

CHAPTER 9 - WAGE AND HOUR DIVISION

SUBCHAPTER 9A - GENERAL RULES

13 NCAC 09A .0101	NAME: ADDRESS
13 NCAC 09A .0102	PURPOSE: RESPONSIBILITIES
13 NCAC 09A .0103	DEFINITIONS
13 NCAC 09A .0104	DIVISION: GENERAL

History Note: Filed as an Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;
Authority G.S. 95-4; 95-11; 95-21; 95-25.19; 95-32; 95-38; 95-39; 95-93; 95-169; 110-17; Chapter 95, Articles 2, 5, 11 and 17; Chapter 110, Article 1;
Eff. February 1, 1976;
Amended Eff. October 15, 1976;
Readopted Eff. September 30, 1977;
Reinstated Eff. December 30, 1979;
Repealed Eff. November 1, 1980.

13 NCAC 09A .0105	NAME AND ADDRESS
13 NCAC 09A .0106	PURPOSE AND RESPONSIBILITIES
13 NCAC 09A .0107	DEFINITIONS
13 NCAC 09A .0108	DIVISION ORGANIZATION

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 14-355 through 14-357.1; 95-4; 95-11; 95-25.3 through 95-25.6; 95-25.17;
Expired Eff. December 30, 1979.

SUBCHAPTER 9B - PROCEDURES AND RULES

SECTION .0100 - INVESTIGATIONS (INSPECTIONS)

13 NCAC 09B .0101	APPLICABILITY
13 NCAC 09B .0102	REQUESTS FOR INSPECTIONS
13 NCAC 09B .0103	AUTHORITY FOR INSPECTION
13 NCAC 09B .0104	OBJECTION TO INSPECTION
13 NCAC 09B .0105	INSPECTIONS

History Note: Filed as an Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;
Authority G.S. 95-11; 95-21; 95-22; 95-25.19; 95-39; 95-40; 95-92; 95-93; 95-169; 110-19;
Eff. February 1, 1976;
Amended Eff. October 15, 1976;
Readopted Eff. September 30, 1977;
Reinstated Eff. December 30, 1979;
Repealed Eff. November 1, 1980.

13 NCAC 09B .0106	LEGISLATION
13 NCAC 09B .0107	COMPLAINT
13 NCAC 09B .0108	AUTHORITY FOR INVESTIGATION
13 NCAC 09B .0109	OBJECTION TO INVESTIGATION
13 NCAC 09B .0110	INVESTIGATIONS

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-11; 95-25.1; 95-25.15; 95-25.16; 95-25.22;
Expired Eff. December 30, 1979.

SECTION .0200 - LITIGATION (CITATIONS AND PENALTIES)

13 NCAC 09B .0201 FAILURE TO COMPLY: CIVIL ACTION AND CRIMINAL ACTION
13 NCAC 09B .0202 ENFORCEMENT PLAN AND PROCEDURE

History Note: Filed as an Emergency Repeal Eff. September 1, 1979; for a Period of 120 Days to be Reinstated on December 30, 1979;
Authority G.S. 95-19; 95-20; 95-24; 95-25.19; 95-40; 95-45; 95-93; 95-94; 95-95; 95-169; 95-171;
110-19; 110-20;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Reinstated Eff. December 30, 1979;
Repealed Eff. November 1, 1980.

13 NCAC 09B .0203 FAILURE TO COMPLY OR AGREE TO PAY BACK WAGES
13 NCAC 09B .0204 BACK WAGE CASES
13 NCAC 09B .0205 ILLEGAL ACTS
13 NCAC 09B .0206 LEGAL ACTIONS
13 NCAC 09B .0207 YOUTH EMPLOYMENT CIVIL MONEY PENALTIES
13 NCAC 09B .0208 DISCRIMINATION COMPLAINTS
13 NCAC 09B .0209 INJUNCTIONS

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-25.15; 95-25.16; 95-25.20 through 95-25.24;
Expired Eff. December 30, 1979.

SUBCHAPTER 9C - WAGE AND HOUR PROVISIONS (WAGE: HOUR AND CHILD LABOR PROVISIONS)

SECTION .0100 - MINIMUM WAGE (MINIMUM WAGE POLICY)

13 NCAC 09C .0101 MEALS AND LODGING CHARGES
13 NCAC 09C .0102 NO WAIVER
13 NCAC 09C .0103 ILLEGAL DEDUCTIONS
13 NCAC 09C .0104 ENUMERATION OF EMPLOYEES TO DETERMINE COVERAGE
13 NCAC 09C .0105 FARM LABOR EXEMPTION
13 NCAC 09C .0106 AUTOMOBILE AND FARM EQUIPMENT SALESMEN
13 NCAC 09C .0107 TAXICAB OPERATOR EXEMPTION
13 NCAC 09C .0108 HANDICAPPED WORKER CERTIFICATE

History Note: Filed as An Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;
Authority G.S. 95-4(2); 95-25.19; 95-86; 95-87; 95-88; 95-89; 95-93; Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 9, 1978; April 13, 1978;
Reinstated Eff. December 30, 1979;
Repealed Eff. November 1, 1980.

13 NCAC 09C .0109 WAGE RATE
13 NCAC 09C .0110 SUBMINIMUM WAGE RATES
13 NCAC 09C .0111 EXEMPTIONS FROM MINIMUM WAGE

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-25.3; 95-25.14;
Expired Eff. December 30, 1979.

13 NCAC 09C .0112 SEASONAL RECREATIONAL PROGRAMS: LOCAL GOVERNMENTS

History Note: Filed as an Emergency Amendment Eff. October 31, 1979 to Expire on December 30, 1979;
Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days
Authority G.S. 95-25.3; 95-25.14(d);
Expired Eff. December 30, 1979.

13 NCAC 09C .0113 SUBMINIMUM WAGE FOR STUDENTS: LEARNERS: AND APPRENTICES

History Note: Authority G.S. 95-25.3;
Eff. July 1, 1980;
Repealed Eff. November 1, 1980.

SECTION .0200 - OVERTIME (MAXIMUM HOUR LAW)

13 NCAC 09C .0201 OVERTIME PROVISION EXEMPTION
13 NCAC 09C .0202 EMPLOYER MAY EXEMPT EMPLOYEE
13 NCAC 09C .0203 NO WAIVER
13 NCAC 09C .0204 SUPERVISORY PERSONNEL
13 NCAC 09C .0205 LEARNED PROFESSIONS
13 NCAC 09C .0206 MOTION PICTURE THEATRES
13 NCAC 09C .0207 RESTAURANTS AFFILIATED WITH SEASONAL HOTEL

History Note: Filed as an Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;
Authority G.S. 95-17; 95-17.1; 95-21; 95-25.19;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Reinstated Eff. December 30, 1979;
Repealed Eff. November 1, 1980.

13 NCAC 09C .0208 OVERTIME PAYMENT
13 NCAC 09C .0209 DRIVERS EXEMPTION
13 NCAC 09C .0210 TAXICAB DRIVERS
13 NCAC 09C .0211 AUTO: TRUCK AND FARM IMPLEMENT DEALERS
13 NCAC 09C .0212 TRAILER: BOAT AND AIRCRAFT DEALERS
13 NCAC 09C .0213 CHILD CARE WORKERS

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-25.4; 95-25.14;
Expired Eff. December 30, 1979.

SECTION .0300 - WAGE PAYMENT (UNIFORM WAGE PAYMENT LAW)

13 NCAC 09C .0301	EXEMPTIONS
13 NCAC 09C .0302	PAY PERIODS
13 NCAC 09C .0303	NOTIFICATION TO EMPLOYEES
13 NCAC 09C .0304	WITHHOLDING OF WAGES

History Note: Filed as an Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;
 Authority G.S. 95-25.19; 95-86; 95-87; 95-88; 95-162; 95-166; 95-167; 95-172;
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. July 25, 1978;
 Reinstated Eff. December 30, 1979;
 Repealed Eff. November 1, 1980.

13 NCAC 09C .0305	BONUS: COMMISSION AND OTHER PAYMENTS
13 NCAC 09C .0306	WITHHOLDING OF WAGES: WRITTEN AGREEMENT
13 NCAC 09C .0307	WAGE DEDUCTIONS: COOLING OFF PERIOD
13 NCAC 09C .0308	DEPOSITS FOR EMPLOYER PROPERTY
13 NCAC 09C .0309	FINAL PAYCHECK
13 NCAC 09C .0310	VACATION ACCRUAL
13 NCAC 09C .0311	VACATION PRACTICE BECOMES VACATION POLICY
13 NCAC 09C .0312	WAGES

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
 Authority G.S. 95-25.6; 95-25.8; 95-25.9; 95-25.11; 95-25.12; 95-25.19;
 Expired Eff. December 30, 1979.

SECTION .0400 - YOUTH EMPLOYMENT (CHILD LABOR LAW)

13 NCAC 09C .0401	DEFINITIONS
13 NCAC 09C .0402	APPLICATION FOR EMPLOYMENT CERTIFICATE
13 NCAC 09C .0403	ISSUANCE OF EMPLOYMENT CERTIFICATES
13 NCAC 09C .0404	SUPERVISION BY DIRECTOR: REVOCATION: RECORDS
13 NCAC 09C .0405	SPECIAL CERTIFICATES
13 NCAC 09C .0406	DUPLICATES

History Note: Filed as an Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;
 Authority G.S. 95-11; 95-25.19; 110-2; 110-6 through 110-10; 110-12; 110-17 through 110-19;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1977; October 15, 1976;
 Readopted Eff. September 30, 1977;
 Reinstated Eff. December 30, 1979;
 Repealed Eff. November 1, 1980.

13 NCAC 09C .0407	APPLICATION PROCEDURE FOR WAIVERS OF THE CHILD LABOR LAW
13 NCAC 09C .0408	CRITERIA FOR THE GRANTING OF WAIVERS
13 NCAC 09C .0409	HARDSHIP WAIVERS
13 NCAC 09C .0410	VERIFICATION OF SPECIAL CASE
13 NCAC 09C .0411	WAIVER LETTER FORM
13 NCAC 09C .0412	VIOLATION OF THE WAIVER

History Note: Filed as an Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;

Filed as an Emergency Regulation Eff. July 1, 1977, for a Period of 120 days to Expire on October 29, 1977;
Authority G.S. 110-18; 95-11(f); S.L. 1977, Ch. 585; Made Permanent Eff. September 30, 1977;
Reinstated Eff. December 30, 1979;
Repealed Eff. November 1, 1980.

13 NCAC 09C .0413 DEFINITIONS
13 NCAC 09C .0414 APPLICATION FOR A YOUTH EMPLOYMENT CERTIFICATE
13 NCAC 09C .0415 ISSUANCE OF YOUTH EMPLOYMENT CERTIFICATES

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-11; 95-25.19;
Expired Eff. December 30, 1979.

13 NCAC 09C .0416 EMPLOYMENT OF YOUTH UNDER AGE 14
13 NCAC 09C .0417 EMPLOYMENT OF YOUTH BETWEEN 14 AND 16 YEARS OF AGE

History Note: Filed as an Emergency Amendment (a) Eff. October 31, 1979, to Expire on December 30, 1979;
Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-25.5(c), (d);
Expired Eff. December 30, 1979.

13 NCAC 09C .0418 EMPLOYMENT OF YOUTH BETWEEN 16 AND 18 YEARS OF AGE
13 NCAC 09C .0419 EMPLOYMENT OF YOUTHS WHERE ALCOHOLIC BEVERAGES ARE SOLD
13 NCAC 09C .0420 EMPLOYMENT OF YOUTH IN VIOLATION OF FEDERAL LAW
13 NCAC 09C .0421 SUPERVISION BY DIRECTOR: REVOCATION: RECORDS
13 NCAC 09C .0422 CIVIL MONEY PENALTIES
13 NCAC 09C .0423 CIVIL MONEY PENALTY ASSESSMENT
13 NCAC 09C .0424 APPLICATION PROCEDURE FOR WAIVERS

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-25.5(a), (b); 95-25.19; 95-25.23; 150A;
Expired Eff. December 30, 1979.

13 NCAC 09C .0425 CRITERIA FOR THE GRANTING OF WAIVERS

History Note: Filed as an Emergency Amendment (2) Eff. October 31, 1979, to Expire on December 30, 1979;
Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-25.5;
Expired Eff. December 30, 1979.

13 NCAC 09C .0426 WAIVER LETTER FORM
13 NCAC 09C .0427 VIOLATION OF THE WAIVERS

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Authority G.S. 95-25.5;
Expired Eff. December 30, 1979.

SECTION .0500 - BLACKLISTING (FORMS)

13 NCAC 09C .0501	PURPOSE
13 NCAC 09C .0502	INSPECTION FORM
13 NCAC 09C .0503	CITATION FORM
13 NCAC 09C .0504	MINIMUM WAGE FORM
13 NCAC 09C .0505	MAXIMUM HOUR FORM
13 NCAC 09C .0506	UNIFORM WAGE PAYMENT FORM
13 NCAC 09C .0507	BACK WAGE RECEIPT FORM
13 NCAC 09C .0508	HANDICAPPED WORKER CERTIFICATE FORM
13 NCAC 09C .0509	UNIFORM WAGE PAYMENT FORM

History Note: Filed as an Emergency Repeal Eff. September 1, 1979, for a Period of 120 Days to be Reinstated on December 30, 1979;
 Authority G.S. 95-4;
 Eff. November 1, 1976;
 Readopted Eff. September 30, 1977;
 Reinstated Eff. December 30, 1979;
 Repealed Eff. November 1, 1980.

13 NCAC 09C .0510	COMPLAINTS
13 NCAC 09C .0511	INVESTIGATIONS
13 NCAC 09C .0512	LITIGATION

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
 Authority G.S. 14-355;
 Expired Eff. December 30, 1979.

SECTION .0600 - MEDICAL PAYMENTS

13 NCAC 09C .0601	REQUIRED MEDICAL EXAMINATION
13 NCAC 09C .0602	RELATIONSHIP TO WAGE AND HOUR ACT
13 NCAC 09C .0603	COMPLAINTS
13 NCAC 09C .0604	INVESTIGATION
13 NCAC 09C .0605	LITIGATION

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
 Statutory Authority G.S. 14-357.1; 95-25.8;
 Expired Eff. December 30, 1979.

SECTION .0700 - FORMS

13 NCAC 09C .0701	PURPOSE
13 NCAC 09C .0702	INVESTIGATION REPORT
13 NCAC 09C .0703	SUMMARY OF UNPAID WAGES
13 NCAC 09C .0704	BACK WAGE RECEIPT
13 NCAC 09C .0705	WAGE TRANSCRIPTION AND COMPUTATION SHEET
13 NCAC 09C .0706	HANDICAPPED WORKER CERTIFICATE FORMS

History Note: Filed as an Emergency Regulation Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
 Authority G.S. 95-4; 95-25.5; 95-25.15; 95-25.19; 95-25.20;
 Expired Eff. December 30, 1979.

SUBCHAPTER 9D - PRIVATE EMPLOYMENT AGENCY PROVISIONS SECTION .0100 - GENERAL PROVISIONS

- 13 NCAC 09D .0101 ADVISORY COUNCIL**
13 NCAC 09D .0102 EMPLOYMENT AGENCY DEFINED
13 NCAC 09D .0103 GOVERNMENT EMPLOYMENT AGENCIES UNAFFECTED

History Note: Authority G.S. 95-37; 95-39; 95-46;
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Repealed Eff. June 1, 1979.

13 NCAC 09D .0104 GENERAL DEFINITIONS

History Note: Authority G.S. 95-39;
 Eff. October 10, 1976;
 Readopted Eff. September 30, 1977;
 Repealed Eff. June 1, 1979.

SECTION .0200 - LICENSING

- 13 NCAC 09D .0201 INITIAL APPLICATION FOR LICENSE**
13 NCAC 09D .0202 POSTING NOTICE OF APPLICATION
13 NCAC 09D .0203 PROTESTING THE APPLICATION
13 NCAC 09D .0204 CHARACTER INVESTIGATION

History Note: Authority G.S. 95-38; 95-39; 95-40;
 Eff. February 1, 1976;
 Amended Eff. October 10, 1976;
 Readopted Eff. September 30, 1977;
 Repealed Eff. June 1, 1979.

13 NCAC 09D .0205 RESTRICTIONS

History Note: Authority G.S. 95-38; 95-39;
 Eff. February 1, 1976;
 Repealed Eff. October 10, 1976.

- 13 NCAC 09D .0206 INTERVIEW**
13 NCAC 09D .0207 DECISION ON APPLICATION
13 NCAC 09D .0208 EFFECTIVE PERIOD OF LICENSE
13 NCAC 09D .0209 LICENSE NOT TRANSFERABLE
13 NCAC 09D .0210 SEPARATE LICENSE FOR EACH LOCATION

History Note: Authority G.S. 95-38; 95-39;
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. October 10, 1976;
 Repealed Eff. June 1, 1979.

13 NCAC 09D .0211 CAUSE FOR REVOCATION
13 NCAC 09D .0212 REVOCATION

History Note: Authority G.S. 95-4; 95-39; 95-40;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. June 1, 1979.

SECTION .0300 - OPERATION OF PRIVATE EMPLOYMENT AGENCIES

13 NCAC 09D .0301 POSTING
13 NCAC 09D .0302 CONTRACTS TO BE FILED WITH COMMISSIONER
13 NCAC 09D .0303 CONTRACT TO BE EXPLAINED TO APPLICANT
13 NCAC 09D .0304 ADVERTISEMENT
13 NCAC 09D .0305 REFERRALS
13 NCAC 09D .0306 MISREPRESENTATION

History Note: Authority G.S. 95-39;
Eff. February 1, 1976;
Amended Eff. October 10, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. June 1, 1979.

13 NCAC 09D .0307 CLOSING OF AGENCY

History Note: Authority G.S. 95-39;
Eff. February 1, 1976;
Repealed Eff. October 10, 1976.

13 NCAC 09D .0308 RECORDS

History Note: Authority G.S. 95-39; 95-40;
Eff. February 1, 1976;
Amended Eff. October 10, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. June 1, 1979.

13 NCAC 09D .0309 SPECIFICALLY PROHIBITED PRACTICES

History Note: Authority G.S. 95-39;
Eff. February 1, 1976;
Repealed Eff. October 10, 1976.

13 NCAC 09D .0310 COMPLAINT

History Note: Authority G.S. 95-39;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. June 1, 1979.

13 NCAC 09D .0311 INFORMAL RESOLUTION
13 NCAC 09D .0312 CAUSE FOR HEARING

History Note: Authority G.S. 95-4; 95-39; 95-40;

Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. June 1, 1979.

SECTION .0400 - FORMS

13 NCAC 09D .0401	PURPOSE
13 NCAC 09D .0402	INSPECTION FORM
13 NCAC 09D .0403	APPLICATION FOR LICENSE
13 NCAC 09D .0404	LICENSE TO OPERATE
13 NCAC 09D .0405	NOTICE OF INTENT

History Note: Authority G.S. 95-4;
Eff. October 10, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 15, 1976;
Repealed Eff. June 1, 1979.

13 NCAC 09D .0406	P.E.A. DATA FORM
13 NCAC 09D .0407	SUPPLEMENTAL APPLICATION FORM

History Note: Authority G.S. 95-4;
Eff. October 10, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. June 1, 1979.