

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 329
Manufacturing & Labor Committee Substitute Adopted 5/9/89
House Committee Substitute Favorable 7/19/89

Short Title: Students Cannot Work Past Eleven.

(Public)

Sponsors:

Referred to:

March 1, 1989

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT MOST STUDENTS ENROLLED IN GRADES TWELVE
OR LESS FROM WORKING LATE ON SCHOOL NIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-25.5 is amended by adding a new subsection after
subsection (a) to read:

"(a1) During the regular 10-month school term, no youth under 18 years of age who is enrolled in school in grade 12 or less may be employed between 11 p.m. and 5 a.m. when there is school for the youth the next day. This provision does not apply to youths 16 and 17 years of age if the employer receives written approval for the youth to work beyond the stated hours from the youth's parent or guardian and from the youth's principal or the principal's designee. However, in no event shall the youth be employed after 12 o'clock midnight when there is school for the youth the next day."

Sec. 2. G.S. 95-25.5(k) is rewritten to read:

"(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), the provisions of subsection (a1), 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

1 G.S. 95-25.23 for each violation of the provisions of this section or any regulation
2 issued hereunder from which there is no exemption."

3 Sec. 3. G.S. 95-25.5(i) is rewritten to read:

4 "(i) Youths under ~~16~~18 years of age employed by their parents are exempt from all
5 provisions of this section, except the certificate requirements of subsection (a), the
6 prohibition from hazardous or detrimental occupations of subsection (b), and the
7 prohibitions of subsection (j)."

8 Sec. 4. This act shall become effective January 1, 1990.