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North Dakota wage and hour cheat sheet

Minimum wage, overtime, breaks, final pay, and record retention on one sheet. Rates verified November 2026.

Minimum wage

$7.25 per hour statewide since July 24, 2009 under NDCC § 34-06-22, which sets that rate as its last step and lists no later increase. Employers may take a tip credit of up to 33 percent of the minimum wage for tipped employees, giving a minimum cash wage of $4.86 per hour. A tipped employee is a service employee who regularly receives more than $30 a month in tips (NDAC § 46-02-07-01). An employer using the tip credit must tell the employee in advance and keep written records showing that cash wages plus the tip credit reach at least the minimum wage (NDAC § 46-02-07-03). North Dakota has no general youth or opportunity wage. With a license from the commissioner, students in vocational education programs may be paid a subminimum wage of no less than 85 percent of the state minimum wage, and licensed subminimum wages are also available for individuals with disabilities (NDAC § 46-02-07-02).

Overtime

1.5x the regular rate for hours worked over 40 in any one week (NDAC § 46-02-07-02(4)). Overtime is computed weekly regardless of the length of the pay period, and hours may not be averaged over the pay period. Paid holidays, paid time off, and sick leave do not count toward overtime hours. All hours worked in more than one job for the same employer count toward overtime. Taxicab drivers earn overtime after 50 hours in a week. Exemptions include bona fide executive, administrative, and professional employees, agricultural workers, outside salespeople, mechanics paid on commission off a flat rate schedule, motor carrier employees exempt under FLSA section 13(b), and highly compensated employees. Travel from jobsite to jobsite, or from the office to a jobsite, is work time that must be paid. Ordinary travel from home to work is not.

Daily overtime

None for most employers. Overtime is owed weekly, on hours over 40 in a week. The one exception is that hospitals and residential care establishments may agree with their employees to use a 14-day overtime period, but only if they pay time and one-half for hours over 8 in a day or over 80 in the 14-day period (NDAC § 46-02-07-02(4)).

Meal break

Yes, when two or more employees are on duty. A meal period of at least 30 minutes must be provided in each shift longer than 5 hours when two or more employees are on duty (NDAC § 46-02-07-02(5)). Employees may waive the meal period by agreement with the employer. The meal period may be unpaid if the employee is completely relieved of all duties and the period is ordinarily 30 minutes long. An employee required to perform any duties during the meal period is not completely relieved. Collective bargaining agreements prevail over this rule.

Rest break

No state rest-break requirement for adults. North Dakota's Minimum Wage and Work Conditions Order (NDAC chapter 46-02-07) has no rest-break rule, and the US Department of Labor does not list North Dakota among the states that require paid rest periods.

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North Dakota wage and hour cheat sheet (continued)

Final paycheck

Under NDCC § 34-14-03, when an employee is discharged, quits, or is suspended because of an industrial dispute, unpaid wages are due on the regular paydays the employer set in advance for the periods worked. When the employer discharges or terminates the employee, it must send the wages by certified mail to an address the employee designates, or as both parties otherwise agree. An employer that pays late may owe the employee's contract wages for each day it is in default, for up to 30 days. Earned paid time off that is available for use at separation counts as wages and must be paid at the employee's regular rate. No contract or policy may forfeit it, although a use-it-or-lose-it policy is allowed if the employee had notice and a reasonable chance to take the time (NDAC § 46-02-07-02(12)).

How long to keep time records

Federal law requires keeping time cards 2 years and payroll records 3 years, and some states go longer. Keep the records where you can produce them; a wage claim is decided on whoever has the better records.

Rates verified November 2026. The $7.25 rate is the last step written into NDCC § 34-06-22, and the statute lists no later increase. That section does allow the labor commissioner to set a different rate by rule. This is general information, not legal or payroll advice. Check the North Dakota labor department for the current rules, and talk to a professional for your situation.

Primary source: https://ndlegis.gov/information/acdata/pdf/46-02-07.pdf. Full list of sources: getclox.com/blog/north-dakota-time-tracking.