

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 489
SENATE BILL 388

AN ACT TO REPEAL AND AMEND THE YOUTH EMPLOYMENT PROVISIONS OF
G.S. 95-25.5 OF THE WAGE AND HOUR ACT.

Whereas, the North Carolina Department of Labor has given close and careful attention to regulating youth employment pursuant to the Wage and Hour Act as now written; and

Whereas, there is an apparent need to clarify the act by amending and repealing certain youth employment provisions to insure the health and safety of youths and at the same time to provide regulation of youth employment that compliments but does not unnecessarily duplicate the regulation of child labor by the Fair Labor Standards Act; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-25.5, as the same appears in the 1979 Cumulative Supplement to Volume 2C of the General Statutes, is hereby amended by rewriting subsection (a) to read as follows:

"(a) No youth under 18 years of age shall be employed by any employer in any occupation without a youth employment certificate unless specifically exempted. The Commissioner of Labor shall prescribe regulations for youths and employers concerning the issuance, maintenance and revocation of certificates. Certificates will be issued by county directors of social services, subject to review by the Department of Labor; provided, the Commissioner may by regulation require that the Department of Labor issue certificates for occupations with unusual or unique characteristics."

Sec. 2. G.S. 95-25.5 is further amended by rewriting subsection (b) to read as follows:

"(b) No youth under 18 years of age may be employed by an employer in any occupation which the United States Department of Labor shall find and by order declare to be hazardous and without exemption under the Fair Labor Standards Act, or in any occupation which the Commissioner of Labor after public hearing shall find and declare to be detrimental to the health and well-being of youths."

Sec. 3. G.S. 95-25.5 is further amended by striking from subsection (c) the words "An employer may employ minors 14 and 15 years old" in line 8 and substituting in lieu thereof the words "No youth 14 or 15 years of age may be employed by an employer in any occupation except those determined by the United States Department of Labor to be permitted occupations under the Fair Labor Standards Act; provided, such youths may be employed by employers".

G.S. 95-25.5(c) is further amended by striking the word "minor" twice from subdivision (1) in line 10, from subdivision (2) in line 13, from subdivision (3) in line 15, and from subdivision (4) in line 19, and substituting in lieu thereof the word "youth".

Sec. 4. G.S. 95-25.5 is further amended by striking from subsection (d) the words "An employer may employ minors 12 and 13 years of age" in line 24 and substituting in lieu thereof the words "No youth 13 years of age or less may be employed by an employer, except youths 12 and 13 years of age may be employed".

G.S. 95-25.5(d) is further amended by striking the word "person" in line 26 and substituting in lieu thereof the word "youth".

Sec. 5. G.S. 95-25.5 is further amended by striking from subsection (e) the word "minor" at line 29 and substituting in lieu thereof the word "youth".

Sec. 6. G.S. 95-25.5 is further amended by striking from subsection (f) the words "The Commissioner may waive for any minor over 12 years of age" in line 32 and substituting in lieu thereof the words "For any youth 13 years of age or older, the Commissioner may waive".

G.S. 95-25.5(f) is further amended by striking the words "when the best interest of a minor 12 years of age or older are served by allowing him to work" from subdivision (1) in lines 37 and 38 and substituting in lieu thereof the words "and how the best interest of the youth is served by allowing a waiver".

G.S. 95-25.5(f) is further amended by striking the word "minor" from subdivision (2) in line 39 and substituting in lieu thereof the word "youth".

G.S. 95-25.5(f) is further amended by inserting the words "a letter from the North Carolina Alcohol Beverage Control Commission" immediately following the word "services" and immediately preceding the words "or school" in line 36.

Sec. 7. G.S. 95-25.5 is further amended by adding five new subsections immediately following subsection (f), to be designated subsections (g), (h), (i), (j) and (k), and to read as follows:

(g) Youths employed as models, or as actors or performers in motion pictures or theatrical productions, or in radio or television productions are exempt from all provisions of this section except the certificate requirements of subsection (a).

(h) Youths employed by an outdoor drama directly in production-related positions such as stagehands, lighting, costumes, properties and special effects are exempt from all provisions of this section except the certificate requirements of subsection (a). Positions such as office workers, ticket takers, ushers and parking lot attendants have no exemption and are subject to all provisions of this section.

(i) Youths under 16 years of age employed by their parents are exempt from all provisions of this section, except the certificate requirements of subsection (a), the prohibition from hazardous or detrimental occupations of subsection (b), and the prohibitions of subsection (j).

(j) No person who holds any ABC permit issued pursuant to the provisions of Chapter 18A of the General Statutes for the on-premises sale or consumption of intoxicating liquors, including any mixed beverages, shall employ a youth:

- (1) under 16 years of age on the premises for any purpose;
- (2) under 18 years of age to prepare, serve, dispense or sell any intoxicating liquors, including mixed beverages.

(k) Persons and establishments required to comply with or subject to regulation of child labor under the Fair Labor Standards Act are exempt from all provisions of this section, except the certificate requirements of subsection (a), the prohibition from occupations found and declared to be detrimental by the Commissioner of Labor pursuant to subsection (b), and the prohibitions of subsection (j). In addition, employment certificates will not be issued if such person's employment will be in violation of the applicable child labor provisions of the Fair Labor Standards Act. Such employers may also be assessed civil penalties pursuant to G.S. 95-25.23 for each violation of the provisions of this section or any regulation issued hereunder from which there is no exemption."

Sec. 8. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 2nd day of June, 1981.