

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH40021-MG-9 (12/30)

Short Title: Enhance Youth Employment Protections. (Public)

Sponsors: Representatives Weiss, Goodwin, Luebke, and Bryant (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE
COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

(c) By February 1, 2010, the Commissioner shall make a written report to the General Assembly on the Department of Labor's investigative, inspection, and enforcement activities under the Wage and Hour Act pertaining to youth employment for the period commencing January 1, 2008, and ending December 31, 2008. The written report shall include at least all of the following:

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

(2) The specific types of youth employment violations alleged, and the ages of the youths referenced, in the complaints received by the Department of Labor.

(3) The total number of investigations conducted by the Department of Labor concerning alleged youth employment violations, the length of the investigations, and the number of investigators assigned to conduct the



1 investigations. For purposes of this subdivision, the Commissioner shall
2 provide a separate analysis of (i) investigations initiated by the Department
3 in response to a complaint, (ii) investigations initiated by the Department in
4 the absence of a complaint, and (iii) alleged record-keeping violations
5 pertaining to youth employment.

6 (4) The total number of administrative proceedings involving youth employment
7 violations.

8 (5) The total number and identity of employers cited for youth employment
9 violations and the industries or occupations that received the greatest and the
10 least number of complaints alleging youth employment violations.

11 (6) The total number and dollar amount of civil penalties assessed pursuant to
12 G.S. 95-25.23 and the total number and dollar amount of civil penalties
13 actually collected pursuant to that section. For purposes of this subdivision,
14 the Commissioner shall provide a detailed, itemized list of each civil penalty
15 represented in the total number and dollar amounts reported pursuant to this
16 subdivision and indicate whether each civil penalty is the result of a
17 complaint.

18 (7) The total number and dollar amount of civil penalties assessed pursuant to
19 G.S. 95-25.23A and the total number and dollar amount of civil penalties
20 actually collected pursuant to that section. For purposes of this subdivision,
21 the Commissioner shall provide a detailed, itemized list of each civil penalty
22 represented in the total number and dollar amounts reported pursuant to this
23 subdivision and indicate whether each civil penalty is the result of a
24 complaint.

25 (8) An explanation of any obstacles that prevented the Department of Labor
26 from enforcing any provision of the Wage and Hour Act as it pertains to
27 youth employment, any recommended changes to the Wage and Hour Act to
28 strengthen the Department of Labor's oversight and enforcement of youth
29 employment laws and regulations in this State, and any other information
30 related to the Department of Labor's enhanced enforcement of the State's
31 youth employment laws and regulations.

32 (9) Recommendations about the funding needed by the Department to (i)
33 eliminate any identified obstacles to enforcement of youth employment laws
34 and regulations and (ii) effectively implement any recommended changes.

35 (d) Beginning February 1, 2011, and annually thereafter, the Commissioner shall
36 submit a written report to the Joint Legislative Commission on Governmental Operations and
37 the Fiscal Research Division of the General Assembly updating the information set forth in the
38 report required by subsection (c) of this section. Each written report submitted pursuant to this
39 subsection shall contain data and information about the calendar year preceding the date of the
40 last written report."

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