OVERTIME N.D. Admin. Code § 46-02-07(2)(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 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.

LIIMTATIONS ON PAID TIME OFF N.D.C.C. § 34-14-09.2
1. If an employee separates from employment voluntarily, a private employer may withhold payment for accrued paid time off if the following three conditions are all met:
   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;
   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
- 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 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 may only withhold payment from the compensation due employees:
1. Advances paid to employees, other than undocumented cash.
2. A recurring deduction authorized in writing.
3. 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
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 N.D.C.C. § 34-01-14
An individual’s right to work may not be denied or abridged due to membership or nonmembership in any labor union or labor organization.

YOUTH EMPLOYMENT N.D.C.C. ch. 34-07
Employment & Age Certificates (work permits) are required for workers ages 14 & 15 and are available from the Department of Labor, Job Service offices, County School Superintendents’ offices, and local schools.
- Restricted hours for youth age 14 & 15:
  - Maximum hours per day: 3 per school day, 8 per non-school day.
  - Maximum hours per week: 18 per school weeks (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.-9p.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.
An employee employed in a bona fide executive, administrative, or professional capacity.

Executive - an employee whose primary duties consist of:
- The management of the enterprise or recognized department or subdivision thereof;
- Directing the work of two or more other employees therein; and
- Having the authority to hire or fire other employees or whose suggestions will be given particular weight.

Administrative - an employee whose primary duties consist of:
- Office or non-manual work directly related to management or general business operations;
- And who customarily and regularly exercises discretion and judgment in matters not provided for elsewhere in this section.

Professional - an employee whose principal work consists of:
- Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study as distinguished from a general education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes;
- And work that is characterized by the consistent exercise of discretion and judgment in its performance; and
- Work that is predominantly intellectual and varied in character as opposed to routine mental, manual, or mechanical work.

A service employee is any employee who is providing direct service to the customer and to whom that customer shows appreciation.

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 commission salesperson in retail automotive, 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

Taxicab drivers must be paid overtime for all hours worked in excess of fifty hours in any work week.

Hotels 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.

TIPS

An employee engaged in an occupation – dealing blackjack (twenty-one), slot machines, or other games.

A commission is a fee or percentage given for compensation to an individual for completion of a sale, service, or transaction in which the employee participates.

A commission is earned and compensable when:
- The employee is an owner or a partner or an individual who is engaged in the business;
- The employee performs services for the business that are essential to earning the commission;
- The employee must be paid for the time he or she spends in meetings called by the employees exclusively for the purpose of discussing commission matters; and
- The employee is required to travel to such meetings.

A tip credit is allowed only among the tipped employees. A vote of tipped employees to allow tip pooling must be taken, and forty percent plus one percent of all tipped employees must approve it.

A 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 percent of all tipped employees must approve it.

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An employer who elects to use the tip credit must inform the employee in advance.

If an employee refuses an employer's order to perform an action that the employee believes violates local, state, or federal law, rule, or regulation to an individual, the employee is entitled to overtime for the work performed.

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 tip is the reasonable value, not exceeding the employer's actual cost, of board, lodging, and other related services.

The 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.

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 procedures of the employer shall be used to determine if the commission was earned and compensable.

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.

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 functions of the job, or any other condition related to such discrimination in the work place.

An employer may not discharge, discriminate, 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, rule, or rule of 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 that belief and shall inform the employer that the order is being refused for that reason.

Public employees shall also see N.D.C.C. ch. 34-11-11 Public Employees Relations Act for further information.