Shaqada iyo Xuquuqda Aadanaha Su'aalaha Badanaa la Isweydiiyo (SBI)

(Labor and Human Rights FAQ)

In loo isticmaalo su'aalo gaar ah oo la xiriira Shaqada iyo Xuquuqda Adanaha, iyo waxa ku habboon ee wakaaladayada u noqon kara ee aanu jawaab ka bixin karno ee iftiiminta su'aalaha iyadoo la tixraacayo su'aalaha aan hayno ama aan heli karno ee la xiriira Caabuqa COVID-19 iyo loo Shaqeeyayaasha, Shaqaalaha iyo Xuquuqda Aadanaha.

Shaqo:

- **Q:** Shaqaale ma ka dhigi karaa mid isticmaala PTO Waqti Fasax Lacag leh (Paid Time Off ama PTO), ama shaqaale ahaan, waa in PTO la siiyaa, haddii hawlahii ganacsi ay xirmeen?
- **A:** Ma jiraan sharciyo state ama federal oo ku waajib siinaya loo shaqeeyaha in uu siiyo shaqaalihiisa PTO. Sidaa darted, loo shaqeeyaha ayaa dejin kara dhammaan shuruucda iyo shuruudaha adeegsiga iyo/ama ku abaalmarinta PTO.
- **Q:** Haddii ay tahay in aan xidho ganacsigayga isla markaana hoos u dhimo shaqaalaha, ma inaan lacag ahaan bixiyaa PTO-gooda?
- **A:** North Dakota, guud ahaan, PTO la kasbaday oo diyaar u ah adeegsiga shaqaalaha waa in la bixiyaa marka uu kala go' ku yimaado shaqaalanimada. Haddii shaqo-bixiyuhu uu shaqada ka fariisiyo shaqaalaha muddo aan xad lahayn ama iyadoon rajo laga qabin in qaar ama dhammaan shaqaalihiisa ku soo celiyo maalin cayiman, PTO waa in la siiyaa shaqaalaha.
- **Q:** Waa maxay farqiyada u dhexeeya heerka aan ka-reebid ahayn (non-exempt) iyo xaalada ka-reeban (exempt) ee shaqaalaha?
- **A.** Shaqaalaha aan ka-reebid ahayn waxaa loo lacag-siiyaa iyadoo lagu saleynayo shaqada la qabtay, saacad-ahaan, mushaar-ahaan, maalin-ahaan, iyo/ama shaqo kooban oo u qabtay. Shaqaale aan laga-reebin wuxuu xaq u leeyahay in uu shaqeeyo saacado dheeri ah, saacado kasta oo uu shaqeeyey in ka badan 40 hal todobaad-shaqo oo keliya. Shaqaale aan ka-reebid ahayn waxaa loo lacag-siiyaa mushaar-ahaan, shaqada uu qabtay awgeed, ma aha tirada saacadaha shaqada la qabtay. Shaqaale ka-reeban xaq uma laha mushaarka saacadaha dheeraadka ah (overtime).
- **Q:** Ma inaan shaqaale lacag siiyaa, amase shaqaale ahaan, ma in lacag la isiiyaa, haddii socod-siinta hawluhu ay xiran yihiin?.
- **A:** Shaqaalaha aan ka-dhaafka ahayn ma ahan in lacag la siiyo, haddii aan wax shaqo ah la qabanin. Sida ku xusan Xeerka Xaq-dhowrka Shaqaalaha ee Maqbuulka ah (Fair Labor Standards Act), qofka shaqaalaha ah ee laga-reebay wuxuu xaq u leeyahay inuu helo mushaarkiisa caadiga ah, haddii ay yihiin "diyaar, uu doonayo, karikarana in uu

shaqeeyo", laakiin wax shaqo ah ma jirin https://www.dol.gov/agencies/whd/fact-sheets/70-flsa-furloughs

- **Q:** Loo shaqeeyahaygu ma ii xilsaari karaa waajibaadyo kale, sida nadiifinta oo kale, xitaa haddii nadiifinta aan si gaar ah loogu xusin sharaxaada shaqadeyda?
- **A:** Haa. Loo shaqeeyaha ayaa dejin kara shuruudaha iyo xaaladaha shaqada, kuwasoo ay ku jiraan ku darida waajibaadyo shaqo oo kale.
- **Q:** Waa maxay hagaha loogu talagalay shaqaalaha laga codsaday inay kasoo shaqeeyaan meel fog?
- **A:** Loo shaqeeyuhu isagaa dejin kara dhamman shuruudaha iyo xaaladaha shaqada. Tusaale ahaan, loo shaqeeyayaasha qarkood waxay shaqaalaha ka codsan karaan in ay ilaashadaan jadwalkooda caadiga ah, oo ay ku jiiraan biriirifyadu, xitaa haddii ay meel fog ka soo shaqeynayaan. Xaalado kale, lo shaqeeyaha iyo shaqaaluhu waxay kawada shaqeyn karaan jadwallo kale, iyadoo maskaxda lagu hayo fududeyn macquul ah in loo sameeyo shaqaalaha laga yaabo in ay iyagu u baahdaan.
- **Q:** Ka waran haddii aan ahay macallin dugsi, shaqaale ururka shaqaalaha, ama shaqaale kale oo ku shaqeeya qandaraas?
- **A:** Dib u eeg shuruudaha heshiiskaaga. Guud ahaan, heshiiska ayaa xukumaya sida shaqaale lacag loo siinayo, marka lagu jiro duruufaha noocyadaan ah.

Hagista Guud:

- COVID-19 iyo Xeerka Xaq-dhowka Shaqaalaha ee Maqbuulka ah (Fair Labor Standards Act) https://www.dol.gov/agencies/whd/flsa/pandemic
  - *Ogeysiis: Waxaa jira farqiyo u dhexeeya sharciyada shaqaalaha ee Dawladda Federaalka iyo kuwa state-da. Xaladahaas marka la eego, sharciga hirgeliya waa midka ugu faa'idada badan shaqaalaha.
- CAABUQA COVID-19 iyo Sharciga Fasaxa Caafimaad ee Qoyska [Family Medical Leave Act (FMLA)] https://www.dol.gov/agencies/whd/fmla/pandemic
- Mushaarka North Dakota iyo Xeerarka Shaqada https://www.nd.gov/labor/labor-and-employment-north-dakota-century-code-title-34
- Mushaarka North Dakota iyo Xeerarka Shaqada https://www.nd.gov/labor/labor-commissioner-north-dakota-administrative-code

XUQUUQAHA AADANAHA:

- **Q:**Loo shaqeeyaha ma looga baahan yahay inuu shaqaale u sameeyo waafajin macquul ah natiijada CAABUQA COVID-19 awgeed?
- **A:** Xeerka Xuquuqda Aadanaha ee North Dakota (NDHRA) iyo Xeerka Dadka Maraynkanka ee Naafada ah ee 1990 (ADA), labaduba waxay ka dalbayaan loo shaqeeyaha in uu u sameeyo waafajin macquul ah dalbadayaasha ama shaqaalaha naafada ah. Si kasta ha ahaatee, CAABUQA COVID-19 ayaa soo if-bixiyey arrimo dheeraad ah oo la xiriira waafajinta macquulka ah iyo baaritaanada caafimaad iyo xog-raadinadaba.

Ururka Caafimaadka Adduunka (WHO) iyo Xarunta Xakamaynta Cudurrada (CDC) waxay caddeeyeen in CAABUQA COVID-19 uu Maraykanka ka yahay cudur dillaacay oo adduunka oo dhan ku faafay, Sidaas daraadeed, hoos ka aqri qaar kamid ah su'aalo dheeraad ah oo alaa la is weydiiyo:

- **Q:** Loo shaqeeyuhu ma u diri karaa guriga qof shaqaale ah haddii shaqaaluhu uu soo bandhigo in uu dareemayo calaamadaha COVID-19ka?
- **A:** Haa. Kula talinta shaqaalaha inay ka tagaan goobta shaqada ma ahan baaritaan la xiriira naafanimada haddi xanuunku uu la xiriiro CAABUQA COVID-19. Mida kale, NDHRA/ADA sidoo kale way oggolyihiin ficilka noocaas ah haddii uu cudurku yahay mid ilaa iyo xad halis ah oo keenaya khatar toos ah.
- **Q:** Haddi qof shaqaale ah uu ku xanuunsado shaqada ama uu soo sheego in uu buko, immisa macluumaad ayaa loo-shaqeeyuhu weydiin karaa?
- **A:** Loo-shaqeeyuhu wuxuu weydiin karaa shaqaalaha sababta shaqaaluhu uu shaqada u imaan waayey. Loo-shaqeeyuhu wuxuu sidoo kale shaqaalaha weydiin karaa haddii shaqaaluhu uu dareemayo astaamo u eg kuwa COVID-19-ka. Loo-shaqeeyuhu waa inuu macluumaad kaan u xafidaa sida macluumaad caafimaad oo qarsoodi ah.
- **Q:** Loo-shaqeeyuhu ma qaadi karaa heer-kulka shaqaalaha si loo hubiyo in ay qandho hayso?
- **A:** Maya, maya haddii COVID-19 uusan noqon mid ku baahay bulshada, sida ay qiimeeyeen CDC ama state-ku amase saraakiisha caafimaadka ee maxaaliga.
- **Q:** Haddii shaqaaluhu uu safray inta uu socdey faafaha COVID-19, loo-shaqeeyuhu ma weydiin kara shaqaalaha waxyaabo ku saabsan safarkii u galay amase amar ma ku karaa in shaqaaluhu uu joogo guriga oo uu sameeyo “is-xakameyn shaqsiyadeed” (self-quarantine)?
- **A:** Haa. Loo-shaqeeyuhu wuxuu dejin karaa shuruudaha iyo xaaladaha kale ee shaqada, oo ay ku jiraan weydiinta shaqaale arin la xiriirta safar shaqsiyadeed iyo dejinta qorshe loogu baahan yahay shaqaaluhu in uu guriga joogo, lacag-bixin ama lacag la’aan amase isticmaalka xilli fasax lagu lacag-siinayo (paid time off), iyo “is-xakamayn ruuxeed,” xitaa haddii shaqaaluhu uusan soo bandhigin wax astaamo ah.
- **Q:** Loo-shaqeeyuhu shardi ma uga dhigikaraa shaqaale in uu si joogto ah u dhaqdo gacmihiisa ama uu xirto qalabka difaaca shaqsi (personal protective equipment)?
- **A:** Haa. Loo-shaqeeyuhu wuxuu qaadan karaa siyasadda iyo dhaqanka xakameynta-infekshinka (infection-control), ee loogu talagay xaddidida faafidda COVIN-19, iyadoon lagu xadgudbin NDHRA ama ADA.
- **Q:** Waa in loo shaqeeyuhu, kaddib marka shaqaaluhu ku soo noqdo shaqada kaddib safar uu galay intii lagu jirey faafida cudurka, sug ilaa qofka shaqaalaha ahi uu yeelanayo calaamadaha hargabka si aad u weydiiso su’aalo ku saabsan qaadista hargabka faafa intii uu ku guda jirey safarka?
- **A:** Maya. Tani looma tixgeliyo sidii baaritaan naafada la xiriira. Haddii CDC ama state amase saraakiisha caafimaadka dadweynaha degaanka ku taliyaan in dadka soo booqday meelo horey loo cayimay ay guriga ku sugnaanayaan mudo dhowr maalmood ah ilaa iyo inta ay ka caddaaneyso in aysan qabin calaamadaha hargabka faafa, loo-shaqeeyuhu wuu weydiin karaa haddii shaqaaluhu ay ka soo noqdeen meelihii horey loo cayimay, inkastoo safarku ahaa mid shaqsiyadeed.
- **Q:** Loo-shaqeeyuhu ma uga baahan karaa shaqaale shaqada ka maqnaa inta lagu gudajiro CAABUQA COVID-19 ee faafa in uu keeno qoraal takhtareed, oo u fasaxaya shaqaalaha gudashada waajibaad kiisa shaqo, ka hor inta shaqaalaha aan loo oggolaan ku laabashada shaqada?
- **A:** Haa.

- **Q:** Loo-shaqeeyuhu ma ku dhiiri-gelin karaa shaqaalaha in ay meel fog ka soo shaqeeyaan ama ka soo sameeyaan shaqo-tebin remotely/telework (tusale, ka soo shaqee meel kale sida guriga) taasoo ah istraateejiyad xakameynta-infekshinka inta lagu gudajiro faafinta caabuqa?
- **A:** Haa. Remote/telework waa istraateejiyad wax ku ool u ah infekshion-xakameynta taas oo sidoo kale loo-shaqeeyayaashu ay u yaqaaniin sida waafajin macquul ah. Waxaa itaa dheer, shaqaalaha naafada ah ee iyagu halis sare isu geliyey dhibaatooyinka cudurka faafaha ah waxay codsan karaan shaqo-soo-tebin (telework) si uu ugu noqdo waafajin macquul ah si loo yareeyo fursadahooda infekshin inta ay socoto faafida cudurka.
- **Q:** Loo-shaqeeyuhu ma ku qasbi karaa dhammaan shaqaalihiisa in ay qaataan talaal kasta iyadoo aan loo eegin xaaladahooda caafimaad ama diinta ay aaminsan yihiin inta uu socdo caabuqa faafaya?
- **A:** Maya. Qofka shaqaalaha ah waxaa laga yaabaa in uu xaq u leeyahay in laga reebo talaalid qassab ah shuruudu ku saleysantahay naafanimada taas oo ka horjoogsaneysa shaqaalaha qaadashada tallaalka. Tani waxay noqon kartaa waafajin macquul ah oo u diidaysa darxumo xad-dhaaf ah (dhibaato weyn ama xaga kharashka).
  Intaa waxaa sii dheer, mar haddii loo-shaqeeyuhu uu helo ogeysiis in qof shaqaale ah uu si daacad ah u aaminsan yahay diinta, ku camal falayo, ama ku dhaqmayo waxay ka horjoogsaneysaa shaqaalaha qaadashada tallaalka, loo-shaqeeyuhu waa inuu u sameeyaa waafajin macquul ah haddii ayna keeni doonin dhibaato aan loo baahneyn.
  Guud ahaan, loo-shaqeeyayaashu waa inay tixgeliyaan in si sahal ah ay u dhiirigeliyaan shaqaalaha in ay qaataan tallaalka halkii ay iyagu u baahnaan lahaayeen in ay qaataan.
- **Q:** Waa in loo-shaqeeyuhu, inta lagu guda jiro faafka, sii wado in uu u sameeyo waafajin macquul ah shaqaalaha naafonimooyin kooda la ogsoonaa kuwaasoo aan xiriir la lahayn faafaha, diidayana darxumo aan lagu talagelin?
- **A:** Haa. Waajibaadyada loo-shaqeeyaha ee shaqsiyaadka naafada ah wuxuu sii soconayaa inta lagu jiro aafada faafaysa. Keliya marka loo-shaqeeyuhu soo bandhigo in qofka naafada ahi uu soo gudbinayo hanjabaad toos ah, xitaa kaddib sameynta waafajin macquul ah, sharci ahaan miyay ka saari kartaa shaqaalaha shaqada amase hawlaha shaqada la xiriira. Haddii qof shaqaale ah oo naafo ahi uu u baahan yahay isla habayntaas macquul ah oo kale uu ka helo xaga remote/network taasoo qofka shaqaalaha ahi ku lahaa goobta shaqada, loo-shaqeeyuhu waa in u sameeyaa habayntaas, darxumo maqan oo xad-dhaaf ah awgeed. Haddii ay dhacdo darxumo xad-dhaaf ah, loo-shaqeeyaha iyo shaqaaluhu waa in ay sameeyaan iskaashi si ay u helaan waafajin macquul ah oo kale. Dhammaan shaqaalaha naafada ah kuwaasoo waajibaad yadooda uu maamulku kamid yahay inta lagu jiro faafka waa in ay helaan waafajin macquul ah taasoo ay daruuri ka dhigeen xaaladaha faafku, haddii aysan oogmin dhibaato aan loo baahneyn.

General Guidance:

- Guidance from the Equal Employment Opportunity Commission (EEOC) https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
- North Dakota Human Rights Act https://www.nd.gov/labor/humlaan-rights-act
- North Dakota Housing Discrimination Act https://www.nd.gov/labor/housing-discrimination-act