



CHAPTER 95
ARTICLE 2A - WAGE AND HOUR ACT

N.C.G.S. § 95-25.22.

Recovery of unpaid wages.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT c. 298 — fifth act in the lineage	RETRIEVED 21 September 2026, 04:15 UTC	SOURCE FINGERPRINT 3733e33341ecdcbfbdbaab55 - 46b1fbf8760bd505cc59c920 - 451f47d726e9acf5
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§ 95-25.22(a) Any employer who violates the provisions of G.S. 95-25.3 (Minimum Wage), G.S. 95-25.4 (Overtime), or G.S. 95-25.6 through 95-25.12 (Wage Payment) shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, their unpaid overtime compensation, or their unpaid amounts due under G.S. 95-25.6 through 95-25.12, as the case may be, plus interest at the legal rate set forth in G.S. 24-1, from the date each amount first came due.

§ 95-25.22(a1) In addition to the amounts awarded pursuant to subsection (a) of this section, the court shall award liquidated damages in an amount equal to the amount found to be due as provided in subsection (a) of this section, provided that if the employer shows to the satisfaction of the court that the act or omission constituting the violation was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this Article, the court may, in its discretion, award no liquidated damages or may award any amount of liquidated damages not exceeding the amount found due as provided in subsection (a) of this section.

§ 95-25.22(b) Action to recover such liability may be maintained in the General Court of Justice by any one or more employees.

§ 95-25.22(c) Action to recover such liability may also be maintained in the General Court of Justice by the Commissioner at the request of the employees affected. Any sums thus recovered by the Commissioner on behalf of an employee shall be held in a special deposit account and shall be paid directly to the employee or employees affected.

- § 95-25.22(d)

The court, in any action brought under this Article may, in addition to any judgment awarded plaintiff, order costs and fees of the action and reasonable attorneys' fees to be paid by the defendant. In an action brought by the Commissioner in which a default judgment is entered, the clerk shall order attorneys' fees of three hundred dollars (\$300.00) to be paid by the defendant.

The court may order costs and fees of the action and reasonable attorneys' fees to be paid by the plaintiff if the court determines that the action was frivolous.
- § 95-25.22(e)

The Commissioner is authorized to determine and supervise the payment of the amounts due under this section, including interest at the legal rate set forth in G.S. 24-1, from the date each amount first came due, and the agreement to accept such amounts by the employee shall constitute a waiver of the employee's right to bring an action under subsection (b) of this section.
- § 95-25.22(f)

Actions under this section must be brought within two years pursuant to G.S. 1-53.
- § 95-25.22(g)

Prior to initiating any action under this section, the Commissioner shall exhaust all administrative remedies, including giving the employer the opportunity to be heard on the matters at issue and giving the employer notice of the pending action.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
5 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1959		1975				1991
	TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT			CHARACTER		
01	1959	c. 475			ENACTED		
02	1975	c. 413, s. 11			AMENDED		
03	1979	c. 839, s. 1			AMENDED		
04	1989	c. 687, s. 4			AMENDED		
05	1991	c. 298			AMENDED		

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 95-25.3 (Minimum Wage)	(a)	"employer who violates the provisions of"
G.S. 95-25.4 (Overtime)	(a)	"provisions of G.S. 95-25.3 (Minimum Wage),"
G.S. 95-25.6	(a)	"(Minimum Wage), G.S. 95-25.4 (Overtime), or"
G.S. 24-1	(a)	"the legal rate set forth in"
G.S. 1-53	(f)	"brought within two years pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 95-25.22 (1991).

PINPOINT

N.C. Gen. Stat. § 95-25.22(a) (1991).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1959, c. 475; 1975, c. 413, s. 11; 1979, c. 839, s. 1; 1989, c. 687, s. 4; 1991, c. 298.)

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