

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 812

Short Title: Minimum Wage/Agriculture/Domestic Workers. (Public)

Sponsors: Representatives Fisher, Farmer-Butterfield, and Harrison (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 13, 2017

A BILL TO BE ENTITLED
AN ACT AMENDING THE STATE WAGE AND HOUR ACT TO MAKE
AGRICULTURAL AND DOMESTIC WORK SUBJECT TO MINIMUM WAGE,
OVERTIME, AND RECORD KEEPING REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-25.14(a) reads as rewritten:

(a) The provisions of G.S. 95-25.3 (Minimum Wage), G.S. 95-25.4 (Overtime), and
G.S. 95-25.5 (Youth Employment), and the provisions of G.S. 95-25.15(b) (Record Keeping)
as they relate to these exemptions, do not apply to:

(1) Any person employed in an enterprise engaged in commerce or in the
production of goods for commerce as defined in the Fair Labor Standards
Act:

- a. Except as otherwise specifically provided in G.S. 95-25.5;
b. Notwithstanding the above, any employee other than a learner,
apprentice, student, or handicapped worker as defined in the Fair
Labor Standards Act who is not otherwise exempt under the other
provisions of this section, and for whom the applicable minimum
wage under the Fair Labor Standards Act is less than the minimum
wage provided in G.S. 95-25.3, is not exempt from the provisions of
G.S. 95-25.3 or G.S. 95-25.4;
c. Notwithstanding the above, any employer or employee exempt from
the minimum wage, overtime, or child labor requirements of the Fair
Labor Standards Act for whom there is no comparable exemption
under this Article shall not be exempt under this subsection except
that where an exemption in the Fair Labor Standards Act provides a
method of computing overtime which is an alternative to the method
required in 29 U.S.C.S. § 207(a), the employer or employee subject
to that alternate method shall be exempt from the provisions of
G.S. 95-25.4(a); provided that, persons not employed at an enterprise
described in subdivision (1) of this subsection shall also be subject to
the same alternative methods of overtime calculation in the
circumstances described in the Fair Labor Standards Act exemptions
providing those alternative methods;

(2) Any person employed in agriculture, as defined under the Fair Labor
Standards Act;



- 1 (3) ~~Any person employed as a domestic, including baby sitters and companions,~~
2 ~~as defined under the Fair Labor Standards Act;~~
- 3 (4) Any person employed as a page in the North Carolina General Assembly or
4 in the Governor's Office;
- 5 (5) Bona fide volunteers in medical, educational, religious, or nonprofit
6 organizations where an employer-employee relationship does not exist;
- 7 (6) Persons confined in and working for any penal, correctional or mental
8 institution of the State or local government;
- 9 (7) Any person employed as a model, or as an actor or performer in motion
10 pictures or theatrical, radio or television productions, as defined under the
11 Fair Labor Standards Act, except as otherwise specifically provided in
12 G.S. 95-25.5;
- 13 (8) Any person employed by an outdoor drama in a production role, including
14 lighting, costumes, properties and special effects, except as otherwise
15 specifically provided in G.S. 95-25.5; but this exemption does not include
16 such positions as office workers, ticket takers, ushers and parking lot
17 attendants."

18 **SECTION 2.** This act becomes effective on Labor Day, September 4, 2017.