

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

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) By February 1, 2010, the Commissioner shall make a written report to the General  
23 Assembly, the Legislative Study Commission on Children and Youth, and the Fiscal Research  
24 Division of the General Assembly on the Department of Labor's investigative, inspection, and  
25 enforcement activities under the Wage and Hour Act pertaining to youth employment for the  
26 period commencing January 1, 2008, and ending December 31, 2008. The written report shall  
27 include at least all of the following:

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

31 (2) The total number of complaints received by the Department of Labor  
32 alleging youth employment violations under the Wage and Hour Act, or any  
33 regulations issued under the Wage and Hour Act, or both.

34 (3) The specific types of youth employment violations alleged and the ages of  
35 the youths referenced in the complaints received by the Department of  
36 Labor.



- 1           (4)   The total number of investigations conducted by the Department of Labor  
2           concerning alleged youth employment violations, the length of the  
3           investigations, and the number of investigators assigned to conduct the  
4           investigations. For purposes of this subdivision, the Commissioner shall  
5           provide a separate analysis of (i) investigations initiated by the Department  
6           in response to a complaint, (ii) investigations initiated by the Department in  
7           the absence of a complaint, and (iii) alleged record-keeping violations  
8           pertaining to youth employment.
- 9           (5)   The total number of administrative proceedings involving youth employment  
10          violations.
- 11          (6)   The total number and identity of employers cited for youth employment  
12          violations and the industries or occupations that received the greatest and the  
13          least number of complaints alleging youth employment violations.
- 14          (7)   The total number and dollar amount of civil penalties assessed pursuant to  
15          G.S. 95-25.23 and the total number and dollar amount of civil penalties  
16          actually collected pursuant to that section. For purposes of this subdivision,  
17          the Commissioner shall provide a detailed, itemized list of each civil penalty  
18          represented in the total number and dollar amounts reported pursuant to this  
19          subdivision and indicate whether each civil penalty is the result of a  
20          complaint.
- 21          (8)   The total number and dollar amount of civil penalties assessed pursuant to  
22          G.S. 95-25.23A and the total number and dollar amount of civil penalties  
23          actually collected pursuant to that section. For purposes of this subdivision,  
24          the Commissioner shall provide a detailed, itemized list of each civil penalty  
25          represented in the total number and dollar amounts reported pursuant to this  
26          subdivision and indicate whether each civil penalty is the result of a  
27          complaint.
- 28          (9)   An explanation of any obstacles that prevented the Department of Labor  
29          from enforcing any provision of the Wage and Hour Act as it pertains to  
30          youth employment, any recommended changes to the Wage and Hour Act to  
31          strengthen the Department of Labor's oversight and enforcement of youth  
32          employment laws and regulations in this State, and any other information  
33          related to the Department of Labor's enhanced enforcement of the State's  
34          youth employment laws and regulations.
- 35          (10) Recommendations about the funding needed by the Department to (i)  
36          eliminate any identified obstacles to enforcement of youth employment laws  
37          and regulations and (ii) effectively implement any recommended changes.
- 38          (d)   Beginning February 1, 2011, and annually thereafter, the Commissioner shall  
39          submit a written report to the General Assembly, the Legislative Study Commission on  
40          Children and Youth, and the Fiscal Research Division of the General Assembly updating the  
41          information set forth in the report required by subsection (c) of this section. Each written report  
42          submitted pursuant to this subsection shall contain data and information about the calendar year  
43          preceding the date of the last written report submitted."

44          **SECTION 2.** This act is effective when it becomes law.