



**NORTH DAKOTA SUPPLEMENT
2023**

ComplianceHR

Note: This Employee Handbook is not intended to apply to any particular employer or to provide legal advice or opinion. Such advice may only be given when related to specific handbooks and specific fact situations. In no circumstances should any employee handbook be adopted and issued to employees before the final draft has been approved by experienced labor counsel. These employee handbook templates generally include policies prompted by federal and state laws in the employee policy context, as well as leave of absence and scheduling policies intended to comply with local laws in major municipalities (i.e., those with 100,000 residents or more). The handbook templates do not include the following: social media policies; drug-testing policies; policies related to municipal laws other than those specified above; or policies specific to government contractors or certain industries. Generally, the templates do not address industry-specific requirements, except where indicated.

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GENERAL INFORMATION

About This North Dakota Supplement

Dahl Consulting (“The Company”) is committed to workplace policies and practices that comply with federal, state and local laws. For this reason, North Dakota employees will receive the Company’s national handbook (“National Handbook”) and the North Dakota Supplement to the National Handbook (“North Dakota Supplement”) (together, the “Employee Handbook”).

The North Dakota Supplement applies only to North Dakota employees. It is intended as a resource containing specific provisions derived under North Dakota law that apply to the employee’s employment. It should be read together with the National Handbook and, to the extent that the policies in the North Dakota Supplement are different from, or more generous than those in the National Handbook, the policies in the North Dakota Supplement will apply.

The North Dakota Supplement is not intended to create a contract of continued employment or alter the at-will employment relationship. **Only the President/Owner of the Company or that person’s authorized representative has the authority to enter into an agreement that alters the at-will employment relationship and any such agreement must be in writing signed by the President/Owner of the Company or an authorized representative.**

If employees have any questions about these policies, they should contact their DAHL representative.

COMMITMENT TO DIVERSITY

Equal Employment Opportunity

As set forth in the National Handbook, the Company is committed to equal employment opportunity and to compliance with federal antidiscrimination laws. We also comply with North Dakota law, which prohibits discrimination and harassment against employees or applicants for employment based on race, color, religion, sex (including pregnancy, childbirth and disabilities related to pregnancy or childbirth), national origin, age (40 and over), disability, marital status, public assistance status and participation in lawful activities during non-work hours off Company premises. The Company will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

Pregnancy Accommodation

Employees who are otherwise qualified for a position may request a reasonable accommodation for pregnancy-related reasons. A reasonable accommodation will be provided unless the accommodation:

- Would disrupt or interfere with the Company's normal business operations;
- Threatens an individual's health or safety;
- Contradicts the Company's business necessity; or
- Imposes an undue hardship on the Company.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their DAHL representative.

PAY PRACTICES

Lactation Accommodation

The Company is an infant-friendly workplace and has voluntarily chosen to adopt this breastfeeding policy. The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. If possible, nursing mothers should take time to express breast milk during their regular rest breaks and/or meal breaks. If the break time cannot run concurrently with rest and/or meal breaks, the break time will be unpaid. If additional unpaid breaks are required, employees should work with their supervisor regarding scheduling.

The Company will provide employees with the use of a convenient, sanitary, safe and private location, other than a restroom, for the employee to breastfeed or express milk. Employees who wish to take advantage of this policy will also be provided with a convenient, clean and safe water source for washing hands and rinsing breast-pumping equipment in a private location, as well as a convenient hygienic refrigerator for the temporary storage of breast milk.

Employees should discuss with their DAHL representative the location to express their breast milk and for storage of expressed milk and to make any other arrangements under this policy.

Employees should provide reasonable notice to the Company that they intend to take breaks for expressing breast milk upon returning to work.

Meal Breaks

Employees who work five hours or more in a shift will be entitled to a 30-minute meal break, as long as there are two or more employees on duty. During the meal break, employees will be relieved of all duties. An uninterrupted 30-minute meal break will be unpaid for nonexempt employees.

Employees may voluntarily waive the meal break. Any such agreement must be in writing.

Any employee who is unable to take all of the meal breaks to which they are entitled in accordance with this policy, or who has been prevented or discouraged from taking a break to which they are entitled under this policy, should immediately notify a DAHL representative.

All nonexempt employees must record their meal breaks.

TIME OFF AND LEAVES OF ABSENCE

Voluntary Emergency Responder Leave: National Guard and Civil Air Patrol

The Company will not terminate, demote or otherwise discriminate against an employee who is absent or tardy from work due to service as a volunteer emergency responder in responding to an emergency.

For purposes of this policy, a “volunteer emergency responder” includes a member of the National Guard or Air National Guard of North Dakota or any other state or a volunteer civilian member of the Civil Air Patrol.

Except for involuntarily activated National Guard members, employees may not be absent for more than 20 regular working days in a calendar year to serve as a volunteer emergency responder. Employees seeking leave under this policy must make reasonable efforts to notify their DAHL representative of their service and continue to provide reasonable notification over the course of their absence.

The Company reserves the right to designate certain employees who are also volunteer emergency responders as so critical that their services cannot be performed by another employee and their absence create irreparable harm to the company. Such employees will not be eligible for protected leave under this policy. If the Company makes such a determination, it will make reasonable efforts to notify the employee.

Leave under this policy will be unpaid, except that exempt employees may receive pay, as required by law.

The Company may request written verification of the date, time and the employee's response to the emergency.

Day of Rest for Retail Employees

Employees will be permitted to have at least one 24-hour day of rest in each seven day period they work. If employees request time off to attend one regular worship service per week, the Company will make reasonable efforts to accommodate the request unless doing so would result in substantial economic burdens on the Company or significant burdens on other employees. The Company will also attempt to make other reasonable accommodations for the religious beliefs and practices of employees unless such accommodations would result in undue hardship.

Employees who wish to voluntarily waive their right to a day of rest within a seven day period may do so provided they execute a written waiver and volunteer to work on what would otherwise be a day of rest.

Jury or Witness Duty Leave

The Company encourages all employees to fulfill their civic responsibilities and to respond to jury service summons or subpoenas, attend court for prospective jury service or serve as a juror or witness. Under no circumstances will employees be terminated, threatened, coerced, or penalized because they request or take leave in accordance with this policy.

Employees must provide their supervisor with notice of any jury or witness summons or subpoenas within a reasonable amount of time after receipt and before their appearance is required. Verification from the court clerk of having served may also be required.

Time spent engaged in attending court for prospective jury service or for serving as a juror or witness is not compensable except that exempt employees will not incur any reduction in pay for a partial week's absence due to jury or witness duty.

SAFETY AND SECURITY

Smoke-Free Workplace

The Company prohibits smoking, including the use of electronic cigarettes, in the workplace and within 20 feet of any entrance to a public building. Smoking is also prohibited in company-owned vehicles. Employees wishing to smoke must do so outside company facilities during scheduled work breaks.

Employees who observe other individuals smoking in the workplace in violation of this policy have a right to object and should report the violation to their DAHL representative. Employees will not be disciplined or retaliated against for reporting smoking that violates North Dakota law or this policy.

Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

Cell Phone Use/Texting While Driving

As set forth in the National Handbook, the Company prohibits employees from using cellular phones for business reasons while driving or for any reason while driving for work-related purposes or driving a company-owned vehicle. Employees should also be aware that, in addition to being a violation of Company policy, it violates North Dakota law to use a wireless communications device to compose, read or send an electronic message while driving, unless the device is being used in a voice-activated, voice-operated or other hands-free mode.

Weapons in the Workplace

In the interest of maintaining a workplace that is safe and free of violence, and in accordance with the policy set forth in the National Handbook, the Company generally prohibits the presence or use of firearms and other weapons on the Company's property, regardless of whether or not the person is licensed to carry the weapon. In compliance with North Dakota law, the Company permits employees who lawfully possess a firearm to store their firearm inside their locked, privately owned vehicles in the Company's parking lots or other parking areas provided by the Company. Such lawfully possessed firearms and ammunition may not be removed from the employees' personal vehicle or displayed to others for any reason other than lawful defensive purposes.