

13 NCAC 12 .0805 NOTIFICATION DURING EMPLOYMENT

(a) Employers shall satisfy the notice requirements of G.S. 95-25.13(2) by posting or making available to its employees in writing all policies and practices relating to promised wages in a manner, place and time which ensures that employees have ready access to those policies and practices throughout their tenure with the employer and are able to use that information.

(b) Acceptable means of ensuring that the policies and practices are readily accessible to the employees include, but are not limited to:

- (1) Providing employees with an up-to-date employee handbook or other written statement of policies and practices with regard to promised wages;
- (2) Providing employees with payroll records, including check stubs, for wages promised in the form of hourly pay or salary or other form whose terms are readily identifiable from the payroll records.

(c) The employer shall pay the promised wages to the employee even if the employer has failed to comply with the requirements of G.S. 95-25.13(2). For purposes of G.S. 95-25.13(2) and these Rules, "promised wages" includes wages promised in accordance with an unwritten policy or practice with regard to the wages. The only exception to this Rule is that an employer shall not enforce an unwritten policy or practice resulting in the loss or forfeiture of vacation time or pay, commissions, bonuses or other forms of calculation. The employer shall not deny to any employee any vacation time or pay, commissions, bonuses or other forms of calculation on the basis of the application of an unwritten forfeiture or loss policy or practice.

*History Note: Authority G.S. 95-25.6; 95-25.7; 95-25.13; 95-25.15; 95-25.19;
Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*