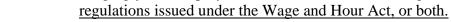
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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HOUSE BILL 22

Committee Substitute Favorable 3/12/09 Committee Substitute #2 Favorable 3/18/09 Senate Judiciary II Committee Substitute Adopted 5/27/09

	Short Title: Enhan	ce 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		ere is an increasing need to protect the educational opportunities				
10		der age 18 and to prohibit their employment in jobs and under o	conditions			
11		at are detrimental to their health and well-being.				
12		though the statutory protections available for youths under age 1				
13		ployed in this State are comprehensive, those protections are	rendered			
14		aningless without effective enforcement.				
15		is in the best interest of the State and its youngest workers to e				
16		orth Carolina employers are in full compliance with the youth em	<u>iployment</u>			
17		vs and regulations enacted under the Wage and Hour Act.				
18		Recognizing that the Department of Labor is the State agency cha				
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) <u>Report. – No later than February 1 of each year, the Commissioner shall submit a</u>					
23	written report to the General Assembly, the Legislative Study Commission on Children and					
24 25	Youth, and the Fiscal Research Division of the General Assembly on the Department of Labor's					
	investigative, inspection, and enforcement activities under the Wage and Hour Act pertaining to					
26 27	youth employment. Each report submitted pursuant to this subsection shall contain data and					
27 28	information about the calendar year preceding the date on which the last written report was submitted. The report shall include at least all of the following:					
28 29		1 activities the Department of Labor has sponsored or participa	tad in for			
29 30		purpose of educating employers about their responsibilities				
31		age and Hour Act.	under the			
31		e total number of complaints received by the Department	of Labor			
32 33		eging youth employment violations under the Wage and Hour A				
33 34		gulations issued under the Wage and Hour Act, or both.	ici, or any			
54	<u>10</u>	surations issued under the wage and fibur Act, of boul.				



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l	(3)	The specific types of youth employment violations alleged and the ages of
2		the youths referenced in the complaints received by the Department of
		Labor.
	<u>(4)</u>	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
		investigations. For purposes of this subdivision, the Commissioner shall
		provide a separate analysis of (i) investigations initiated by the Department
		in response to a complaint, (ii) investigations initiated by the Department in
		the absence of a complaint, and (iii) alleged record-keeping violations
		pertaining to youth employment.
	(5)	The total number of administrative proceedings involving youth employment
		violations.
	<u>(6)</u>	The total number and identity of employers cited for youth employment
		violations and the industries or occupations that received the greatest and the
		least number of complaints alleging youth employment violations.
	(7)	The total number and dollar amount of civil penalties assessed pursuant to
	<u></u>	G.S. 95-25.23 and the total number and dollar amount of civil penalties
		actually collected pursuant to that section. For purposes of this subdivision,
		the Commissioner shall provide a detailed, itemized list of each civil penalty
		represented in the total number and dollar amounts reported pursuant to this
		subdivision and indicate whether each civil penalty is the result of a
		complaint.
	<u>(8)</u>	The total number and dollar amount of civil penalties assessed pursuant to
	<u></u>	G.S. 95-25.23A and the total number and dollar amount of civil penalties
		actually collected pursuant to that section. For purposes of this subdivision,
		the Commissioner shall provide a detailed, itemized list of each civil penalty
		represented in the total number and dollar amounts reported pursuant to this
		subdivision and indicate whether each civil penalty is the result of a
		complaint.
	<u>(9)</u>	An explanation of any obstacles that prevented the Department of Labor
		from enforcing any provision of the Wage and Hour Act as it pertains to
		youth employment, any recommended changes to the Wage and Hour Act to
		strengthen the Department of Labor's oversight and enforcement of youth
		employment laws and regulations in this State, and any other information
		related to the Department of Labor's enhanced enforcement of the State's
		youth employment laws and regulations.
	(10)	Recommendations about the funding needed by the Department to (i)
	<u>-</u>	eliminate any identified obstacles to enforcement of youth employment laws
		and regulations and (ii) effectively implement any recommended changes."
	SECT	TON 2. The first report required by G.S. 95-25.23C, as enacted by Section 1
		no later than February 1, 2010, and shall cover investigative, inspection, and
		vities under the Wage and Hour Act pertaining to youth employment for the
		2008, through December 31, 2008.
		TION 3. This act is effective when it becomes law.
	SECT	The first we is checkive when it becomes itw.