**DEDUCTIONS FROM PAY**

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

**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 employee 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**

- For each exception 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 payment 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.
  - A nonrecurring deduction for damage, breakage, shortage, or negligence must be authorized by the employee at the time of the deduction.

**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.

**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.

**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 Superintendent's 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: 16 per school week (any week in which school attendance is required any part of 4 or more days), 40 per non-school week.
  - May work only between 7a.m.-7p.m. (until 9p.m. from June 1st - Labor Day). Hazardous job duties for youth age 14 & 15: Workers ages 14 & 15 are prohibited from performing certain job duties defined as hazardous in labor law.

**POSTING REQUIRED**

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

See REVERSE SIDE of this Poster for Additional Information.
EXEMPTIONS FROM OVERTIME  N.D. Admin. Code § 46-02-07-02(4)

- An employee employed in a bona fide executive, administrative, or professional capacity.
- Excerising - an employee whose primary duties consist 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. Exercising discretion and independent judgment with respect to matters of substantial significance affecting the enterprise or the recognized department or subdivision.
- An employee whose primary duties consist 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.
- A professional - an employee whose primary duties consist 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 manual, mental, or physical processes; and
  b. Work that is predominantly intellectual and varied in character as opposed to routine manual, mechanical, or physical work.
- An employee engaged in an agricultural occupation – growing, raising, preparing, or delivering agricultural commodities for market.
- An employee spending at least 51% of the employee's work-time providing direct care to clients of a shelter, foster care, or other such related establishment.
- An employee employed in domestic service who resides in the household in which employed.
- A straight time 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.

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

- Taxi 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-hour 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.

TRIPS  N.D. Admin. Code § 46-02-07-03

- Geologists offered to an employer 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 consider as being performed for his or her satisfaction. Benefits 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 or more of those 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).