

Labor and Employment

See full summary documents for additional detail

Department of Labor Omnibus/Other Changes.

SL 2024-3 (S542)

S.L. 2024-3 does the following:

- Allows electronic communication as form of notice under Youth Employment statutes, the Elevator Safety Act of North Carolina, the Amusement Device Safety Act of North Carolina, the Passenger Tramway Safety Act, the Occupational Safety and Health Act of North Carolina, and the Controlled Substance Examination Regulation Act.
- Increases the range of a civil penalty for a Wage and Hour Act record-keeping violation from \$250-\$2,000 to \$750-\$4,500 and allows electronic communication as form of notice.
- Makes changes to the Uniform Boiler and Pressure Vessel Act including:
 - Adding new definitions for "imminent danger" and "menace to public safety."
 - Clarifying exemptions from the Act for the following: pressure vessels used for storage of compressed gases; air tanks used directly in the operation of trains; pressure vessels that meet specific limitations; and hot water supply boilers.
 - Allowing electronic communication as form of notice.
 - Combining the existing civil penalties into one penalty not to exceed \$500.
- Repeals G.S. 95-255 – Reports and G.S. 95-255.1 – Technical Assistance and makes conforming changes.
- Fixes a typographical error in a General Statutes citation.
- Modifies public works specification requirements for elevators.

This act became effective June 3, 2024, except for the typographical error correction, which became effective retroactively July 1, 2022.

Office of State Human Resources/Various State Human Resources Act Changes.

SL 2024-23 (H223)

S.L. 2024-23 makes various technical and clarifying changes to the State Human Resources Act and related statutes and does the following:

- Requires the State Human Resources Commission (Commission) to adopt rules or policies mandating that a closing date be posted for each job opening unless an exception for critical classifications has been approved by the Commission or through a special exception through the Office of State Human Resources.
- Clarifies that a potential State or local government supervisor can inspect confidential information in a personnel file to prevent application fraud.
- Removes the requirement that job openings be filled no sooner than 21 days after listing.

- Grants the Commission the authority to adopt temporary rules and permanent rules to allow local agencies to hire and pay trainees for local government positions that are subject to the State Human Resources Act.
- Allows an applicant for State employment or a State employee to allege denial of National Guard preference and file for a contested case hearing after following the grievance appeal process.
- Makes clarifications to the statutes addressing fraudulent disclosure and willful nondisclosure on an application for State employment and the laws governing the Temporary Solutions Program.
- Permits the Department of Health and Human Services (DHHS) to directly hire temporary employees into vacant positions if certain criteria are met and requires DHHS to report on the number and types of positions filled under this temporary authority by July 1, 2025. This section expires 180 calendar days from the date of enactment.

Except as otherwise provided, this act became effective June 28, 2024.

Human Trafficking Changes.

SL 2024-26 (H971)

S.L. 2024-26 does the following:

- Directs the Department of Labor to develop human trafficking awareness training.
- Requires certain employees and third-party contractors of lodging establishments and vacation rentals to complete human trafficking awareness training.
- Increases the penalty for a first offense of soliciting another for prostitution.
- Allows victims and alleged victims of human trafficking crimes to move for victim confidentiality in criminal proceedings.
- Requires any person initiating a child custody proceeding to disclose certain criminal convictions and history of child custody proceedings.
- Generally prohibits viewing of pornography by employees on government networks and devices, including those of public agencies, the judicial branch, and the legislative branch.
- Directs the Division of Social Services, Department of Health and Human Services, to expand, further develop, and implement human trafficking awareness trainings.
- Provides Criminal Justice Law Enforcement Automated Data Services (CJLEADS) access to campus police.
- Establishes that documentation compiled by the Housing Finance Agency for the purposes of financing housing for victims of domestic violence, sexual assault, and human trafficking are not public records.
- Modifies the definition of victim in the Crime Victim's Compensation Act.

This act has various effective dates. Please see the full summary for more detail.

Permanently Allow Fifteen-Year-Olds to Work in ABC-Permitted Establishments – ABC Omnibus 2023-24.

SL 2024-41 (S527), Sec. 34

Section 34 of S.L. 2024-41 permanently allows 15-year-olds to work inside an ABC permitted premises that allows on-premises consumption. They cannot work in a role involving the preparation, serving, dispensing, or sale of alcoholic beverages, except for sale of alcoholic beverages at the point-of-sale for only off-premises consumption.

This section became effective July 8, 2024.

Relief From Temporary Employment Restrictions – Disaster Recovery Act of 2024.

SL 2024-51 (H149), Sec. 12.2

Section 12.2 of S.L. 2024-51 provides that effective October 1, 2024, temporary employees working to support disaster recovery response efforts are exempt from the mandatory separation requirement for the duration of the state of emergency related to Hurricane Helene or associated recovery efforts. These employees can comply with mandatory separation requirement within six months following the cessation of the state of emergency. This section is notwithstanding the current law (G.S. 126-6.3(a1)) for temporary employees (as defined in G.S. 126-6.3(c)(7)) under the Temporary Solutions Program.

This section became effective October 10, 2024.

Temporary Waiver of Penalties Associated with Late Payments of Employee or Employer Retirement Contributions – The Disaster Recovery Act of 2024 - Part II.

SL 2024-53 (S743), Sec. 4F.2

Section 4F.2 of S.L. 2024-53 allows the State Treasurer, or the State Treasurer's designee, to waive penalties associated with late payment of employer contributions to the Teachers' and State Employees' Retirement System if those contributions were late due to circumstances caused by Hurricane Helene.

This section became effective October 25, 2024, and will expire when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to S.L. 2024-51 or any other enactment of a general law, expires.

**Update Laws Regarding Multiple Employer Welfare Arrangements (MEWAS)
That Provide Employee Welfare Benefit Plans – Disaster Relief-
3/Budget/Various Law Changes.**

SL 2024-57 (S382), Sec. 3G.1

Section 3G.1 of S.L. 2024-57 amends Article 50A (Association Health Plans) of Chapter 58 (Insurance) to allow statewide chambers of commerce to be licensed by the Insurance Commissioner to establish a multiple employer welfare arrangement (MEWA).

This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. This section of the act became effective January 1, 2025, and applies to licenses issued under Chapter 50A of Chapter 58 on or after that date.