



1961 Diamond Springs Road  
Virginia Beach, VA 23455  
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## NORTH DAKOTA EMPLOYEES

MANCON Employees,

Included in this packet is the following information:

1. North Dakota Minimum Wage Rate
2. North Dakota Workforce Safety & Insurance Notice
3. North Dakota Unemployment Compensation Law

If you have any questions, please contact your supervisor.

Thanks,  
Human Resources



# ND MINIMUM WAGE & WORK CONDITIONS SUMMARY

Effective Date:  
**July 24, 2008**

State Capitol - 13th Floor 600 East Boulevard Avenue Bismarck, ND 58505-0340  
Hours: M-F - 8:00a.m.-5:00p.m.  
(701)328-2660 1-800-582-8032 Fax - (701)328-2031 TTY - 1-800-366-6888  
e-mail - labor@nd.gov web site - www.nd.gov/labor

## MINIMUM WAGE RATE:

North Dakota does not have  
a Training Wage.

**\$6.55**  
per hour on  
7/24/08

**\$7.25**  
per hour on  
7/24/09

## TIP CREDIT

- 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 \$4.39 per hour effective July 24, 2008, and \$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.  
*Additional information on tips can be found on the reverse side of this poster.*

## OVERTIME

- Overtime pay must be paid at one and one-half times the employee's regular rate of pay for hours worked over forty in any work week.
- A work week is a seven consecutive-day period defined by the employer.
- Overtime is computed on a weekly basis, regardless of the length of the pay period.
- Overtime is based only on hours worked. Paid holidays, paid time off, or sick leave need not be counted in computing overtime hours.
- Compensatory time is not legal in private employment for non-exempt employees — overtime hours may not be "banked" and used for time off in another work week.
- Employees working more than one job under the control of the same employer must have all hours worked counted toward overtime.  
*Exemptions from overtime are listed on the reverse side of this poster. Formulas for calculating overtime are available in N.D. Admin. Code Section 46-03-01.*

## MEAL PERIODS

- 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

- 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.

## PAYDAYS & RECORD KEEPING

- Employees must be paid at least once each calendar month on the regular payday(s) designated in advance by the employer.
- Every employer must furnish to an employee each pay period a check stub or voucher indicating hours worked, rate of pay, required state and federal deductions, and any authorized deductions.
- When an employee is terminated from employment, separates from employment voluntarily, or is suspended from work as the result of an industrial dispute, unpaid wages or compensation become due and payable at the regular payday(s) established in advance by the employer for the period(s) worked by the employee.
- When an employer terminates an employee, the employer shall pay those wages to the employee by certified mail at an address designated by the employee or as otherwise agreed upon by both parties.

## DEDUCTIONS FROM PAY

Legal deductions include:

- Required state and federal withholdings
- Documented payroll advances
- Court ordered deductions

All other deductions from pay must be specifically authorized in writing by the employee.

## RIGHT TO WORK

An individual's right to work may not be denied or abridged due to membership or nonmembership in any labor union or labor organization.

## EMPLOYMENT AT WILL

Employment relationships without a specific term exist at the will of both parties and can be terminated by either party upon notice to the other. No minimum length of notice (for example, a two-week notice) is required. Contracts specifying a term of employment can pre-empt the at-will provision.

## YOUTH EMPLOYMENT

Employment & Age Certificates (work permits) are required for workers ages 14 & 15 and are available from the Department of Labor, Job Service offices, County School Superintendents' offices, and local schools.

Restricted hours for youth age 14 & 15:

- Maximum hours per day: 3 per school day, 8 per non-school day.
- Maximum hours per week: 18 per school week (any week in which school attendance is required any part of 4 or more days), 40 per non-school week.

May work only between 7a.m.-7p.m. (until 9p.m. from June 1st - Labor Day).

Hazardous job duties for youth age 14 & 15:

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

## EMPLOYMENT DISCRIMINATION

Employers may not discriminate against employees or applicants on the basis of: race, color, religion, sex, 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

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.

## POSTING REQUIRED

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

**See REVERSE SIDE of this Poster for Additional Information.**

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## EXEMPTIONS FROM OVERTIME

- An employee employed in a bona fide executive, administrative, or professional capacity.  
**Executive** - an employee whose primary duties consists of:
  - a. The management of the enterprise or recognized department or subdivision thereof;
  - b. Directing the work of two or more other employees therein; and
  - c. The authority to hire or fire other employees or whose suggestions will be given particular weight.**Administrative** - an employee whose primary duties consists of:
  - a. Office or non-manual work directly related to management policies or general business operations; and
  - b. Who customarily and regularly exercises discretion and independent judgment.**Professional** - an employee whose primary duties consists of:
  - a. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes;
  - b. Work requiring the consistent exercise of discretion and judgment in its performance; and
  - c. Work that is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work.
- An employee engaged in an agricultural occupation – growing, raising, preparing, or delivering agricultural commodities for market.
- An employee spending at least 51% of the employee's work-time providing direct care to clients of a shelter, foster care, or other such related establishment.
- An employee employed in domestic service who resides in the household in which employed.
- 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).
- A mechanic paid on a commission basis off a flat rate schedule.
- A straight commission salesperson in retail automobile, trailer, boat, aircraft, truck, or farm implement dealerships unless that salesperson is required to be on the premises for more than forty hours per week.
- A computer professional exercising discretion and independent judgment when designing, developing, creating, analyzing, testing, or modifying computer programs or who is paid hourly at a rate of at least \$27.63.
- An employee who is customarily and regularly engaged away from the employer's premises for the purpose of making sales or taking orders. Work unrelated to outside sales may not exceed 20% of the hours worked in the week.
- An employee of a retail establishment if the employee's regular rate of pay exceeds 1.5 times the minimum hourly rate applicable if more than half of the employee's compensation for a period of not less than one month is derived from commission on goods or services sold.
- An employee employed as an announcer, news editor, or chief engineer by a radio or television station.
- An employee in an artistic profession that is original and creative in nature or where the work is dependent upon the invention, imagination, or talent of the employee.
- Motor carrier as applied to covered employees of motor common, contract, and private carriers specified by the Motor Carriers Act [49 U.S.C. 31502].
- A teacher, instructor, tutor, or lecturer engaged in teaching in a school or educational system.

## TAXI DRIVER AND HEALTHCARE OVERTIME PROVISIONS

- 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.

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## TIPS

- Gratuities offered to an employee by a customer belong to the employee and may not be retained by the employer.
- 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).

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## MEETINGS AND TRAINING TIME

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

- a. Attendance is outside of the employee's regular working hours.
- b. Attendance is in fact voluntary.
- c. The course, lecture, or meeting is not directly related to the employee's job.
- d. The employee does not perform any productive work during such attendance.

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

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## TRAVEL TIME

- The following types of travel time are not considered work time for which an employee must be compensated: 1) Ordinary travel from home to work, 2) Time spent as a passenger on an airplane, train, bus, or automobile outside of regular working hours, 3) Activities that are merely incidental use of an employer-provided vehicle for commuting home to work.
- The following types of travel time are considered work time for which an employee must be compensated: 1) Travel during regular work hours, 2) Travel on non-work days during regular work hours (regular work hours are those typically worked by an employee on work days), 3) Travel time from job site to job site or from office to job site, 4) The driver of a vehicle is working at anytime when required to travel by the employer, 5) One-day assignments performed at the employer's request (regardless of driver or passenger status).

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## ON-CALL

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

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## BONUSES AND COMMISSIONS

- 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.

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## ROOM AND BOARD

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.

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## UNIFORMS

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.

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

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PRST STD  
US POSTAGE  
PAID  
PERMIT # 419  
BISMARCK, ND

ND Department of Labor  
600 East Boulevard Avenue, Dept 406  
Bismarck, ND 58505-0340



# Important Notice to Workers

The information contained in this poster is **effective August 1, 2009**. This poster is updated, reprinted, and distributed to employers every two years for them to post for their workers' reference. For a detailed explanation of the information contained in this poster, please contact WSI at the numbers listed above or visit our web site at [www.WorkforceSafety.com](http://www.WorkforceSafety.com).

## When you are injured on the job:

**1 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.**

**2 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. 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.

**3 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](http://www.WorkforceSafety.com), available 24 hours/weekends/holidays (follow online instructions); 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 a Worker's Notice of Reapplication (C4) form.

**4** 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.**

**5** **Keep in touch with your employer and provide them with periodic updates on your condition.**

**6** **Notify WSI immediately: 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 eligible for these benefits.**

## Types of benefits available:

### Medical Benefits

On an accepted claim, WSI pays for reasonable and necessary work-related medical care and prescriptions in accordance with fee schedule limitations and administrative rule guidelines. Some medical procedures require prior authorization.

### Wage Replacement Benefits

An injured worker may be entitled to wage replacement benefits if their doctor orders them not to work for five or more calendar days in a row because of their work-related injury or illness.

### Permanent Partial Impairment (PPI) Benefits

This benefit is for injured workers who suffer permanent physical loss of a body part or function because of a compensable work-related injury. PPI benefits are given only if the full-body impairment meets or exceeds the statutory minimum impairment. Once an injured worker reaches maximum medical improvement, a doctor will then determine the level of permanent impairment. This is a one-time, lump-sum payment that is tax free.

### Return-to-Work Services

These services may be assigned to an injured worker to assist in coordinating medical treatment or return-to-work planning. Different types of return-to-work services include return-to-work case management, medical case management, vocational rehabilitation services, and the Preferred Worker Program.

### Reimbursement for Personal Expenses

On accepted claims, WSI will reimburse an injured worker (upon their request) for mileage, meals, and other out-of-pocket costs that are necessary for their medical care, within the limits of the law. Original, itemized, and dated receipts are required (certain conditions apply). Injured workers can download the appropriate form (C40a) from our web site or request it from our office.

### Death Benefits

WSI pays death benefits to the survivors of workers killed in work related accidents. Survivors must file a claim within two years of the worker's date of death. Survivors receive 2/3 of the deceased worker's gross weekly wage, up to a maximum of 125% of the state's average weekly wage. Total benefits may not exceed \$300,000. Funeral expenses are payable up to \$10,000.

### Decision Review Office (DRO) Assistance

If you disagree with a decision regarding your benefits and have received an Order of Workforce Safety & Insurance (WSI), you may contact the Decision Review Office (DRO) to request assistance. DRO services are provided at no cost to you. An attorney is not needed to contact the office. DRO will review your claim information, answer your questions, and may gather additional information. Your active participation is encouraged during the review process. You will be informed in writing of the results of the review.

THIS POSTER MUST BE POSTED IN A CONSPICUOUS PLACE

# TO EMPLOYEES:

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

Employer Name: **MANCON**  
Account #: **835218**

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

To file a claim for unemployment compensation benefits:

online: **www.jobsnd.com**  
click on the *UI ICE* logo

or call: 1-701-328-4995

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

The North Dakota Unemployment Compensation Law requires subject employers to post this notice near the location(s) where worker's services are performed. Employers are prohibited from posting this notice if they are not currently liable for coverage. NDCC 52-06-35 NDAC 27-02-04-01



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