

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 107

Short Title: School Dropout Prevention.

(Public)

Sponsors: Senators Martin of Guilford; Conder, Smith, and Hunt of Moore.

Referred to: Manufacturing and Labor.

February 2, 1989

A BILL TO BE ENTITLED

1 AN ACT TO LIMIT THE NUMBER OF HOURS THAT STUDENTS AGES
2 FOURTEEN THROUGH SEVENTEEN WHO DO NOT HAVE A HIGH SCHOOL
3 DIPLOMA CAN WORK WHEN ENROLLED IN SCHOOL IN AN EFFORT TO
4 DISCOURAGE THESE STUDENTS FROM DROPPING OUT OF SCHOOL
5 BEFORE THEY GRADUATE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 95-25.5 reads as rewritten:

8 **"§ 95-25.5. Youth employment.**

9 (a) No youth under 18 years of age shall be employed by any employer in any
10 occupation without a youth employment certificate unless specifically exempted. The
11 Commissioner of Labor shall prescribe regulations for youths and employers concerning
12 the issuance, maintenance and revocation of certificates. Certificates will be issued by
13 county directors of social services, subject to review by the Department of Labor;
14 provided, the Commissioner may by regulation require that the Department of Labor
15 issue certificates for occupations with unusual or unique characteristics.

16 (b) No youth under 18 years of age may be employed by an employer in any
17 occupation which the United States Department of Labor shall find and by order declare
18 to be hazardous and without exemption under the Fair Labor Standards Act, or in any
19 occupation which the Commissioner of Labor after public hearing shall find and declare
20 to be detrimental to the health and well-being of youths.

21 (b1) No youth 16 or 17 years of age may be employed by an employer in any
22 occupation except those determined by the United States Department of Labor to be
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1 permitted occupations under the Fair Labor Standards Act; provided, these youths may
 2 be employed by employers:

3 (1) No more than four hours on a day when school is in session for the
 4 youth and school will be in session the following day;

5 (2) No more than eight hours:

6 a. On the last day of the school week, and

7 b. On a day when school is not in session for the youth; and

8 (3) No more than 24 hours per week.

9 (c) No youth 14 or 15 years of age may be employed by an employer in any
 10 occupation except those determined by the United States Department of Labor to be
 11 permitted occupations under the Fair Labor Standards Act; provided, such youths may
 12 be employed by employers:

13 (1) No more than three hours on a day when school is in session for the
 14 youth, except that the youth may work up to six hours on the last day
 15 of the school week;

16 (2) No more than eight hours on a day when school is not in session for
 17 the youth;

18 (3) Only between 7 A.M. and 7 P.M., except to 9 P.M. when there is no
 19 school for the youth the next day; and

20 (4) No more hours per week than the following:

21 Days school in session	Weekly hours
22 for the youth	
23 5	18
24 4 26	
25 3 34	
26 2 or less	40
27 <u>4 or less</u>	<u>24.</u>

28 (d) No youth 13 years of age or less may be employed by an employer, except
 29 youths 12 and 13 years of age may be employed outside school hours in the distribution
 30 of newspapers to the consumer but not more than three hours per day. An employment
 31 certificate shall not be required for any youth under 18 years of age engaged in the
 32 distribution of newspapers to the consumer outside of school hours.

33 (e) No youth under 16 years of age shall be employed for more than five
 34 consecutive hours without an interval of at least 30 minutes for rest. No period of less
 35 than 30 minutes shall be deemed to interrupt a continuous period of work.

36 (f) For any youth 13 years of age or older, the Commissioner may waive any
 37 provision of this section and authorize the issuance of an employment certificate when:

38 (1) He receives a letter from a social worker, court, probation officer,
 39 county department of social services, a letter from the North Carolina
 40 Alcohol Beverage Control Commission or school official stating those
 41 factors which create a hardship situation and how the best interest of
 42 the youth is served by allowing a waiver; and

43 (2) He determines that the health or safety of the youth would not be
 44 adversely affected; and

1 (3) The parent, guardian, or other person standing **in loco parentis**
2 consents in writing to the proposed employment.

3 (g) Youths employed as models, or as actors or performers in motion pictures or
4 theatrical productions, or in radio or television productions are exempt from all
5 provisions of this section except the certificate requirements of subsection (a).

6 (h) Youths employed by an outdoor drama directly in production-related
7 positions such as stagehands, lighting, costumes, properties and special effects are
8 exempt from all provisions of this section except the certificate requirements of
9 subsection (a). Positions such as office workers, ticket takers, ushers and parking lot
10 attendants have no exemption and are subject to all provisions of this section.

11 (i) Youths under 16 years of age employed by their parents are exempt from all
12 provisions of this section, except the certificate requirements of subsection (a), the
13 prohibition from hazardous or detrimental occupations of subsection (b), and the
14 prohibitions of subsection (j).

15 (j) No person who holds any ABC permit issued pursuant to the provisions of
16 Chapter 18B of the General Statutes for the on-premises sale or consumption of
17 alcoholic beverages, including any mixed beverages, shall employ a youth:

18 (1) Under 16 years of age on the premises for any purpose;

19 (2) Under 18 years of age to prepare, serve, dispense or sell any alcoholic
20 beverages, including mixed beverages.

21 (k) Persons and establishments required to comply with or subject to regulation
22 of child labor under the Fair Labor Standards Act are exempt from all provisions of this
23 section, except the certificate requirements of subsection (a), the prohibition from
24 occupations found and declared to be detrimental by the Commissioner of Labor
25 pursuant to subsection (b), and the prohibitions of subsection (j). In addition,
26 employment certificates will not be issued if such person's employment will be in
27 violation of the applicable child labor provisions of the Fair Labor Standards Act. Such
28 employers may also be assessed civil penalties pursuant to G.S. 95-25.23 for each
29 violation of the provisions of this section or any regulation issued hereunder from which
30 there is no exemption.

31 (l) Notwithstanding any other provision of this section, any youth who holds a
32 North Carolina driver's license valid for the type of driving involved may be assigned as
33 part of his employment to drive an automobile or truck not exceeding 6,000 pounds
34 gross vehicle weight within a 25-mile radius of the principal place of employment,
35 provided that the youth has completed a State-approved driver-education course, and
36 provided that the assignment does not involve the towing of vehicles. 'Gross vehicle
37 weight' includes the truck chassis with lubricants, water and full tank or tanks of fuel,
38 plus the weight of the cab or driver's compartment, body and special chassis and body
39 equipment, and payload."

40 Sec. 2. This act shall become effective October 1, 1989.