

LABOR LAWS

Administered by the

NORTH CAROLINA DEPARTMENT OF LABOR



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Cherie Berry
Commissioner of Labor

Introduction

The N.C. Department of Labor ("NCDOL") is pleased to make this publication available to citizens interested in the North Carolina General Statutes affecting employers and employees in our State. This publication includes references to all pertinent amendments enacted through September 2013, however, it does not contain links to legislative changes made during the 2013 Session. It is the responsibility of the reader to ensure he/she is viewing the most recent version of a statute or administrative rule.

The statutes for which NCDOL has direct responsibility and which are administered by NCDOL divisions and bureaus are included in these Labor Laws. These divisions and bureaus include:

- Agricultural Safety and Health Bureau
- Boiler Safety Bureau
- Elevator and Amusement Device Bureau
- Employment Discrimination Bureau
- Mine and Quarry Bureau
- Occupational Safety and Health Division
- Wage and Hour Bureau

An information box follows each chapter title and provides a mailing address and telephone number for the bureau or division having responsibility for that particular section of the law. Citizens outside the Raleigh area are invited to call 1-800-NC-LABOR with any questions. You can also access other information about NCDOL at our website: www.nclabor.com.

We encourage and solicit public comments concerning these laws. Please direct your comments and questions to the Legal Affairs Division, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101.

Cherie K. Berry
Commissioner of Labor

I. DEPARTMENT OF LABOR

[Chapter 95, Article 1](#)

For information about the work of the N.C. Department of Labor, contact the N.C. Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

ADMINISTRATIVE REORGANIZATION

[Chapter 143A, Article 8](#)

II. WAGE AND HOUR ACT

[Chapter 95, Article 2A](#)

For information about the Wage and Hour Act, contact the Wage and Hour Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

III. CONCILIATION SERVICE AND MEDIATION OF LABOR DISPUTES

[Chapter 95, Article 4](#)

IV. VOLUNTARY ARBITRATION OF LABOR DISPUTES

[Chapter 95, Article 4A](#)

V. REGULATION OF PRIVATE PERSONNEL SERVICES

[Chapter 95, Article 5A](#)

For information about the regulation of Private Personnel Services, contact the Wage and Hour Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

VI. REGULATION OF JOB LISTING SERVICES

[Chapter 95, Article 5B](#)

For information about the regulation of Job Listing Services, contact the Wage and Hour Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

VII. UNIFORM BOILER AND PRESSURE VESSEL ACT

[Chapter 95, Article 7A](#)

and

[Chapter 95, Article 7B](#)

§ 95-69.30. Safety Program for Operators and Apprentices.

The Department of Labor shall create and conduct a safety program for the purpose of providing instruction on how to properly care, maintain, operate, and exhibit historical boilers. The program shall also include instruction on how to train an apprentice to properly care, maintain, operate, and exhibit historical boilers. For purposes of this section, the term "historical boiler" means a steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration. (2013-360, s. 13.10.)

For information about the Uniform Boiler and Pressure Vessel Act, contact the Boiler Safety Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2760 or 1-800-NC-LABOR.

VIII. EARNINGS OF EMPLOYEES IN INTERSTATE COMMERCE

[Chapter 95, Article 9](#)

The N.C. Department of Labor does not enforce this Act. If you know of a violation of the Act, you should contact a private attorney or your local district attorney. To locate the District Attorney in your judicial district, contact the N.C. Conference of District Attorneys at (919) 890-1500 or via the internet at www.ncdistrictattorney.org.

IX. DECLARATION OF POLICY AS TO LABOR ORGANIZATIONS

[Chapter 95, Article 10](#)

The N.C. Department of Labor does not enforce this Act. If you know of a violation of the Act, you should contact a private attorney or your local district attorney. To locate the District Attorney in your judicial district, contact the N.C. Conference of District Attorneys at (919) 890-1500 or via the internet at www.ncdistrictattorney.org.

X. UNITS OF GOVERNMENT AND LABOR UNIONS, TRADE UNIONS, AND LABOR ORGANIZATIONS, AND PUBLIC EMPLOYEE STRIKES

[Chapter 95, Article 12](#)

The N.C. Department of Labor does not enforce this Act. If you know of a violation of the Act, you should contact a private attorney or your local district attorney. To locate the District Attorney in your judicial district, contact the N.C. Conference of District Attorneys at (919) 890-1500 or via the internet at www.ncdistrictattorney.org. N.C. Gen. Stat. § 95-97 and 95-99 have been declared unconstitutional by a Federal District Court.

XI. PAYMENTS TO OR FOR BENEFIT OF LABOR ORGANIZATIONS

[Chapter 95, Article 13](#)

The N.C. Department of Labor does not enforce this Act. If you know of a violation of the Act, you should contact your local district attorney. To locate the District Attorney in your judicial district, contact the N.C. Conference of District Attorneys at (919) 890-1500 or via the internet at www.ncdistrictattorney.org.

XII. INSPECTION SERVICE FEES

[Chapter 95, Article 14](#)

For information about Inspection Service Fees assessed by the N.C. Department of Labor, contact the N.C. Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

XIII. ELEVATOR SAFETY ACT

[Chapter 95, Article 14A](#)

For information about the Elevator Safety Act, contact the Elevator and Amusement Device Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2770 or 1-800-NC-LABOR.

XIV. AMUSEMENT DEVICE SAFETY ACT

[Chapter 95, Article 14B](#)

For information about the Amusement Device Safety Act, contact the Elevator and Amusement Device Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2770 or 1-800-NC-LABOR.

XV. PASSENGER TRAMWAY SAFETY ACT

[Chapter 95, Article 15](#)

For information about the Passenger Tramway Safety Act, contact the Elevator and Amusement Device Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2770 or 1-800-NC-LABOR.

XVI. OCCUPATIONAL SAFETY AND HEALTH ACT

[Chapter 95, Article 16](#)

For information about the Occupational Safety and Health Act, contact the Occupational Safety and Health Division, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

XVII. HAZARDOUS CHEMICALS RIGHT TO KNOW ACT

[Chapter 95, Article 18](#)

For information about the Hazardous Chemicals Right to Know Act, contact the Occupational Safety and Health Division, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

XVIII. MIGRANT HOUSING ACT

[Chapter 95, Article 19](#)

For information about the Migrant Housing Act, contact the Agricultural Safety and Health Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2923 or 1-800-NC-LABOR.

XIX. OVERHEAD HIGH-VOLTAGE LINE SAFETY ACT

[Chapter 95, Article 19A](#)

For information about the Overhead High-Voltage Line Safety Act, contact the Occupational Safety and Health Division, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

XX. CONTROLLED SUBSTANCE EXAMINATION AND REGULATION ACT

[Chapter 95, Article 20](#)

For information about the Controlled Substance Examination and Regulation Act, contact the Wage and Hour Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

XXI. RETALIATORY EMPLOYMENT DISCRIMINATION ACT

[Chapter 95, Article 21](#)

For information about the Retaliatory Employment Discrimination Act, contact the Employment Discrimination Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2823 or 1-800-NC-LABOR.

XXII. SAFETY AND HEALTH PROGRAMS AND COMMITTEES

[Chapter 95, Article 22](#)

For information about safety and health programs and committees, contact the Occupational Safety and Health Division, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

XIII. WORKPLACE VIOLENCE PREVENTION

[Chapter 95, Article 23](#)

If you know of a violation of N.C. Gen. Stat. § 95-270, you may contact the N.C. Department of Labor's Employment Discrimination Bureau at 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2823 or 1-800-NC-LABOR. Otherwise, the N.C. Department of Labor does not enforce this Act. If you would like information on how to obtain a civil no-contact order, contact your local clerk of court. To locate the Clerk of Court for your judicial district, you may access the N.C. Court System's website at www.nccourts.org.

XXIV. MINE SAFETY AND HEALTH ACT

[Chapter 74, Article 2A](#)

For information about the Mine Safety and Health Act, contact the Mine and Quarry Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2790 or 1-800-NC-LABOR.

XXV. APPRENTICESHIP

[Chapter 94](#)

See also: [Session Law 2013-330](#) which transfers all functions, duties, obligations, resources, and appropriations vested in the Apprenticeship Program and the Apprenticeship Council to the N.C. Department of Commerce effective January 1, 2014

For information about the apprenticeship through December 31, 2013, contact the Apprenticeship and Training Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 733-7533 or 1-800-NC-LABOR. Beginning January 1, 2014, please contact the Department of Commerce.

XXVI. ACTIONS RELATING TO WINTER SPORTS SAFETY AND ACCIDENTS

[Chapter 99C](#)

For information about skier safety and skiing accidents, contact the Elevator and Amusement Device Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2770 or 1-800-NC-LABOR.

XXVII. MISCELLANEOUS PROVISIONS

§ 1-539.12. Immunity from civil liability for employers disclosing information.

§ 7B-2705. Employment discrimination unlawful.

§ 14-355. Blacklisting employees.

§ 14-357.1. Requiring payment for medical examination, etc., as condition of employment.

§ 15A-153. Effect of expunction; prohibited practices by employers, educational institutions, agencies of State and local governments.

(f) Penalty for Violation. – Upon investigation by the Commissioner of Labor or the Commissioner's authorized representative, any employer found to be in violation of subsection (c) of this section shall be issued a written warning for a first violation and shall be subject to a civil penalty of up to five hundred dollars (\$500.00) for each additional violation occurring after receipt of the written warning. In determining the amount of any penalty ordered under authority of this section, the Commissioner shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the person being charged, the gravity of the violation, the good faith of the person, and the record of previous violations. The determination of the amount of the penalty by the Commissioner shall be final, unless within 15 days after receipt of notice thereof by certified mail with return receipt, by signature confirmation as provided by the U.S. Postal Service, by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand delivery, the person charged with the violation takes exception to the determination in which event the final determination of the penalty shall be made in an administrative proceeding and in a judicial proceeding pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act. The Commissioner of Labor may adopt, modify, or revoke such rules as are necessary for carrying out the provisions of this subsection.

Nothing in this section shall be construed to create a private cause of action against any employer or its agents or employees, any educational institutions or their agents or employees, or any State or local government agencies, officials, or employees. (2013-53, s. 3.)

§ 44-5.1. Wages for two months' lien on assets.

§ 58-2-230. Commissioner to share information with Department of Labor.

§ 58-36-16. Bureau to share information with Department of Labor.

§ 95-28.1. Discrimination against any person possessing sickle cell trait or hemoglobin C trait prohibited.

§ 95-28.1A. Discrimination against persons based on genetic testing or genetic information prohibited.

§ 95-28.2. Discrimination against persons for lawful use of lawful products during nonworking hours prohibited.

§ 95-28.3. Leave for parent involvement in schools.

§ 95-28.4. Veterans preference.

A private, nonpublic employer in the State may provide a preference to a veteran for employment. Spouses of honorably discharged veterans who have a service-connected permanent and total disability also may be preferred for employment. Granting of this preference is not a violation of any State or local equal employment opportunity law. (2013-413, s. 14.)

§ 95-31. Acceptance by employer of assignment of wages.

§ 95-79. Certain agreements declared illegal.

(b) Any provision that directly or indirectly conditions the purchase of agricultural products or the terms of an agreement for the purchase of agricultural products upon an agricultural producer's status as a union or nonunion employer or entry into or refusal to enter into an agreement with a labor union or labor organization is invalid and unenforceable as against public policy in restraint of trade or commerce in the State of North Carolina. For purposes of this subsection, the term "agricultural producer" means any producer engaged in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, 29 U.S.C. § 203, or section 3121(g) of the Internal Revenue Code of 1986, 26 U.S.C. § 3121. (2013-413, s. 15.)

§ 126-18. Compensation for assisting person in obtaining State employment barred; exception.

§ 127A-111. Civilian leave option.

§ 127A-202.1. Discrimination against persons who serve in the North Carolina National Guard and acts of reprisal prohibited.

§ 130A-460. Report to Department of Labor.

[§ 143-139. Enforcement of Building Code.](#)

[§ 143B-426.38A. Government Data Analytics Center; State data-sharing requirements.](#)

§ 143B-426.38A(f)(2)(d) - The Department of Labor shall release to GDAC, or otherwise provide access to, all data requested by GDAC relating to safety inspections, wage and hour complaints, and enforcement activities under Chapter 95 of the General Statutes. (2013-360, s. 7.10.)

XXVIII. VERIFICATION OF WORK AUTHORIZATION

[Chapter 64, Article 2](#)

See SL 2013-418, Section 2.(f) for amendment to G.S. 64-25(3);

SL 2013-418 Section 2.(g) repeals G.S. 64-26(c).

For information about use of the e-verify program to verify the work authorization of newly hired employees, please contact the Wage and Hour Bureau, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, (919) 807-2796 or 1-800-NC-LABOR.

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