

# North Carolina and United States Departments of Labor

## *Wage and Hour Seminar* **Agenda**

**DATE:** April 19, 2006

**TIME:** 8:30 AM to 4:30 PM (Lunch Provided)

### **Welcome/Opening Remarks**

Go over Agenda and Schedule  
Objective and Overview

### **Do These Laws Apply to Me?**

Employer-Employee Relationship - Must have before either law applies  
Independent Contractors - Usually used illegally  
Bona Fide Volunteers - Neither law generally applies

### **Differences Between Federal/State Jurisdiction**

Interstate Commerce Coverage  
Enterprise Coverage  
Individual Coverage

### **Minimum Wage Requirements**

State and Federal generally the same - \$5.15 an hour for both  
Some differences - mainly involving Youth Minimum Wage  
Special Sub-Minimum Wages  
Tipped Employees - \$2.13 an hour plus tip credit to equal \$5.15 an hour

### **Overtime Pay Requirements**

Time and One-half Overtime Pay  
For all hours worked in excess of 40 in a Workweek  
Each Workweek stands on its Own regardless of Pay Periods  
Workweek defined as any period of 168 consecutive hours  
Based on Employee's Regular Rate of Pay

### **Minimum Wage/Overtime Pay Exemptions**

Exemptions for Minimum Wage and Overtime Pay Only  
Executive, Administrative and Professional Exemptions (New Rules)  
Outside Salespeople  
Some federal exemptions not adopted by the state  
Promised Wages and Wage Benefits still apply

## **What Constitutes Hours of Work?**

Suffer or Permit to Work  
Work away from the Establishment  
Travel Time  
Training and Meeting Time  
On-Call Time  
Rest Breaks and Meal Breaks not required for employees 16 and older

## **Record Keeping Protections**

Time Clocks and Time Cards not required by law  
No Laws on who may or may not sign Time Records  
Employer only required to Make, Keep and Preserve Accurate Records

## **Youth Employment/Child Labor Protections**

Minimum Age to be Employed  
Youth Employment Certificates (commonly called Work Permits)  
Hazardous/Detrimental/Prohibited Occupations

## **Promised Wages and Wage Benefits**

Payments of more than the Minimum Wage and Overtime Pay  
Wage Benefits such as Vacation Pay, Sick Leave and Holiday Pay  
Promise can be written policy, verbal promise or company practice  
Policies must be in writing and employees notified  
Forfeiture or Changes must be in Writing  
Applies to All Employers except for Governmental (Public) Employers

## **Legal Deductions from Wages**

Written Authorization Required  
Deductions for Employer's Benefit  
- Cannot bring Employee below Minimum Wage  
- Cannot be taken from Employee's Overtime Pay at all  
- Uniforms, Tools and Equipment are for the Employer's Benefit

## **Other Laws**

Family and Medical Leave Act (FMLA)  
Immigration Forms (I-9 Forms)  
Polygraph Tests  
Controlled Substance (Drug) Testing  
Retaliatory Discrimination Laws  
Medical Payment Law

## **General Review and Wrap-up**



## **Co-Sponsors:**

