

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 660
HOUSE BILL 786

AN ACT TO REWRITE G.S. 95-17 WHICH PROVIDES LIMITATION UPON HOURS OF EMPLOYMENT; TO REPEAL G.S. 95-18(4); TO REPEAL G.S. 95-27 WHICH LIMITS HOURS OF EMPLOYMENT FOR WOMEN; AND TO REPEAL G.S. 95-29 WHICH REQUIRES THAT SEATS BE FURNISHED WOMEN EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-17, as the same appears in the 1971 Cumulative Supplement to the 1965 Replacement Volume 2C of the General Statutes, is hereby rewritten to read as follows:

"§ 95-17. Limitations of hours of employment; exceptions. — No employer shall employ a person for more than 56 hours in any one week, or more than 12 days in any period of 14 consecutive days or more than 10 hours in any one day, except that in case where two or more shifts of eight hours each or less per day are employed, any shift employee may be employed not to exceed double his regular shift hours in any one day whenever a fellow employee in like work is prevented from working because of illness or other cause: Provided, also, that the 10 hours per day maximum shall not apply to any employee when his employment is required for a longer period on account of an emergency due to breakdown, installation or alteration of equipment.

No provision in this Article shall be deemed to authorize the employment of any minor in violation of the provisions of any law expressly regulating the hours of labor of minors under 18 years of age or of any regulations made in pursuance of such laws.

Where the day is divided into two or more work periods for the same employee, the employer shall provide that all such periods shall be within 12 consecutive hours, except that in the case of employees of motion picture theatres, restaurants, dining rooms, and public eating places, such period shall be within 14 consecutive hours:

Provided, that the transportation of employees to and from work shall not constitute any part of the employees' work hours.

Nothing in this section or any other provisions of this Article shall apply to the employment of persons in agricultural occupations, cotton gins or in domestic service in private homes and boardinghouses, or to the work of persons over 18 years of age in bona fide office, foremanship, clerical or supervisory capacity, executive positions, learned professions, commercial travelers, seasonal hotels and club houses, commercial fishing or fruit and vegetable processing plants, employers employing a total of not more than three persons in each place of business, charitable institutions and hospitals: Provided further, that nothing in this section or in any other provision of this Article shall apply to railroads, common carriers and public utilities subject to the jurisdiction of the Interstate Commerce Commission or the North Carolina Utilities Commission, and utilities operated by municipalities or any transportation agencies now regulated by the federal government: Provided further, that the limitation on daily and weekly hours and the number of days in any period of 14 consecutive days provided for in this section shall not apply to any employee 18 years of age and over whose employment is covered by or in compliance with the Fair Labor Standards Act of 1938 (Public No. 718; 75th Congress; Chapter 676-3rd Session), as amended or as same may be

amended: Provided, nothing in this Article shall apply to the State or to municipal corporations or their employees.

Provided further, nothing contained in this Article shall be construed to limit the hours of employment of any outside salesmen on commission basis: Provided, that this Article shall not apply to retail or wholesale florists nor to employees of retail or wholesale florists during the following periods of each year; one week prior to and including Easter, one week prior to and including Christmas, and one week prior to and including Mother's Day."

Sec. 2. G.S. 95-18(4), as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is hereby repealed.

Sec. 3. G.S. 95-27, as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is hereby repealed.

Sec. 4. G.S. 95-29 as the same appears in the 1965 Replacement Volume 2C of the General Statutes is hereby repealed.

Sec. 5. This act shall become effective July 1, 1973.

In the General Assembly read three times and ratified, this the 22nd day of May, 1973.