

March 17, 2005

H 768. 2005 OMNIBUS LABOR LAW CHANGES. TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA. Makes numerous miscellaneous changes as title indicates. Amends GS 95-69.9 to replace the title "Director of the Boiler and Pressure Vessel Division" with "Chief Inspector" who is the Chief of the Boiler Safety Bureau. Adds definitions of Deputy Inspector and National Board of Boiler and Pressure Vessel Inspectors. Amends GS 95-69.10 to make following changes regarding exemptions from the article: (1) boilers owned by the federal government are exempt unless the agency asks for coverage; (2) adds the following exemptions—(a) air tank not exceeding 8 cubic feet on a service vehicle; (b) autoclaves in medical offices and hospitals of less than 5 cubic feet; (c) certain coil-type hot water supply boilers of the instantaneous type; (d) certain toy boilers; (e) pressure vessels associated with electrical apparatus in electrical switchyards if the vessels have proper relief devices; (f) carbon dioxide tanks used in beverage dispensing service; (3) adds an exemption from construction and inspection requirements for certain hot water supply boilers with an input of 58.6 kW and deletes the exemption for those of a water temperature of 200 degrees F; (4) provides that construction requirements established by Dep't of Labor do not apply to hydropneumatic tanks installed or operated by a community water system before January 1, 1986.

Amends GS 95-69.11 to add to the Comm'r of Labor's powers the power to assess civil penalties and to require that before any boiler or pressure vessel that is subject to this article is transferred into NC, or is moved from one location to another, the owner must file with the Comm'r a written notice of intent to do so. Amends GS 95-69.12 to delete provision regarding establishment of an office of Director of the Boiler and Pressure Vessel Div'n and replace it with one establishing the Boiler Safety Bureau. Amends GS 95-69.13 to make the terms of all members of the NC Board of Boiler and Pressure Vessels Rules five years. Amends GS 95-69.15 to add a requirement that a person seeking a commission to conduct in-service inspections of boilers and pressure vessels must pass an examination on the applicable law and rules.

Amends the penalty provisions of GS 95-69.18 by reorganizing the existing provisions, adding a statement that operating a boiler without a valid inspection certificate is not a violation if it was a result of the Comm'r's failure to inspect the device, and deleting the Class 2 misdemeanor penalty. Adds new GS 95-69.19 establishing civil penalties for violations; amount of penalties may not exceed \$500 per day. Provides procedure for collecting penalties. Enacts new GS 95-69.20 to provide the following criminal penalties: (1) misrepresenting oneself as an authorized inspector—Class 2 misdemeanor; (2) making a material and false statement or certification in any application, record, report, plan, or other document filed or required to be maintained—Class 2 misdemeanor.

The following statutes are repealed: GS 95-25.9 (certain claims not to be deducted from employee's wages immediately); GS 95-25.10 (combined amounts of certain deductions and recoupments limited); GS 95-25.11 (employers' remedies preserved). Amends GS 95-25.13(3) to provide that employees must be notified in writing at least 24 hours before any change in promised wages is implemented. Amends GS 95-25.15(a) to remove language that required a complaint from an employee before the Comm'r has authority regarding wage payment under GS 95-25.6 through 95-25.12.

Makes technical and conforming changes.

Intro. by Howard.

Ref. to Judiciary II

GS 95

May 9, 2005

H 768. 2005 OMNIBUS LABOR LAW CHANGES. Intro. 3/17/05. House committee substitute makes the following changes to 1st edition. (1) Retains the portion of GS 95-25.11 that provides that nothing in the article precludes an employer from bringing a civil action in the General Court of Justice to collect any amounts due the employer from the employee (original bill, entire section repealed). (2) Retains the portion of GS 95-25.15(a) that provides that with respect to the provisions of GS 95-25.6 through 95-25.12 (Wage Payment) as these provisions apply to persons covered by the Fair Labor Standards Act, the Commissioner and the Commissioner's designee

have no authority under GS 95-25.15(a) unless they have received a complaint from an employee of the covered establishment (original bill, deletes this language) but, like original bill, deletes the language that limits the Commissioner's investigation to the specific complaint only. (3) Makes technical changes.

May 18, 2005

H 768. 2005 OMNIBUS LABOR LAW CHANGES. Intro. 3/17/05. House committee substitute makes the following changes to 2nd edition. Modifies proposed revision of GS 95-25.8 to (1) reinstate current law provisions authorizing withholding of wages based on written authorization from the employee specifying the dollar amount or percentage of wages to be withheld, (2) require seven days' written notice if a withholding is for the employer's cash or inventory shortages or property loss or damage and specify that withholding for these purposes is subject to the requirements for withholdings for the employer's benefit, and (3) specify that the requirements for withholdings for the employer's benefit are in addition to the requirements for other types of withholdings. Modifies proposed revision of GS 95-25.12 to remove references to paid time off other than paid vacation.

August 11, 2005

H 768. 2005 OMNIBUS LABOR LAW CHANGES. Intro. 3/17/05. Senate committee substitute makes the following changes to 3rd edition. Reorganizes and modifies amendments to GS 95-25.8 so the section is now amended as follows. Amends the list of elements that must be included in an employee's written authorization for deductions. Requires advance notice to an employee before a deduction is made when the employee has authorized a deduction without having known the amount of the deduction in advance. Limits the ability of employers to reduce overtime wages and allows employers to reduce nonovertime wages to the minimum wage level. Allows an employer to withhold wages for cash or inventory shortages or property damage or loss if seven days' notice is provided to the employee. This notice is not required if the employee has separated. If the employee has been charged with a crime related to a shortage or property damage, the employer may withhold wages without the employee's authorization but must reimburse the employee if the employee is found not guilty. Provides that deductions for certain purposes (overpayment of wages, wage advances, and payment on loan principal) do not require employee authorization but that deductions for interest on loans do require employee authorization. Allows authorizations and notices addressed in this section to be in electronic form. Preserves the employer's right to institute a civil action to collect amounts due from an employee.

August 12, 2005

H 768. 2005 OMNIBUS LABOR LAW CHANGES. Intro. 3/17/05. Senate amendment makes the following changes to 4th edition. Makes technical change only.

October 5, 2005

SL 2005-453 (H 768). 2005 OMNIBUS LABOR LAW CHANGES. AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT OF NORTH CAROLINA AND THE WAGE AND HOUR ACT OF NORTH CAROLINA. Summarized in *Daily Bulletin* 3/17/05, 5/9/05, 5/18/05, 8/11/05, and 8/12/05. Enacted September 29, 2005. Effective October 1, 2005.