

13 NCAC 12 .0403 REVIEW: ISSUANCE AND MAINTENANCE OF CERTIFICATES

(a) The county director of social services, approved designee or the Department of Labor shall review the youth employment certificate to see that it is complete and shall ascertain the age of the youth by the means prescribed in Rule .0402 of this Section and the permissibility of employment based on type of employment and prohibitions in G.S. 95-25.5 and the child labor provisions of the F.L.S.A.

(b) The county director of social services, approved designee or Department of Labor shall sign, date and issue the certificate. The employer's copy of the certificate shall be given to the youth. Certificates shall not be issued if:

- (1) The proposed employment does not comply with all statutory requirements and prohibitions, and all rules adopted under this Section; or
- (2) The proposed employment will be in violation of the F.L.S.A. and all rules promulgated thereunder.

(c) The county director of social services shall send one copy of each certificate to the Wage and Hour Bureau within one week of issuance, and shall maintain one copy of each certificate on file for two years following the date of issuance.

(d) The employer's copy of the youth employment certificate must be given to the employer by the youth on or before the first day of employment. The employer shall not employ a youth until the employer has received its copy of the issued certificate. The employer shall maintain the certificate on record where it is readily accessible to any person authorized to inspect or investigate youth employment. The employer shall maintain the certificate on record so long as the youth is employed thereunder and for two years after the employment terminates.

(e) The employer or youth may request a review of the denial of a certificate by written or oral request to the Wage and Hour Bureau. Appeals of the review decisions rendered must be made in writing within 15 days to the Wage and Hour Administrator who shall issue a written decision. Any person adversely affected by the Administrator's decision may appeal by filing a written petition for a contested case hearing with the Office of Administrative Hearings (OAH) under Chapter 150B, Article 3 of the North Carolina General Statutes.

*History Note: Authority G.S. 95-25.5; 95-25.14; 95-25.15;
Eff. November 1, 1980;
Amended Eff. January 1, 2007; April 1, 2001; February 1, 1982;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*