

## **N.D.A.G. Letter to Hagen (May 20, 1991)**

May 20, 1991

The Honorable Craig Hagen  
Commissioner of Labor  
State Capitol Building  
600 E Boulevard Avenue  
Bismarck, ND 58505

Dear Commissioner Hagen:

Thank you for your May 13, 1991, letter concerning the labor commissioner's responsibility to provide a copy of the minimum wage order to every employer.

The statute controlling the answer to your question is N.D.C.C. § 34-06-12. The pertinent provision of that section provides:

A copy of such order must be mailed by the commissioner to every employer affected thereby, and each such employer shall keep a copy of the order posted in a conspicuous place in each room of his establishment in which employees work.

It has apparently become traditional to publish a "poster" containing the order. In a June 13, 1989, letter to Labor Commissioner Knutson, a member of my staff advised Commissioner Knutson that an entire copy of the order must be published on the "poster" if it was the intent of the labor commissioner to have the poster serve as the copy of the order required to be sent to each employer under N.D.C.C. § 34-06-12. In light of this letter, you ask whether it is permissible for the "poster" to contain a summary of the minimum wage order. You also ask whether the entire minimum wage order could be made available to the employer upon the employer's request.

N.D.C.C. § 34-06-12 requires the labor commissioner to provide a copy of the entire text of the minimum wage order to all affected employers. The employers are then required to post that copy of the entire text in a conspicuous place. Consequently, it is my opinion that the labor commissioner must provide a copy of the entire text of an adopted minimum wage order to all affected employers who must then post the entire text in every room where employees work.

You may continue to publish "posters" which contain the minimum wage order. If the text of the minimum wage order is too voluminous to publish on the proposed poster, I believe a summary of the wage order could be printed on the poster. However, publishing a summary of the order on a poster does not relieve the labor commissioner of the duty to provide a copy of the entire wage order to affected employers. Neither does it relieve employers of the duty to post a copy of the entire wage order.

I trust this answers your question.

Sincerely,

Nicholas J. Spaeth

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