**COMPLETE LABOR LAW POSTER** 

#### NORTH DAKOTA MINIMUM WAGE



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

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

#### **MINIMUM WAGE RATE:** North Dakota does not have a

**Training Wage.** 

\$7.25

**Effective Date:** 

August 1, 2015

## 7/24/09

**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 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 (below). 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

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

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

notice to the other. No minimum length of notice (for example, Superintendents' offices, and local schools. a two-week notice) is required. Contracts specifying a term Restricted hours for youth age 14 & 15: 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.

hazardous in labor law.

POSTING REQUIRED

#### **Additional Information**

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

a. The management of the enterprise or recognized department or 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:

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 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 A straight commission salesperson in retail automobile, trailer, boat, aircraft,

Employment relationships without a specific term exist at the Employment & Age Certificates (work permits) are required for workers ages 14 & 15 and will of both parties and can be terminated by either party upon are available from the Department of Labor, Job Service offices, County School

Maximum hours per day: 3 per school day, 8 per non-school day.

• Maximum hours per week: 18 per school week (any week in which school attendance is required any part of 4 or more days), 40 per non-school week.

May work only between 7 a.m.-7 p.m. (until 9 p.m. from June 1st - Labor Day). Hazardous job duties for youth age 14 & 15: Workers ages 14 & 15 are prohibited from performing certain job duties defined as

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

#### truck, or farm implement dealerships unless that salesperson is required to

be on the premises for more than forty hours per week. An employee employed in a bona fide executive, administrative, or A computer professional exercising discretion and independent judgment <u>Executive</u> - an employee whose primary duties consists of: 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

• A mechanic paid on a commission basis off a flat rate schedule. a. Office or non-manual work directly related to management policies or • 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. learning customarily acquired by a prolonged course of specialized • 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

> • 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.

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. 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 employerprovided 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

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).

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

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

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.

other facilities customarily furnished by the employer for the employee's benefit may of such uniforms does not bring that employee's wage below the hourly

ROOM AND BOARD N.D. Admin. Code § 46-02-07-02(13) UNIFORMS N.D. Admin. Code § 46-02-07-02(11) The reasonable value, not exceeding the employer's actual cost, of board, lodging, and An employer may require an employee to purchase uniforms if the cost

be treated as part of the wages, up to a maximum of eighteen dollars per day, if agreed minimum wage for all hours worked during any pay period. to in writing and if the employee's acceptance of facilities is in fact voluntary.

purposes, they are considered to be working and must be compensated.

**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.

## **ANTI-DISCRIMINATION NOTICE**

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

## FEDERAL MINIMUM WAGE

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 minimum wage or overtime pay provisions of the law. Civil money

can readily see it. **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours worked over 40 in a workweek.

rules apply in agricultural employment.

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

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. **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 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

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 WAGE AND HOUR DIVISION

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

#### **EMPLOYEE POLYGRAPH PROTECTION ACT**

#### EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

private employers from using lie detector tests either of any State or local law or any collective bargaining agreement for pre-employment screening or during the course of which is more restrictive with respect to lie detector tests.

requiring or requesting any employee or job applicant to the conduct and length of the test. Examinees have a take a lie detector test, and from discharging, disciplining, or number of specific rights, including the right to a written discriminating against an employee or prospective notice before testing, the right to refuse or discontinue a employee for refusing to take a test or for exercising other test, and the right not to have test results disclosed to rights under the Act.

engaged in national security-related activities. The Act permits bring their own court actions. polygraph (a kind of lie detector) tests to be administered in THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS the private sector, subject to restrictions, to certain prospective POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN employees of security service firms (armored car, alarm, and READILY SEE IT. quard), 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

Account #:

The Employee Polygraph Protection Act prohibits most loss to the employer. The law does not preempt any provision

**EXAMINEE RIGHTS** Where polygraph tests are permitted, PROHIBITIONS Employers are generally prohibited from they are subject to numerous strict standards concerning unauthorized persons.

**EXEMPTIONS** Federal, State and local governments are not **ENFORCEMENT** The Secretary of Labor may bring court affected by the law. Also, the law does not apply to tests given actions to restrain violations and assess civil penalties by the Federal Government to certain private individuals against violators. Employees or job applicants may also

#### DEPARTMENT OF LABOR **₩H**₩ 1-866-487-9243

#### UNEMPLOYMENT COMPENSATION

#### THIS POSTER MUST BE POSTED IN A CONSPICUOUS PLACE

### TO EMPLOYEES:

COMPENSATION LAWS OF THE STATE OF NORTH DAKOTA

**Employer Name:** 

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

To file a claim for unemployment compensation benefits: Online: www.jobsnd.com. Click on 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 service 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 is an Equal Opportunity Employer/Program Provider Auxiliary Aids and Services are available Upon request to individuals with disabilities.

JSND 4032 (R.05/06)

#### FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION **LEAVE ENTITLEMENTS** Eligible employees who work \*Special "hours of service" requirements apply to airline

• The birth of a child or placement of a child for adoption or not possible to give 30-days' notice, an employee must

the child's birth or placement); • To care for the employee's spouse, child, or parent who has must provide enough information to the employer so it can a qualifying serious health condition; · For the employee's own qualifying serious health Sufficient information could include informing an employer

employee's job;

of a military member who is the employee's spouse, child, treatment is necessary. Employees must inform the An eligible employee who is a covered servicemember's leave was previously taken or certified. Employers can spouse, child, parent, or next of kin may also take up to 26 require a certification or periodic recertification supporting weeks of FMLA leave in a single 12-month period to care for the need for leave. If the employer determines that the the servicemember with a serious injury or illness. An certification is incomplete, it must provide a written notice employee does not need to use leave in one block. When it indicating what additional information is required.

is medically necessary or otherwise permitted, employees **EMPLOYER RESPONSIBILITIES** Once an employer becomes may take leave intermittently or on a reduced schedule. aware that an employee's need for leave is for a reason that Employees may choose, or an employer may require, use of may qualify under the FMLA, the employer must notify the accrued paid leave while taking FMLA leave. If an employee employee if he or she is eligible for FMLA leave and, if substitutes accrued paid leave for FMLA leave, the employee eligible, must also provide a notice of rights and must comply with the employer's normal paid leave policies. responsibilities under the FMLA. If the employee is not **BENEFITS & PROTECTIONS** While employees are on FMLA eligible, the employer must provide a reason for ineligibility. leave, employers must continue health insurance coverage Employers must notify its employees if leave will be as if the employees were not on leave. Upon return from designated as FMLA leave, and if so, how much leave will be FMLA leave, most employees must be restored to the same designated as FMLA leave. may not interfere with an individual's FMLA rights or retaliate bring a private lawsuit against an employer. involved in any proceeding under or related to the FMLA. collective bargaining agreement that provides greater **ELIGIBILITY REQUIREMENTS** An employee who works for a family or medical leave rights.

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

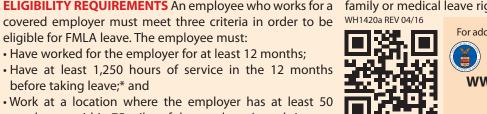
employees within 75 miles of the employee's worksite.

for a covered employer can take up to 12 weeks of flight crew employees. unpaid, job-protected leave in a 12-month period for the **REQUESTING LEAVE** Generally, employees must give

30-days' advance notice of the need for FMLA leave. If it is notify the employer as soon as possible and, generally, • To bond with a child (leave must be taken within 1 year of follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but

determine if the leave qualifies for FMLA protection. condition that makes the employee unable to perform the that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily • For qualifying exigencies related to the foreign deployment activities, or that hospitalization or continuing medical employer if the need for leave is for a reason for which FMLA

job or one nearly identical to it with equivalent pay, benefits, ENFORCEMENT Employees may file a complaint with the and other employment terms and conditions. An employer U.S. Department of Labor, Wage and Hour Division, or may against someone for using or trying to use FMLA leave, The FMLA does not affect any federal or state law prohibiting opposing any practice made unlawful by the FMLA, or being discrimination or supersede any state or local law or



1-866-4-USWAGE TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV U.S. Department of Labor

## WITHHOLDING STATUS

#### YOU MAY NEED TO CHECK YOUR WITHHOLDING Since you last filed form W-4 with your employer did See your employer for a copy of Form W-4 or call the IRS at

Marry or divorce? Gain or lose a dependent? Change your name?

Were there major changes to...

· Your nonwage income (interest, dividends, capital Your family wage income (you or your spouse started or ended a job)?

Your itemized deductions?

Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at

www.irs.gov/individuals on the IRS web site. **Employer:** Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

Publication 213 (Rev. 8-2009) Cat. No. 11047P

#### To any of these questions or you owed extra tax when you Department of the Treasury filed your last return, you may need to file a new form W-4. Internal Revenue Service www.irs.gov

## **EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW**

EEOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

PRIVATE EMPLOYERS, STATE AND LOCAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS,

Applicants to and employees of most private employers, state and local governments, educational institutions,

employment agencies and labor organizations are protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title GENETICS Title II of the Genetic Information VII of the Civil Rights Act of 1964, as amended, protects Nondiscrimination Act of 2008 protects applicants and applicants and employees from discrimination in hiring, employees from discrimination based on genetic promotion, discharge, pay, fringe benefits, job training, information in hiring, promotion, discharge, pay, fringe classification, referral, and other aspects of employment, benefits, job training, classification, referral, and other on the basis of race, color, religion, sex (including aspects of employment. GINA also restricts employers'

does not impose undue hardship. **DISABILITY** Title I and Title V of the Americans with diseases or disorders in family members (family medical Disabilities Act of 1990, as amended, protect qualified history); and requests for or receipt of genetic services by individuals from discrimination on the basis of disability applicants, employees, or their family members. in hiring, promotion, discharge, pay, fringe benefits, job **RETALIATION** All of these Federal laws prohibit covered training, classification, referral, and other aspects of entities from retaliating against a person who files a employment. Disability discrimination includes not charge of discrimination, participates in a discrimination making reasonable accommodation to the known proceeding, or otherwise opposes an unlawful physical or mental limitations of an otherwise qualified employment practice.

employee, barring undue hardship.

conditions, in the same establishment.

pregnancy), or national origin. Religious discrimination acquisition of genetic information and strictly limits includes failing to reasonably accommodate an disclosure of genetic information. Genetic information employee's religious practices where the accommodation includes information about genetic tests of applicants, employees, or their family members; the manifestation of

individual with a disability who is an applicant or WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS **OCCURRED** There are strict time limits for filing charges AGE The Age Discrimination in Employment Act of 1967, of employment discrimination. To preserve the ability of as amended, protects applicants and employees 40 years EEOC to act on your behalf and to protect your right to file a of age or older from discrimination based on age in hiring, private lawsuit, should you ultimately need to, you should promotion, discharge, pay, fringe benefits, job training, contact EEOC promptly when discrimination is suspected: classification, referral, and other aspects of employment. The U.S. Equal Employment Opportunity Commission SEX (WAGES) In addition to sex discrimination prohibited (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (tollby Title VII of the Civil Rights Act, as amended, the Equal freeTTY number for individuals with hearing impairments). Pay Act of 1963, as amended, prohibits sex discrimination EEOC field office information is available at www.eeoc.gov in the payment of wages to women and men performing or in most telephone directories in the U.S. Government substantially equal work, in jobs that require equal skill, or Federal Government section. Additional information effort, and responsibility, under similar working about EEOC, including information about charge filing, is

## **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

available at www.eeoc.gov.

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**RACE, COLOR, NATIONAL ORIGIN, SEX** In addition to the or activities which receive Federal financial assistance.

RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, disabilities at all levels of employment, including the **GENDER IDENTITY, NATIONAL ORIGIN** Executive Order executive level. 11246, as amended, prohibits employment discrimination **PROTECTED VETERANS** The Vietnam Era Veterans' based on race, color, religion, sex, sexual orientation, Readjustment Assistance Act of 1974, as amended, 38 gender identity, or national origin, and requires affirmative U.S.C. 4212, prohibits employment discrimination against,

accommodation to the known physical or mental of Labor, 200 Constitution Avenue, N.W., Washington, D.C. limitations of an otherwise qualified individual with a 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). disability who is an applicant or employee, barring undue OFCCP may also be contacted by e-mail at

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

action to ensure equality of opportunity in all aspects of and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently PAY SECRECY Executive Order 11246, as amended, separated veterans (i.e., within three years of discharge or protects applicants and employees from discrimination release from active duty), active duty wartime or campaign based on inquiring about, disclosing, or discussing their badge veterans, or Armed Forces service medal veterans. compensation or the compensation of other applicants **RETALIATION** Retaliation is prohibited against a person who files a complaint of discrimination, participates in an **INDIVIDUALS WITH DISABILITIES** Section 503 of the OFCCP proceeding, or otherwise opposes discrimination Rehabilitation Act of 1973, as amended, protects qualified under these Federal laws. Any person who believes individuals with disabilities from discrimination in hiring, a contractor has violated its nondiscrimination or promotion, discharge, pay, fringe benefits, job training, affirmative action obligations under the authorities classification, referral, and other aspects of employment. above should contact immediately: The Office of Federal Disability discrimination includes not making reasonable Contract Compliance Programs (OFCCP), U.S. Department

hardship to the employer. Section 503 also requires that OFCCP-Public@dol.gov, or by calling an OFCCP regional Federal contractors take affirmative action to employ and or district office, listed in most telephone directories advance in employment qualified individuals with under U.S. Government, Department of Labor. If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.

protections of Title VII of the Civil Rights Act of 1964, as INDIVIDUALS WITH DISABILITIES Section 504 of the amended, Title VI of the Civil Rights Act of 1964, as amended, Rehabilitation Act of 1973, as amended, prohibits prohibits discrimination on the basis of race, color or employment discrimination on the basis of disability in any national origin in programs or activities receiving Federal program or activity which receives Federal financial financial assistance. Employment discrimination is covered assistance. Discrimination is prohibited in all aspects of by Title VI if the primary objective of the financial assistance employment against persons with disabilities who, with or is provision of employment, or where employment without reasonable accommodation, can perform the discrimination causes or may cause discrimination in essential functions of the job. If you believe you have been providing services under such programs. Title IX of the discriminated against in a program of any institution which Education Amendments of 1972 prohibits employment receives Federal financial assistance, you should immediately discrimination on the basis of sex in educational programs contact the Federal agency providing such assistance.

Mandatory Supplement to EEOC P/E-1(Revised 11/09) "EEO is the Law" Poster

# **IMPORTANT NOTICE** TO WORKERS

**WORKFORCE SAFETY AND INSURANCE IMPORTANT NOTICE TO EMPLOYEES** 

#### When You Are Injured On The Job:

Notify your employer immediately of the accident and your injury. By law, you must give written or oral notice to your employer within seven days of an accident or after the general nature of your injury becomes apparent. If you fail to notify your employer, Workforce Safety & Insurance (WSI) may consider that failure when deciding whether your claim will be accepted. NOTE: Even if you feel your injury is not serious enough to need medical treatment, it is important you report your accident to your employer so they are informed of the potential hazard.

Seek first aid or medical attention promptly after a workplace injury. If your employer does not have a Designated Medical Provider (DMP), you may go to a doctor of your choice. If your employer does have a DMP, you are required to see your employer's DMP, UNLESS you informed your employer, in writing, of a different medical provider before any injury occurred. In order to effectively select a DMP, your employer is required to give written notice of the identity and the terms of the preferred provider program:

(1) To the employer's employees when the employer makes an initial selection of a preferred (2) To the employer's employees when the employer changes the selection of the preferred

(3) To an employee at the time of hire.

(4) To the employer's employees at least annually after the initial notice. An employer that has selected a preferred provider shall display notice of the identity of the preferred provider and the terms of the preferred provider program in a conspicuous manner at fixed worksites, and wherever feasible at mobile worksites, and in a sufficient number of places to reasonably inform employees of the identity of the preferred provider

and the terms of the preferred provider program. Failure to give written notice, to properly

post notice, or to reasonably inform employees of the terms of the preferred provider programs as

required under this subsection invalidates the selection. Contact your employer or WSI for more detailed information about this requirement. Emergency medical treatment is exempt from the DMP requirement. Inform the doctor that your injury is a workers' compensation injury. Also, inform the doctor of your work duties and ask if you can return to work within any work restrictions the doctor may impose. Follow restrictions, both on and off the job. File a claim with WSI immediately after a work-related injury occurs (within 24 hours

of occurrence). Use one of three methods: 1) online at www.WorkforceSafety.com, available 24 hours/weekends/holidays

2) by hand by completing the First Report of Injury (FROI) Form, or 3) telephonically by calling 1-800-777-5033, 8 a.m. - 5 p.m. on business days. Whichever claim filing method is used, complete the FROI form with your employer, if possible. Answer all questions fully and honestly on the form. Be sure to have your employer complete the employer's portion of the FROI form. If you have received benefits for an injury and are now off work again for that same injury, you must reapply for benefits in writing. Contact WSI and request

WSI will inform you of your claim number, in writing, upon registering your claim. Be sure to always inform the pharmacy and medical provider of your claim number. Keep in touch with your employer and provide them with periodic updates on your condition.

1) when you perform any type of work activity, whether you receive pay for it or not; 2) if you change your address or telephone number; or 3) if you apply for either Social Security disability or retirement benefits or are found to be

Safety & Insurance

eligible for these benefits.

(follow online instructions);

**Notify WSI immediately:** 

a Worker's Notice of Reapplication (C4) form.

1600 E Century Ave, Ste 1 - PO Box 5585 - Bismarck ND 58506-5585 (701) 328-3800 1-800-777-5033 Hearing Impaired: 1-800-366-6888 Decision Review Office: (701) 328-9900 1-800-701-4932 Fraud & Safety HotLine: 1-800-243-3331 Online: www.WorkforceSafety.com (Online Services Section), 24 hours/weekends/holidays

## USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

Our/Your Designated Medical Provider (DMP) selection is:

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

of the uniformed services, and applicants to the uniformed services. 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 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

services while with that particular employer;

after conclusion of service; and

then an employer may not deny you: initial employment; promotion; or retention in employment; any benefit of employment because of this status. In addition, an employer may not retaliate against anyone assisting in the

are a past or present member of the uniformed service:

are obligated to serve in the uniformed service;

have applied for membership in the uniformed service; or

in connection with a proceeding under USERRA, even if that person has no

enforcement of USERRA rights, including testifying or making a statement

PAYDAY NOTICE

(Company Name)

Shall be as follows:



# **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
- Receive information and training on job hazards, including all hazardous substances in your workplace.

Request an OSHA inspection of your

workplace if you believe there are unsafe

or unhealthy conditions. OSHA will keep

being retaliated against.

your name confidential. 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.

your rights. See any OSHA citations issued to your employer.

Reguest copies of your medical records,

• File a complaint with OSHA within 30

days (by phone, online or by mail) if you

have been retaliated against for using

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.

#### WSI at the numbers listed below or visit our website at www.WorkforceSafety.com Types of

The information contained

August 1, 2013 and available

http://www.workforcesafety.

com/library/LibrarySearch

For a detailed explanation of

the information contained in

this poster, please contact

in this poster is effective

online for printing at

Results.asp.

**Available:** 

Wage Replacement

Pharmacy Benefits WSI will pay for pharmacies and

> an injured worker. Reimbursement for

prescriptions that are

paid out-of-pocket by

Services Death Benefits 回路线路回

learn more on the types of benefits.

By hand: Complete the First Report of Injury (FROI) Form and submit to WSI **Telephonically:** 1-800-777-5033, 8 a.m. - 5 p.m. on business days

types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members

**HEALTH INSURANCE PROTECTION** 

you have five years or less of cumulative service in the uniformed you return to work or apply for reemployment in a timely manner • The U.S. Department of Labor, Veterans Employment and Training

> 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 web site at: http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at: http://www.dol.gov/elaws/userra.htm. • 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. This

this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights

**Regular Paydays for Employees of** 



standards.

workplace.

- 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.
- of an eye within 24 hours. Provide required training to all workers
- Prominently display this poster in the

Post OSHA citations at or near the place

of the alleged violations. FREE ASSISTANCE to identify and correct hazards is available to small and medium-

# **Benefits**

Medical Benefits

prescriptions that are part of the necessary work-related medical care when obtained at medical facilities that are contracted with WSI's prescription benefit management company. WSI does not reimburse for

**Personal Expenses** 

■ Return-to-Work

Filing a claim (3 methods):

• 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 (VETS) is authorized to investigate and resolve complaints of

notice was prepared by VETS, and may be viewed on the internet at

under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees. Employer Support Of The Guard And Reserve 1-800-336-4590

## **Employers must:** Provide employees a workplace free from

 Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses

Comply with all applicable OSHA

in a language and vocabulary they can understand.

sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

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

## ND-0815-A2-F02