North Carolina

Raleigh

www.postercompliance.com
Thank you for choosing our eComply downloadable labor law posters with one year of free mandatory updates!

Your posters must be posted in a conspicuous location. Be sure to download all files.

**Printing & Posting Instructions**

- These PDF documents should be **printed on 8.5” x 11” paper** with the printer set to the “fit to page” or comparable option. Following these printing instructions will help ensure that you are complying with state and federal size and font requirements.

- Posters have a Publication Code in the lower left corner, below the red line, such as D-CA_1 (*date*) **MINIMUM WAGE**. **Post pages with the same code together.**

- **Color requirements**: (for Colorado, Maryland, New Mexico, and North Carolina ONLY).*

- The Attention Employers letter that follows is for your information but should not be posted.

**IMPORTANT**: If your email address changes, be sure to notify us so that you continue to receive updates.

We are proud to be your most reliable resource for labor law compliance and we look forward to keeping you in compliance. Please contact us at 800-322-3636 if you have any questions.

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* **Background color requirement** (applies to Colorado *Anti-Discrimination*, and Maryland *Workers Compensation*)

These posters will appear on your computer screen and print with the required color background *if you have a color printer*. If not, you must print these posters on the appropriate colored paper.

* **Identical poster requirement** (applies to North Carolina *Workers Compensation* and New Mexico *Workers Compensation*)

These posters must be identical to the state-issued poster which is in color. The posters will appear in color on your computer screen and *must be printed using a color printer* to match the original.
ATTENTION NORTH CAROLINA EMPLOYERS

Our goal as your **RELIABLE** labor law poster company is to ensure that you are always in compliance! We would like to make you aware that there may be **other requirements** your company is subject to in addition to posting your labor law posters in a conspicuous location.

☐ You must fill out information about your **workers compensation insurance coverage** on your North Carolina state poster. Locate the Workers Compensation Notice (Form 17) and fill out the name of your insurance carrier, policy number and valid dates of the policy in the space provided.

☐ If **applicants for employment** are normally seen in an area **other than where you post your federal labor law poster**, you need to post four federal notices in this area where applicants can easily see them. Poster Compliance Center publishes a Federal Applicant Edition poster that includes all four of these notices. Call Customer Service at (800) 322-3636 if you would like to order this poster.

☐ If your state has an **E-Verify law** (used to determine if workers are eligible for employment), covered employers must register for E-Verify through the U.S. Department of Homeland Security (DHS) and must post required participation posters.
  - Only employers **who have registered** should post the required posters which can be downloaded free during registration.
  - DHS prohibits commercial sale of these posters by third parties.

For these reasons E-Verify posters are not included on our state posters. For further information or to register for E-Verify, go to the DHS E-Verify home page at [https://www.e-verify.gov/](https://www.e-verify.gov/) or call 888-464-4218.

☐ If your state has a **No Smoking law**, covered employers must post required signs in their business. The signs must be posted in specific locations, such as building or room entrances. These location requirements cannot be met by including a no smoking sign on your labor law poster. Therefore, employers must obtain and post any required signs, usually from the state Department of Health. These no smoking signs can be downloaded free of charge.

Poster Compliance Center publishes labor law posters that include all general required notices for employers. Depending on a company’s industry, type of commerce, sector, location, or workforce, **additional specialized notices may be required** by federal, state, or local governments or agencies. Examples could include notices for a municipality, notices for federal contractors, notices that must be posted for the public or job applicants (in addition to those posted for employees), a labor law notice required in another language for employees who do not speak English, public sector notices, signage that must be posted at a specific location in your business such as the entrance, or a notice that can only be obtained through an insurance company.

**DISCLAIMER:** This product is not intended to provide legal or financial advice or substitute for the advice of an attorney or advisor.

**NCSL (1-18)**
Wage and Hour Act
Minimum Wage: $7.25 per hour (effective 7/24/09).
Employers in North Carolina are required to pay the higher of the minimum wage rate established by state or federal laws. The federal minimum wage increased to $7.25 per hour effective July 24, 2009; therefore, employers in North Carolina are required to pay their employees at least $7.25 per hour.
An employer may pay as little as $2.13 per hour to tipped employees so long as each employee receives enough in tips to make up the difference between the wages paid and the minimum wage. Employees must be allowed to keep all tips, except that pooling is permitted if no employee’s tips are reduced more than 15%. The employer must keep an accurate and complete record of tips as certified by each employee monthly or for each pay period. Without these records, the employer may not be allowed the tip credit.
Certain full-time students may be paid 90% of the minimum wage, rounded to the nearest nickel.

Overtime
Time and one-half must be paid to all employees after 40 hours of work in any one workweek with some exceptions. The state overtime provisions specifically do not apply to certain types of employees and do not apply to employees classified as exempt under the FLSA. Exemptions may be found in NCGL §95-25.14.

Youth Employment
Rules for all youths under 18 years old are: Youth employment certificates are required. To obtain a YES, please visit our website at www.labornc.gov.

Hazardous 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 many types of power equipment such as cement mixers, circular saws, hand saws, bakery machinery or woodworking machines; work as an electrician or electrician’s helper or work from any height above 10 feet, including the use of ladders and scaffolds. For a complete list of prohibited jobs, please visit our website at www.labornc.gov.

Additional rules for 16- and 17-year-olds are: No work between 11 p.m. and 5 a.m. when there is school the next day. Exemption: When the employee gets written permission from the youth’s parents and principal.

Additional rules for 14- and 15-year-olds are:
Where work can be performed: Retail businesses, food service establishments, service stations and offices of other businesses. Work is not permitted in manufacturing, mining or construction, or with power-driven machinery, or on the premises of a business holding an ABC permit for the sale or premises sale or consumption of alcoholic beverages; except that youths at least 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian as long as the youth is not involved with the preparation, serving, dispensing or sale of alcoholic beverages.
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. (9 p.m. from June 1 through Labor Day when school is not in session).
Break: 30-minute breaks are required after any period of five consecutive hours.

Additional rules for youths under 14 years old are: Work is generally not permitted except when working for the youth’s parents; in newspaper distribution to consumers; modeling; or acting in movie, television, radio or theater production.

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

Wage Payment
Wages are due on the regular payday. If requested, final paychecks must be mailed. When the amount of wages is in dispute, the employer’s payment of the undeposited portion cannot restrict the right of the employee to continue a claim for the rest of the wages.

Employees must be notified of paydays, pay rates, policies on vacation and sick leave, and of commissions, bonus and other pay motivators. Employees must notify employers in writing or through a posted notice maintained in a place accessible to the employee of any reduction in the rate of promised wages at least 24 hours prior to such change.

Deductions from paychecks are limited to those required by law and those agreed to in writing or on payroll. If the written authorization that the employee signs does not specify a dollar amount, the employee must receive prior to payday (written statement of the actual amount to be deducted, written notice of their right to withdraw the authorization, and be given a reasonable opportunity to withdraw the authorization. The written authorization or written notice may be given in an electronic format, provided the requirements of the Uniform Electronic Transactions Act (Chapter 66, Article 40 of the N.C. General Statutes) are met.

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

Deductions for cash or credit shortages or for loss or damage to an employer’s property may not be taken unless the employee receives seven days’ advance notice. This seven-day rule does not apply to these deductions made at termination. An employer may not use fines or dures to require employees to pay back protected amounts.

If the employer provides vacation pay to employees, the employee shall give vacation time off or payment in lieu of time off, as required by company policy or practice. Employees must be notified in writing or through a posted notice of any company policy or practice that results in the loss or forfeiture of vacation time or pay. Employees not so notified are not subject to such loss or forfeiture.

The wage payment provisions apply to all private-sector employers 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. The employee 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 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 Section by phone, email or fax. When filing a complaint, please provide the location, mailing address, and if available, the telephone number and email address for the employee suspected of employee misclassification.

Employer Classification Section
N.C. Industrial Commission
1233 Mall Service Center
Raleigh, NC 27699-4333
Email: emp.classification@nc.gov
Phone: 919-807-2582
Fax: 919-715-4282

Employment at Will
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 treat its employees as it sees fit and the employer can discharge an employee at the will of the employer for any reason or no reason at all.

Right-to-Work Laws
North Carolina is a “right-to-work” state. Right-to-work applies to collective bargaining or labor unions. The right of persons to work cannot be denied or reduced in any way because they are either members of a labor union (excluding labor organization or labor association) or chose not 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 any dues or other fees of any kind to any labor union. Also, an employer cannot enter into an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union acquires an employment monopoly in any enterprise.

N.C. Department of Labor
Wage and Hour Notice to Employees

Retaliatory Employment Discrimination
The department’s Retaliatory Employment Discrimination Bureau investigates complaints filed by employees against their employers for alleged violations of the N.C. Retaliatory Employment Discrimination Act (REDA). Under REDA, an employer may not retaliate against an employee for engaging in REDA-protected activities, 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
• Mine Safety and Health Complaints
• Genetic Testing Discrimination
• Sickle Cell or Hemoglobin C Carriers Discrimination
• N.C. National Guard Service Discrimination
• Participation in the Juvenile Justice System
• Exercising Rights Under Domestic Violence Laws
• Pesticide Regulation Complaints
• Drug Paraphernalia Complaints

Employees who believe they have been retaliated against in their employment because of activities under the above statutes, or employers 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.

www.labornc.gov

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To find out more information about this poster and to download all of the required state and federal posters, please visit our website at:
www.labornc.gov/labour-law-posters

EC-NC-0321 WAGE & HOUR/EMPLOYMENT DISCRIMINATION
Poster Compliance Center • www.postercolliance.com • 800-322-3636

Printed 1/22
25,000 copies of this public document were printed at a cost of $0.91, or $0.16 per copy.
Wage and Hour Notice to Employees and OSH Notice to Employees must be posted together.

**OSH Notice to Employees**

**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 (OSH) Division.

*The OSH Division has the following responsibilities and powers:*

- **Inspections**—The OSH 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 violation to avoid further action.

- **Penalties**—An employer can be fined up to $7,000 for each “serious” violation. Serious violations that involve injury to a person under 18 years of age could result in fines up to $14,000 per violation. An additional maximum $7,000 penalty can be assessed for each day an employer fails to correct or abate a violation after the allotted time to do so has passed.

  A penalty of up to $70,000 may be issued for each willful or repeat violation of an OSHA standard.

  Criminal penalties of up to $10,000 may apply against employers who are found guilty of willfully violating any standard, rule or regulation that has resulted in an employee’s death.

- **OSHA Standards**—The division adopts all federally mandated OSHA standards verbatim or can rewrite them to meet state conditions, as long as the new version is at least as strict as the federal standard.

  A copy of any specific standard adopted by the OSH Division is available free of charge. The entire “General Industry” or “Construction Industry” standards are available for a nominal cost by calling 1-800-625-2267 or 919-707-7876.

**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. Employers must comply with the OSHA safety and health standards adopted by the Labor Department.

- **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 citation(s) at 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.

- **Contesting Penalties**—Once an employer has been cited, he or she may request an “informal conference” with OSH 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 to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides contests by employers and employees concerning citations, abatement periods and penalties.

  Employers wishing to know more about the procedures for filing a “Notice of Contest” should contact the Review Commission. Telephone: 919-733-3589. Website: www.oshrb.state.nc.us.
• **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. Call 1-800-625-2267 or 919-707-7876.

• **Accident and Fatality Reporting**—An employer must report the following:

  Within eight hours: Any work-related fatality.

  Within 24 hours:

  • Any work-related in-patient hospitalization of one or more employees.
  • Any work-related amputation.
  • Any work-related loss of an eye.

  To report an accident, call the OSH Division at 1-800-625-2267 or 919-779-8560.

**Employee Rights and Responsibilities**

Public and private sector employees must comply with occupational safety and health standards, rules, regulations, and those orders issued under OSHA that relate to their own actions and conduct.

• **Complaints**—An employee has a right to make a complaint regarding workplace conditions he or she believes are unsafe, unhealthy or in violation of OSHA standards. When an OSH inspector is in an employee’s workplace, that employee has a right to point out unsafe or unhealthy conditions and to freely answer any questions asked by the inspector. When making a complaint, the employee may request that his or her name be kept confidential.

  To make a complaint, call 1-800-625-2267 or 919-779-8560. Complaints also can be made online at www.labor.nc.gov.

• **Contesting Abatement**—Employees may contest any abatement period set as a result of an OSH inspection at their workplace. An employee has the right to appear before the Review Commission to contest the abatement period and seek judicial review.

**Other OSHA Information**

• **Federal Monitoring**—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued state administration is merited. Any person who has a complaint about the state’s administration of OSHA may contact the Regional Office of the U.S. Department of Labor, 61 Forsyth St. S.W., Suite 6TS0, Atlanta, GA 30303.

• **Additional Information or Questions**—Anyone having a question about any of the above information may write or call:

  **N.C. Department of Labor**
  Occupational Safety and Health Division
  1101 Mail Service Center
  Raleigh, NC 27699-1101
  **Phone:** 1-800-625-2267
  **Fax:** 919-707-7964
  **E-mail:** ask.osh@labor.nc.gov
  **www.labor.nc.gov**

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This notice must be posted conspicuously. This poster is available free of charge to all North Carolina workplaces.

Call 1-800-625-2267 or 919-707-7876 or order online.

1-800-NC-LABOR (1-800-625-2267)
www.labor.nc.gov

Follow NCDOL on

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N.C. WORKERS’ COMPENSATION NOTICE TO INJURED WORKERS AND EMPLOYERS

All employees of this business, except specifically excluded executive officers, suffering work-related injuries may be entitled to Workers’ Compensation benefits from the employer or its insurance carrier.

IF YOU HAVE A WORK-RELATED INJURY OR AN OCCUPATIONAL DISEASE

The Employee Should:

- Report the injury or occupational disease to the Employer immediately.
- Give written notice to the Employer within 30 days.
- File a claim with the Industrial Commission on a Form 18 immediately, but no later than 2 years from injury date or occupational disease. Give a copy to the Employer.
- If medical treatment and wage loss compensation are not promptly provided, call the insurance carrier/administrator or request a hearing before the Industrial Commission using a Form 33 Request for Hearing. Commission forms are available at website www.ic.nc.gov or by calling the Help Line.

Your employer’s workers’ compensation insurance carrier is______________________________.

The insurance policy number is______________________________.

Your employer’s workers’ compensation insurance policy is valid from_______________ until______________________.

For assistance: Call the Industrial Commission HELP LINE—(800) 688-8349.

The Employer Should:

- Provide all necessary medical services to the Employee.
- Report the injury to the carrier/administrator and file a Form 19 Report of Injury within 5 days with the Industrial Commission, if the Employee misses more than 1 day from work or if cumulative medical costs exceed $4,000.00.
- Give a copy of your completed Form 19 to the Employee along with a copy of a blank Form 18 Notice of Accident. Ensure that compensation is promptly paid as required under the Workers’ Compensation Act.
Certificate of Coverage
and Notice to Workers as to Benefit Rights

Employers covered by the Employment Security Law of North Carolina (Chapter 96 of the North Carolina General Statutes) contribute to a special fund set aside for the payment of unemployment insurance benefits. No money is withheld from workers’ checks for unemployment insurance purposes.

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 claims for employees through the use of automation 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 six consecutive weeks. You must notify the employer of any wages earned 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.

If you lose your job with this employer, you may contact the Department of Commerce, Division of Workforce Solutions (DWS) at www.nccommerce.com/workforce to assist you in securing suitable work. DWS provides a wide variety of services free of charge. If suitable work is not readily available you may file a claim for unemployment insurance benefits with the Division of Employment Security at des.nc.gov, or by phone at 877-841-9617.

By law, workers who become unemployed for other reasons or who refuse suitable work may be denied unemployment insurance benefits.

If you have any questions about unemployment insurance benefits or need more information, contact the Division of Employment Security at the address shown on the bottom of this poster.

During Labor Disputes [Section 96-14.7(b)]

An individual is disqualified for benefits if the Division determines the individual's total or partial unemployment is caused by a labor dispute at your place of employment or any location owned by the employer within the state of North Carolina. Once the labor dispute has ended, such workers shall continue to be ineligible for unemployment insurance benefits for the period of time that is reasonably necessary to resume operations in the workers’ place of employment.

Instructions for Employers

1. Post this notice on your premises in such a place that all employees may see it. Additional copies may be obtained online at des.nc.gov.
2. You must notify affected workers of a vacation period within a reasonable period of time before it begins.
3. Benefit claims for attached workers may be filed online at des.nc.gov.

For More Information, Contact:
North Carolina Department of Commerce
Division of Employment Security
P.O. Box 25903
Raleigh, N.C. 27611
Telephone: (919) 707-1237
des.nc.gov