

13 NCAC 12 .0702 CIVIL PENALTY ASSESSMENT

(a) If the Commissioner finds that an employer has violated any of the provisions of G.S. 95-25.5, G.S. 95-25.15(b) or these Rules, the Commissioner may assess a civil penalty for each violation.

(b) The maximum amount of a civil penalty will be based on the nature and the gravity of the violation or violations. Matters which are indications of the gravity of a violation include, but are not limited to:

- (1) the likelihood of injury and the seriousness of the potential injuries to which a youth has been exposed;
- (2) multiple violations by a business or employer;
- (3) recurring violations;
- (4) employment of any youth in a hazardous or detrimental occupation without a waiver from the Commissioner;
- (5) violations involving youths under fourteen years of age.

(c) The Commissioner shall assess a penalty of:

- (1) two hundred fifty dollars (\$250.00) if a youth employment certificate would not have been issued because the employment was for a hazardous or detrimental occupation.
- (2) one hundred twenty-five dollars (\$125.00) if the certificate would not have been issued, but the employment was non-hazardous or non-detrimental.
- (3) fifty dollars (\$50.00) if a certificate would have been issued but the employer did not have or maintain the certificate.

(d) Reductions in the penalty amount may be made based on the size of a business (number of employees and gross volume) and its past record of compliance with the Wage and Hour Act.

*History Note: Authority G.S. 95-25.17; 95-25.19; 95-25.23; 95-25.23A;
Eff. November 1, 1980;
Amended Eff. April 1, 1999; February 1, 1982;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*