

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH10270-LR-93A (03/21)

Short Title: Minimum Wage/Agriculture/Domestic Workers. (Public)

Sponsors: Representatives Fisher, Farmer-Butterfield, and Harrison (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE STATE WAGE AND HOUR ACT TO MAKE
3 AGRICULTURAL AND DOMESTIC WORK SUBJECT TO MINIMUM WAGE,
4 OVERTIME, AND RECORD KEEPING REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 95-25.14(a) reads as rewritten:

7 "(a) The provisions of G.S. 95-25.3 (Minimum Wage), G.S. 95-25.4 (Overtime), and
8 G.S. 95-25.5 (Youth Employment), and the provisions of G.S. 95-25.15(b) (Record Keeping)
9 as they relate to these exemptions, do not apply to:

10 (1) Any person employed in an enterprise engaged in commerce or in the
11 production of goods for commerce as defined in the Fair Labor Standards
12 Act:

- 13 a. Except as otherwise specifically provided in G.S. 95-25.5;
- 14 b. Notwithstanding the above, any employee other than a learner,
15 apprentice, student, or handicapped worker as defined in the Fair
16 Labor Standards Act who is not otherwise exempt under the other
17 provisions of this section, and for whom the applicable minimum
18 wage under the Fair Labor Standards Act is less than the minimum
19 wage provided in G.S. 95-25.3, is not exempt from the provisions of
20 G.S. 95-25.3 or G.S. 95-25.4;
- 21 c. Notwithstanding the above, any employer or employee exempt from
22 the minimum wage, overtime, or child labor requirements of the Fair
23 Labor Standards Act for whom there is no comparable exemption
24 under this Article shall not be exempt under this subsection except
25 that where an exemption in the Fair Labor Standards Act provides a
26 method of computing overtime which is an alternative to the method
27 required in 29 U.S.C.S. § 207(a), the employer or employee subject
28 to that alternate method shall be exempt from the provisions of
29 G.S. 95-25.4(a); provided that, persons not employed at an enterprise
30 described in subdivision (1) of this subsection shall also be subject to
31 the same alternative methods of overtime calculation in the
32 circumstances described in the Fair Labor Standards Act exemptions
33 providing those alternative methods;

34 ~~(2) Any person employed in agriculture, as defined under the Fair Labor~~
35 ~~Standards Act;~~



- 1 (3) ~~Any person employed as a domestic, including baby sitters and companions,~~
2 ~~as defined under the Fair Labor Standards Act;~~
- 3 (4) Any person employed as a page in the North Carolina General Assembly or
4 in the Governor's Office;
- 5 (5) Bona fide volunteers in medical, educational, religious, or nonprofit
6 organizations where an employer-employee relationship does not exist;
- 7 (6) Persons confined in and working for any penal, correctional or mental
8 institution of the State or local government;
- 9 (7) Any person employed as a model, or as an actor or performer in motion
10 pictures or theatrical, radio or television productions, as defined under the
11 Fair Labor Standards Act, except as otherwise specifically provided in
12 G.S. 95-25.5;
- 13 (8) Any person employed by an outdoor drama in a production role, including
14 lighting, costumes, properties and special effects, except as otherwise
15 specifically provided in G.S. 95-25.5; but this exemption does not include
16 such positions as office workers, ticket takers, ushers and parking lot
17 attendants."

18 **SECTION 2.** This act becomes effective on Labor Day, September 4, 2017.