

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 22
Committee Substitute Favorable 3/12/09

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 enforcement activities on a regular basis in order to identify
21 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) The total number of complaints received by the Department of Labor
29 alleging youth employment violations under the Wage and Hour Act, or any
30 regulations issued under the Wage and Hour Act, or both.

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

34 (3) The total number of investigations conducted by the Department of Labor
35 concerning alleged youth employment violations, the length of the
36 investigations, and the number of investigators assigned to conduct the
37 investigations. For purposes of this subdivision, the Commissioner shall



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

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