not have a Training **OVERTIME** N.D. Admin. Code § 46-02-07-02(4)

7/24/09 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

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

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,

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

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)

includes performing office or nonmanual work.

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 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 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:

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-**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

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

02-07-02(15) An earned bonus is an amount paid in addition to a salary, wage, or

BONUSES AND COMMISSIONS N.D. Admin. Code § 46-

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-

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 nonworking hours which is not in direct conflict with the essential businessrelated 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, 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.

which employees work See REVERSE SIDE of this Poster for Additional Information.

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

POSTING REQUIRED

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.

the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an 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.

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under

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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 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

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**

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

REV. 07/2016

FED YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT

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

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 have not been separated from service with a disqualifying discharge or under other than

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION are a past or present member of the uniformed service;

have applied for membership in the uniformed service; or then an employer may not deny you: initial employment; reemployment;

because of this status.

any benefit of employment

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

while in the military.

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

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

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

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

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:

see any medical provider.

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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

Filing a Workers' Compensation Claim

File a claim with WSI within 24 hours after a work injury occurs: Complete the First Report of Injury (FROI) with your employer, if possible

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

What happens after a claim is filed? A claim number is assigned. Information is gathered, facts are reviewed, and a decision is made.

of any work activity, whether you are paid or not,

if you change your address or telephone number,

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:

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

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

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

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

THIS POSTER MUST BE POSTED IN

A CONSPICUOUS PLACE

TO EMPLOYEES:

EMPLOYER NAME:

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

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

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

To file a claim for unemployment compensation benefits:

RELAY ND 1 -800-366-6888 (for hearing impaired only)

Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities. JSND 4032 REV. 05/2006

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

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following ways:

www.eeoc.gov.

Disability

U.S. Equal Employment Opportunity Commission **Know Your Rights: Workplace Discrimination is Illegal**

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

Who is Protected?

Employees (current and former), including managers and temporary employees

Job applicants Union members and applicants for membership in a

What Organizations are Covered? Most private employers State and local governments (as employers) Educational institutions (as employers)

Staffing agencies **What Types of Employment Discrimination**

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the Race

Religion National origin Sex (including pregnancy and related 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

lawsuit, investigation, or proceeding.

What Employment Practices can be

Challenged as Discriminatory?

discrimination, or participating in a discrimination

All aspects of employment, including: Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct)

Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief,

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LEAVE ENTITLEMENTS

Assignment

Hiring or promotion

Job training Classification

Requesting or disclosing medical information of Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or

Obtaining or disclosing genetic information of

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

Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an EEOC field office (information at www.eeoc.gov/field-office)

E-Mail info@eeoc.gov Additional information about the EEOC. including information about filing a

charge of discrimination, is available at

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.

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

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 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

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

regional or district office, listed in most telephone

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 REV. 10/20/2022

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

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;

To care for the employee's spouse, child, or parent who has a qualifying serious health condition;

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);

For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced

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,

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

the employee must comply with the employer's normal paid leave policies. While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

Have worked for the employer for at least 12 months; Have at least 1,250 hours of service in the 12 months before taking leave;* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

ELIGIBILITY REQUIREMENTS

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave 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

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

reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

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

Job Safety and Health



All workers have the right to: A safe workplace. Raise a safety or health concern with

hazards, including all hazardous substances in your workplace. Request a confidential OSHA inspection of your workplace if you believe there are

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

 Request copies of your medical records, tests that measure hazards in the workplace, and

This poster is available free from OSHA.

Contact OSHA. We can help.

ONLINE

OCT2022

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.

inpatient hospitalization, amputation, or loss of an eye.

consultation programs in every state.



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REV. 04/2016

language and vocabulary they can understand.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported



TWO ways to verify poster compliance!

FED-ND-ENG

To update your labor law posters contact J. J. Keller & Associates, Inc.

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Department of Labor and Human Rights

uniformed services, and applicants to the uniformed services.

AND REEMPLOYMENT RIGHTS ACT

you return to work or apply for reemployment in a timely manner after conclusion of service; and 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

promotion; or retention in employment;

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 Even if you don't elect to continue coverage during your military service, you have the

of USERRA.

she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.

Receive information and training on job

 Participate (or have your representative) participate) in an OSHA inspection and

the workplace injury and illness log.

salesperson is required to be on the premises for more than forty

ADDITIONAL INFORMATION Certain occupations and establishments are exempt from

DEPARTMENT OF LABOR

are obligated to serve in the uniformed

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

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

REV. 05/2022

greater family or medical leave rights.



unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.

Comply with all applicable OSHA standards.

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

 Prominently display this poster in the workplace. Post OSHA citations at or near the place of the alleged violations.

QR CODE Scan with phone camera:

 Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related Provide required training to all workers in a

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

UNEMPLOYMENT INSURANCE

BISMARCK ND 58506 -5507

PO Box 5507