



## WAGE AND HOUR NOTICE TO EMPLOYEES

**Wage and Hour Act**  
**Minimum Wage: \$7.25 per hour**  
 (effective 7/24/09)

Employees in North Carolina are required to pay the higher of the minimum wage rate established by state or federal law. The federal minimum wage increased to \$7.25 per hour effective July 24, 2009; therefore, employees in North Carolina are required to pay their employees at least \$7.25 per hour.

An employer may pay an employee at least \$7.25 per hour to tipped employees so long as each employee receives enough in tips to make at least the difference between the wages paid and the minimum wage. Employees must be allowed to keep all tips, except that pooling is permitted if an employer's tips are no more than 15%. The employer must keep an accurate and complete record of tips as certified by each employee every month for each such pay period.

Without these records, the employer may not be allowed to file a claim. Certain full-time students may be paid 50% of the minimum wage, rounded to the nearest cent.

**Youth Employment**  
**Rules for all youths under 18 years old:** Youth employment certificates are required to obtain a job. These rules apply to all youth under 18 years old.

**Hazards or Detrimental Occupations:** State and federal labor laws protect youth workers by making it illegal for employers to hire them in dangerous jobs. For example, non-agricultural workers under 18 years of age may not operate a forklift, operate rotary types of power equipment such as steam shovels, circular saws, band saws, bakery machinery or woodworking machinery, work as an electrician or electrician's helper, or work from any height above 10 feet, including the use of ladders and scaffolds. Certain exceptions apply for Supervised Practice Youth Internships. For a complete list of jobs, please visit our website at [www.labor.nc.gov](http://www.labor.nc.gov).

**Additional rules for 16- and 17-year-olds:** No work between 7 p.m. and 5 a.m. when there is school the next day or on school days. The employer gets written permission from the youth's parents and principal.

**Additional rules for 16- and 17-year-olds:**

- Work hours can be performed if written business, had serious educational, medical, or religious activities or other activities. Work is not considered manufacturing, mining or construction, or with power driven machinery. Youth 14 years of age cannot work in the presence of a machine holding an ABC permit for use on premises sales or consumption of alcoholic beverages, except that youths 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian if the youth is not involved with the preparation, serving, dispensing or sale of alcoholic beverages. Written action is taken by the U.C. General Assembly; this rule will apply to youths under 18 years of age effective Jan. 1, 2008.
- Maximum hours per day: Three on school days, eight if a non-school day.
- Maximum hours per week: 18 when school is in session, 40 when school is not in session.
- Hours of the day: May work only between 7 a.m. and 7 p.m. from June 1 through Labor Day when school is in session.
- Breaks: 30-minute breaks are required after every period of six consecutive hours of work.

**Additional rules for youths under 14 years old:** Work is generally not permitted except when working for the youth's parents. It is prohibited to commence, recruit, or induce to receive, receive, make or broker production.

These state youth employment provisions do not apply to farm, domestic or government work.

**Wage Payment**  
 Wages are due on the regular pay day if requested in writing. Paid paychecks must be sent by checkable mail. When the amount of wages is to be disputed, the employer's payment of the undisputed portion cannot restrict the right of the employee to continue a claim for the rest of the wages.

Employees must be notified in writing of pay rates, policies on vacation and sick leave, and of consequences of other pay matters. Employers must notify employees in writing of any reduction in the rate of promised wage at least one pay period prior to such change. Deductions from paychecks are limited to those required by law and those agreed to in writing or before pay day. If the written authorization that the employer signs does not specify a clear amount, the employee must receive prior to pay day (1) written notice of the actual amount to be deducted, (2) written notice of their right to withdraw the authorization, and (3) be given a reasonable opportunity to withdraw the authorization. The written authorization or written notice may be given in electronic form, provided the requirements of the Electronic Transactions Act Chapter 60, Article 4 of the N.C. General Statutes are met.

The withholding or diversion of wages owed by the employer's benefit may not be taken if they reduce wages below the minimum wage. No deductions may be made to overtime wages owed.

Deductions for cash or inventory shortages or for loss or damage to an employer's property may not be taken unless the employee receives a written notice. The written notice does not apply to those deductions if the employer is not required to pay for the loss or damage to the employer's property or if the employer may not use cash or assets to require employees to pay back protected interests.

If an employer provides vacation pay plans to employees, the employer shall give vacation time of or equivalent in lieu of off, as required by company policy or practice. Employees must be notified in writing of any company policy or practice that results in the loss or forfeiture of vacation time or pay. Employees are not considered not subject to such loss or forfeiture.

The wage payment provisions apply to all private-sector employees doing business in North Carolina. The wage payment provisions do not apply to any federal, state or local agency or instrumentality of government.

**Complaints**  
 The department's Wage and Hour Bureau investigates complaints and may collect back wages plus interest if they are due to the employee. The state of North Carolina may bring civil or criminal actions against the employer for violations of the law. Employees may also sue the employer for back wages. The court may award attorney's fees, costs, liquidated damages and interest.

Anyone having a question about the Wage and Hour Act may call:

**1-800-NC-LABOR (1-800-625-2267)**

**Employee Classification**  
 Any worker who is defined as an employee by the N.C. Wage and Hour Act (N.C. Gen. Stat. 9C-25.2(a)), the N.C. Employee Fair Classification Act, the Internal Revenue Code as adopted under N.C. Employment Security laws (N.C. Gen. Stat. 9C-19.0(a)), the N.C. Workers' Compensation Act (N.C. Gen. Stat. 97-22), or the U.C. Revenue Act (N.C. Gen. Stat. 105-163.1(a)) shall be treated as an employee.

Any employee who believes that he or she has been misclassified as an independent contractor by his or her employer may report the suspected misclassification to the N.C. Industrial Commission's Employee Classification Division by phone, email, or fax. When filing a complaint, please provide the physical location, mailing address, and if available, the telephone number and e-mail address for the employer suspected of employee misclassification:

Critical Investigations and Employee Classification Division  
 N.C. Industrial Commission  
 1233 MAIL SERVICE CENTER  
 RALEIGH, NORTH CAROLINA 27609-1233  
 Email: [hrclassification@ic.nc.gov](mailto:hrclassification@ic.nc.gov)  
 Phone: 1-800-625-4000 (in North Carolina)  
 Fax: 919-308-6300 (Critical Investigations/Employee Classification Div.)

**Right-to-Work Law**  
 North Carolina is an employment-at-will state. The term "employment at will" simply means that unless there is a specific law to protect employees or an employment contract providing otherwise, then an employer can hire or discharge an employee at any time and the employer can discharge an employee at any time at the employer's sole discretion or at the employee's request.

**Right-to-Work Law**  
 North Carolina is a "right-to-work" state. Right to work applies to collective bargaining or labor unions. The right of an employer to hire or discharge an employee at any time and the employer's right to be a member of any such labor union. An employer cannot require any person, as a condition of employment or continuation of employment, to pay dues or other fees in order to join a labor union. Also, an employer cannot enter into an agreement with a labor union whereby it will make payments on behalf of the right to work for the employer. Co-employment is a means of employment or continuation of employment, or of the labor union securing an employment position with any other employer.

NCDDOL has an enforcement authority regarding labor laws for. For employee concerns regarding labor unions, contact the Regional Office of the National Labor Relations Board. The NLRB is an independent federal agency that protects the rights of private sector employees to act together, either or without a union, to improve their wages and working conditions. Regional office contact:

Subregional Office 11 - Winston-Salem, NC  
 One West Fourth Street  
 Suite 710  
 Winston-Salem, NC 27101  
 Phone: 336-951-2021

**Retaliatory Employment Discrimination**  
 The department's Retaliatory Employment Discrimination Bureau investigates complaints filed by employees against their employers for alleged violation of the N.C. Retaliatory Employment Discrimination Act (REDA). Under REDA, an employer may not retaliate against an employee for exercising a REDA-protected activity, such as filing a claim or initiating an inquiry, related to certain rights under the following:

- Workers' Compensation Claims
  - Wage and Hour Complaints
  - Occupational Safety and Health Complaints
  - Sex Safety and Health Complaints
  - Genetic Testing Discrimination
  - State Of or Hereditary C Carrier Discrimination
  - N.C. National Guard Service Discrimination
  - Participation in the Juvenile Justice System
  - Enforcing Rights Under Domestic Violence Laws
  - Penalty Regarding Complaints
  - Pay For Preparation Complaints
- Employees who believe they have been retaliated against in their employment because of activities under the above statute, or employees who have questions about the application of REDA, may call:

**1-800-NC-LABOR (1-800-625-2267)**  
 A REDA complaint must be filed with the bureau within 180 days of the date of retaliation.



**Notice to Employers/ Employees**  
 Your state's labor relations laws which require posting a notice regarding the aspects of that law. Employees may be required by law to post the following notice in their work area. Employees may be required by law to post the following notice in their work area. Employees may be required by law to post the following notice in their work area.

This Posting is for Informational Purposes Only

## OSH NOTICE TO EMPLOYERS

**Safety and Health**  
**N.C. Department of Labor Responsibilities**  
 The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act in North Carolina.

This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSHA Division).

The OSHA Division has the following responsibilities and powers:

- Inspections:** The OSHA Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for an inspection.
- Citations:** Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timetable to correct the violations to avoid further action.
- Penalties:** The Commissioner of Labor shall have the authority to assess penalties against an employer who violates the requirements of the OSH Act. The Commissioner shall adjust minimum and maximum civil penalties in accordance with the requirements set forth in the U.S. Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor as necessary to comply with federal law. The Commissioner shall have a period of 60 calendar days from the date a final rule is published in the Federal Register to bring the civil penalties in the North Carolina Register under 13 NCAAC 07.0301 or any related or subsequent regulations setting penalty standards in compliance with that portion of title 29 of the Code of Federal Regulations, and in its website.
- OSHA Standards:** The OSHA Division adopts all federally promulgated OSHA standards verbatim or can rewrite them to meet state conditions, so long as the new version is at least as effective as the federal standard.

An electronic copy of any specific standard adopted by the OSH Division is available online free of charge. The entire "General Industry" or "Construction Industry" standards are available for a nominal cost by calling 1-800-625-2267.

**Employer Rights and Responsibilities**  
 Public and private sector employers have a "general duty" to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employees must comply with the OSHA safety and health standards adopted by the N.C. Department of Labor.

**Inspections:** An employer has the legal right to refuse to allow an inspector to enter the workplace without an administrative inspection warrant. If this occurs, the inspector will obtain a warrant to conduct the inspection. The employer has the right to accompany the inspector during the physical inspection.

- Discrimination:** It is illegal to retaliate in any way against an employee for raising a health or safety concern, filing a complaint, reporting a work-related injury or illness or assisting an inspector. The department will investigate and may prosecute employers who take such action.
- Citations:** If an OSH inspection results in one or more citations, the employer is required to promptly and prominently display the citations in or near the place where the violation allegedly occurred. It must remain posted for three working days or until the violation has been corrected or abated, whichever is longer.
- Consulting Penalties:** Once an employer has been cited, he or she may request an "informal conference" with OSHA officials to discuss the penalty, abatement or other issues related to the citation. This request must be made within 15 working days after the citation is received.

The employer may formally contest by filing a "Notice of Contest" the citation(s) or proposed penalty by the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides controversies between employees and employers concerning citations, abatement periods and other issues related to the citation. Employees should know more about the procedures for filing a "Notice of Contest" should contact the Review Commission. Telephone: 919-380-4136. Website: [oshr.nc.gov](http://oshr.nc.gov).

**Injury and Illness Records:** Employers with 11 or more employees, unless specifically exempted, are required to maintain updated occupational injury and illness records of their employees. Recordkeeping forms and information concerning these requirements may be obtained from the Education, Training and Technical Assistance Bureau, N.C. Department of Labor.

**1-800-NC-LABOR (1-800-625-2267)**

Wage and Hour Notice to Employees and OSH Notice to Employers Must be Posted Together.

## Certificate of Coverage and Notice to Workers as to Benefit Rights

**Instructions for Employers**  
 Employees covered by the Employer:  
 Section 19 of the North Carolina Chapter 60 of the North Carolina General Statutes requires that an employer pay to a specific fund set aside for the payment of unemployment insurance benefits. No money may be used for any other purpose. If you work for an employer who does not have an unemployment insurance policy, you may file a claim for unemployment insurance benefits with the Division of Employment Security at desic.nc.gov, or by phone at 919-941-9077.

If your work hours are substantially reduced or your job is eliminated due to lack of work you may qualify for unemployment insurance benefits. If you work less than the equivalent of (3) customary scheduled full time days, during any payroll week because work was not available, you may be eligible for unemployment insurance benefits. An employer may file a claim for employees through the use of information in case of partial unemployment. An employer may file an attached claim for an employee only once during a benefit year, and the period of partial unemployment for which the claim is filed may not exceed 60 consecutive weeks. You must notify the employer of any wages obtained from all sources during the payroll week. Unemployment insurance benefit payments are processed in Raleigh, North Carolina. Please be sure that your employer has your correct mailing address.

**Instructions for Employees**  
 1. Post this notice on your premises in such a place that all employees may see it. Additional copies may be obtained online at [desic.nc.gov](http://desic.nc.gov).

2. You may notify affected workers of a vacation period before that begins.

3. Benefit claims for affected workers may be filed online at [desic.nc.gov](http://desic.nc.gov).

For More Information, Contact:  
 North Carolina Department of Commerce  
 Division of Employment Security  
 P.O. Box 25903  
 Raleigh, NC 27611  
 Telephone: 919-707-1257  
[desic.nc.gov](http://desic.nc.gov)



**CO123**

**NORTH CAROLINA**

SP-NC-E

**Compliance Date January 2023**

**Patriot Poster Company**