

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 22
Committee Substitute Favorable 3/12/09
Committee Substitute #2 Favorable 3/18/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H22-PCS30401-SB-43

Short Title: Enhance Youth Employment Protections.

(Public)

Sponsors:

Referred to:

February 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE
3 COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 95-25.23C. Report on youth employment enforcement activities.**

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

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

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

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

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

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

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



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

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

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