



EMPLOYEE NOTICES AND POSTING REQUIREMENTS

2017

Table of Contents

Table of Contents	2
Annual Notices	3
Asbestos Hazard Emergency Response Act	3
Bullying Policy (ACEA)	3
Drug Free Workplace (DEAA)	3
Drug Testing (DBBA).....	4
Non-Discrimination and Anti-Harassment Policy and Grievance Procedure (AAC and AAC-BR).....	4
Email Disclaimers	5
Nondiscrimination (Required)	5
Open Meetings and Records Notice (Recommended).....	5
Posting Requirements	6
Equal Employment Opportunity is the Law	6
E-Verify	6
Department of Justice Right to Work	6
Family Medical Leave Act of 1993	6
Fair Labor Standards Act.....	7
Job Service North Dakota Unemployment Insurance Poster	7
HIPAA Notice of Privacy Practices	7
North Dakota Minimum Wage and Work Conditions Summary Poster.....	7
Uniformed Services Employment and Reemployment Rights Act of 1994	7
Workforce Safety & Insurance (WSI) Certificate of Premium Payment	8

Annual Notices

The following list of handbook notices are required by law. School districts should also provide employees with copies of policies related to conduct standards, general duties and responsibilities, employment procedures, safety, and benefits and should review policy to determine if they have adopted local handbook notice requirements.

Asbestos Hazard Emergency Response Act

At least once each school year, school districts must notify parents, teachers, and employee organizations of the availability of the asbestos management plan

Bullying Policy (Policy ACEA)

NDCC 15.1-19-18 (4) requires that “Upon completion of the policy required by this section, a school district shall:

- a. Ensure that the policy is explained to and discussed with its students;
- b. File a copy of the policy with the superintendent of public instruction; and
- c. **Make the policy available in student and personnel handbooks.”**

Drug Free Workplace (DEAA)

41 U.S.C. 8103 (a)(1)(A) requires that employers agree to provide a drug-free workplace as a condition of receiving a federal grant by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violations of the prohibition;
- b. Establishing a drug-free awareness program to inform employees about
 - (i) the dangers of drug abuse in the workplace;
 - (ii) the grantee’s policy of maintaining a drug-free workplace;
 - (iii) available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) the penalties that may be imposed on employees for drug abuse violations;
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (A);

- d. Notifying the employee in the statement required by subparagraph (A) that as a condition of employment in the grant the employee will
 - (i) abide by the terms of the statement; and
 - (ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;
- e. Notifying the granting agency within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of a conviction;
- f. Imposing a sanction on or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted, as required by section [8104](#) of this title; and
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A) to (F).

Drug Testing (DBBA)

For guidance on policy content, please see [Chapter 3 of the Federal Motor Carrier Safety Administration's Implementation Guidelines for Alcohol and Drug Regulations](#).

Non-Discrimination and Anti-Harassment Policy and Grievance Procedure (AAC and AAC-BR)

The laws listed below require development and dissemination of the non-discrimination and anti-harassment policy and procedure:

- [Title IX](#)
- [Section 504](#)
- [Title II of the Americans with Disabilities Act](#)
- [Age Discrimination Act](#)

Email Disclaimers

Nondiscrimination (Required)

Notice: The **[District name]** does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: **[Name or Title, address, phone number]**. For further information on notice of non-discrimination, visit:

<http://goo.gl/4cJpdY> for the address and phone number of the office that serves your area, or call 1-800-421-3481.

A combined non-discrimination notice should contain two basic elements: (1) a statement of non-discrimination that specifies the basis for non-discrimination; and (2) identification by name or title, address, and telephone number of the employee or employees responsible for coordinating the compliance efforts. Source: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.pdf>

Where to publish: Schools are required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees.

Open Meetings and Records Notice (Recommended)

Open Meeting Notice (include only in emails to the school board): This correspondence is for informational purposes only. Responding to this email with questions or comments that help guide your decisions as a board member may result in an open meeting violation.

Open Record Notice: With limited exceptions, all school records, including electronic correspondence, are open to the public for inspection. Please be aware that your written correspondence with the school may be an open record and may be subject to public release upon request.

Posting Requirements

[Equal Employment Opportunity is the Law](#)

Satisfies posting requirements under the following laws:

- Title VII of the Civil Rights Act of 1964
- The Americans With Disabilities Act of 1990
- The Age Discrimination in Employment Act of 1967
- The Equal Pay Act of 1963
- The Genetic Information Nondiscrimination Act of 2008

Where to post: conspicuous location in the workplace where notices to applicants and employees are customarily posted. In addition to posting the enclosed poster, employers are encouraged to post the electronic notice on their internal web sites in a conspicuous location.

E-Verify

Use only if participating in this Internet-based employment eligibility program.

[E-Verify English version](#)

[E-verify Spanish version](#)

Where to post: The posting must be in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system. **Both English and Spanish versions must be posted.**

Department of Justice Right to Work

Only required if participating in E-Verify; recommended if not participating in this program

[Right to Work English version](#)

[Right to Work Spanish version](#)

Where to post: The posting must be in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system. **Both English and Spanish versions must be posted.**

[Family Medical Leave Act of 1993](#)

Where to post: Display poster in plain view for all workers and applicants to see, notifying them of the FMLA provisions and providing information concerning how to file a complaint

with the Wage and Hour Division. A covered employer must display this poster even if it has no eligible employees (i.e., districts with fewer than 50 employees).

[Fair Labor Standards Act](#)

Where to post: Every employer of employees subject to the Fair Labor Standards Act's minimum wage provisions must post, and keep posted, a notice explaining the Act in a conspicuous place in all of their establishments so as to permit employees to readily read it.

[Job Service North Dakota Unemployment Insurance Poster](#)

Where to post: Liable employers are required by law to post and maintain, in a conspicuous place in their business establishment, printed notices to their employees informing employees that the employer is liable for contributions under the North Dakota unemployment compensation law. Such notices also include information as to the workers' rights and responsibilities under the law.

[HIPAA Notice of Privacy Practices](#)

Use only if your school district has a self-insured health plan

Where to post: Prominently post and make available on any website maintained that provides information about benefits.

Additional notification requirements:

- Provide the notice to individuals covered by the plan no later than April 14, 2003 (April 14, 2004, for small health plans) and to new enrollees at the time of enrollment.
- Provide a revised notice to individuals covered by the plan within 60 days of a material revision.
- Notify individuals covered by the plan of the availability of and how to obtain the notice at least once every three years.

[North Dakota Minimum Wage and Work Conditions Summary Poster](#)

Where to post: Must be posted in a conspicuous place in a commonly frequented area in which employees work.

[Uniformed Services Employment and Reemployment Rights Act of 1994](#)

Where to post: Employers may provide the notice by posting it where employee notices are customarily placed. However, employers are free to provide the notice to employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing out or mailing the notice or distributing via electronic mail).

Workforce Safety & Insurance (WSI) Certificate of Premium Payment

This notice is issued by WSI upon receipt of payment.

Where to post: Display in a conspicuous manner at the workplace and in a sufficient number of places to reasonably inform employees of the certificate of premium payment showing compliance with law and the toll-free telephone number used to report unsafe working conditions and actual or suspected workforce safety and insurance fraud. (NDCC 65-04-04)

Optional: [Workforce Safety and Insurance Important Notice to Employees Poster](#)