

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

4

HOUSE BILL 22
Committee Substitute Favorable 3/12/09
Committee Substitute #2 Favorable 3/18/09
Senate Judiciary II Committee Substitute Adopted 5/27/09

Short Title: Enhance Youth Employment Protections.

(Public)

Sponsors:

Referred to:

February 2, 2009

A BILL TO BE ENTITLED

AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE
COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2A of Chapter 95 of the General Statutes is amended by
adding a new section to read:

"§ 95-25.23C. Report on youth employment enforcement activities.

(a) Findings. – The General Assembly finds that:

(1) There is an increasing need to protect the educational opportunities of youths under age 18 and to prohibit their employment in jobs and under conditions that are detrimental to their health and well-being.

(2) Although the statutory protections available for youths under age 18 who are employed in this State are comprehensive, those protections are rendered meaningless without effective enforcement.

(3) It is in the best interest of the State and its youngest workers to ensure that North Carolina employers are in full compliance with the youth employment laws and regulations enacted under the Wage and Hour Act.

(b) Intent. – Recognizing that the Department of Labor is the State agency charged with enforcing the Wage and Hour Act as it pertains to youth employment, the General Assembly intends to review the Department's education and enforcement activities on a regular basis in order to identify effective measures for enhancing youth employment protections in this State.

(c) Report. – No later than February 1 of each year, the Commissioner shall submit a written report to the General Assembly, the Legislative Study Commission on Children and Youth, and the Fiscal Research Division of the General Assembly on the Department of Labor's investigative, inspection, and enforcement activities under the Wage and Hour Act pertaining to youth employment. Each report submitted pursuant to this subsection shall contain data and information about the calendar year preceding the date on which the last written report was submitted. The report shall include at least all of the following:

(1) All activities the Department of Labor has sponsored or participated in for the purpose of educating employers about their responsibilities under the Wage and Hour Act.

(2) The total number of complaints received by the Department of Labor alleging youth employment violations under the Wage and Hour Act, or any regulations issued under the Wage and Hour Act, or both.



- 1 (3) The specific types of youth employment violations alleged and the ages of
2 the youths referenced in the complaints received by the Department of
3 Labor.
- 4 (4) The total number of investigations conducted by the Department of Labor
5 concerning alleged youth employment violations, the length of the
6 investigations, and the number of investigators assigned to conduct the
7 investigations. For purposes of this subdivision, the Commissioner shall
8 provide a separate analysis of (i) investigations initiated by the Department
9 in response to a complaint, (ii) investigations initiated by the Department in
10 the absence of a complaint, and (iii) alleged record-keeping violations
11 pertaining to youth employment.
- 12 (5) The total number of administrative proceedings involving youth employment
13 violations.
- 14 (6) The total number and identity of employers cited for youth employment
15 violations and the industries or occupations that received the greatest and the
16 least number of complaints alleging youth employment violations.
- 17 (7) The total number and dollar amount of civil penalties assessed pursuant to
18 G.S. 95-25.23 and the total number and dollar amount of civil penalties
19 actually collected pursuant to that section. For purposes of this subdivision,
20 the Commissioner shall provide a detailed, itemized list of each civil penalty
21 represented in the total number and dollar amounts reported pursuant to this
22 subdivision and indicate whether each civil penalty is the result of a
23 complaint.
- 24 (8) The total number and dollar amount of civil penalties assessed pursuant to
25 G.S. 95-25.23A and the total number and dollar amount of civil penalties
26 actually collected pursuant to that section. For purposes of this subdivision,
27 the Commissioner shall provide a detailed, itemized list of each civil penalty
28 represented in the total number and dollar amounts reported pursuant to this
29 subdivision and indicate whether each civil penalty is the result of a
30 complaint.
- 31 (9) An explanation of any obstacles that prevented the Department of Labor
32 from enforcing any provision of the Wage and Hour Act as it pertains to
33 youth employment, any recommended changes to the Wage and Hour Act to
34 strengthen the Department of Labor's oversight and enforcement of youth
35 employment laws and regulations in this State, and any other information
36 related to the Department of Labor's enhanced enforcement of the State's
37 youth employment laws and regulations.
- 38 (10) Recommendations about the funding needed by the Department to (i)
39 eliminate any identified obstacles to enforcement of youth employment laws
40 and regulations and (ii) effectively implement any recommended changes."

41 **SECTION 2.** The first report required by G.S. 95-25.23C, as enacted by Section 1
42 of this act, is due no later than February 1, 2010, and shall cover investigative, inspection, and
43 enforcement activities under the Wage and Hour Act pertaining to youth employment for the
44 period January 1, 2008, through December 31, 2008.

45 **SECTION 3.** This act is effective when it becomes law.