



CHAPTER 95

ARTICLE 2A - WAGE AND HOUR ACT

N.C.G.S. § 95-25.3.

Minimum wage.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2017-185, s. 3(b) — twenty-second act in the lineage	21 September 2026, 03:31 UTC	624e4aa85f2fa591dd57f8e4 - 75e2204cca099e67d54a3ecf - 2635ed35bdc21b4

§ 95-25.3(a) Every employer shall pay to each employee who in any workweek performs any work, wages of at least six dollars and fifteen cents (\$6.15) per hour or the minimum wage set forth in paragraph 1 of section 6(a) of the Fair Labor Standards Act, 29 U.S.C. 206(a)(1), as that wage may change from time to time, whichever is higher, except as otherwise provided in this section.

§ 95-25.3(b) In order to prevent curtailment of opportunities for employment, the wage rate for full-time students, learners, apprentices, and messengers, as defined under the Fair Labor Standards Act, shall be ninety percent (90%) of the rate in effect under subsection (a) above, rounded to the lowest nickel.

§ 95-25.3(c) The Commissioner, in order to prevent curtailment of opportunities for employment, may, by regulation, establish a wage rate less than the wage rate in effect under section (a) which may apply to persons whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, as such persons are defined under the Fair Labor Standards Act.

§ 95-25.3(d) The Commissioner, in order to prevent curtailment of opportunities for employment of the economically disadvantaged and the unemployed, may, by regulation, establish a wage rate not less than eighty-five percent (85%) of the otherwise applicable wage rate in effect under subsection (a) which shall apply to all persons (i) who have been unemployed for at least 15 weeks and who are economically disadvantaged, or (ii) who are, or whose families are, receiving Work First Family Assistance or who are receiving supplemental security benefits under Title XVI of the Social Security Act.

Pursuant to regulations issued by the Commissioner, certificates establishing eligibility for such subminimum wage shall be issued by the Division of Employment Security.

The regulation issued by the Commissioner shall not permit employment at the subminimum rate for a period in excess of 52 weeks.

§ 95-25.3(e)

The Commissioner, in order to prevent curtailment of opportunities for employment, and to not adversely affect the viability of seasonal establishments, may, by regulation, establish a wage rate not less than eighty-five percent (85%) of the otherwise applicable wage rate in effect under subsection (a) that shall apply to any employee employed by an establishment that is a seasonal food service establishment.

§ 95-25.3(f)

Tips earned by a tipped employee may be counted as wages only up to the amount permitted in section 3(m) of the Fair Labor Standards Act, 29 U.S.C. 203(m), if the tipped employee is notified in advance, is permitted to retain all tips and the employer maintains accurate and complete records of tips received by each employee as such tips are certified by the employee monthly or for each pay period. Even if the employee refuses to certify tips accurately, tips may still be counted as wages when the employer complies with the other requirements of this section and can demonstrate by monitoring tips that the employee regularly receives tips in the amount for which the credit is taken. Tip pooling shall also be permissible among employees who customarily and regularly receive tips; however, no employee's tips may be reduced by more than fifteen percent (15%) under a tip pooling arrangement.

§ 95-25.3(g)

Repealed by Session Laws 2006-259, s. 18, effective August 23, 2006.

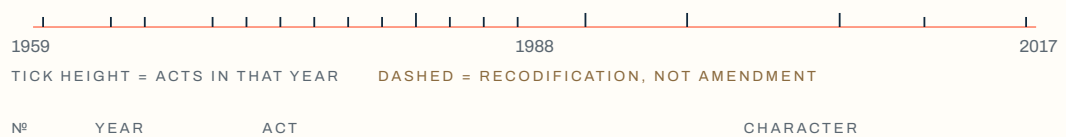
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
22 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.



01	1959	c. 475	ENACTED
02	1963	c. 816	AMENDED
03	1965	c. 229	AMENDED
04	1969	c. 34, s. 1	AMENDED
05	1971	c. 138	AMENDED
06	1973	c. 802	AMENDED
07	1975	c. 256, s. 1	AMENDED
08	1977	c. 519	AMENDED
09	1979	c. 839, s. 1	AMENDED
10	1981	c. 493, s. 1	AMENDED
11	1981	c. 663, s. 13	AMENDED
12	1983	c. 708, s. 1	AMENDED
13	1985	c. 97	AMENDED
14	1987	c. 79	AMENDED
15	1991	c. 270, ss. 1, 2	AMENDED
16	1991	c. 330, s. 5	AMENDED
17	1997	S.L. 1997-146, s. 1	AMENDED
18	1997	S.L. 1997-443, s. 12.25	AMENDED
19	2006	S.L. 2006-114, s. 1	AMENDED
20	2006	S.L. 2006-259, s. 18	AMENDED
21	2011	S.L. 2011-401, s. 3.6	AMENDED
22	2017	S.L. 2017-185, s. 3(b)	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 95-25.3 (2017).

PINPOINT

N.C. Gen. Stat. § 95-25.3(a) (2017).

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

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1959, c. 475; 1963, c. 816; 1965, c. 229; 1969, c. 34, s. 1; 1971, c. 138; 1973, c. 802; 1975, c. 256, s. 1; 1977, c. 519; 1979, c. 839, s. 1; 1981, c. 493, s. 1; c. 663, s. 13; 1983, c. 708, s. 1; 1985, c. 97; 1987, c. 79; 1991, c. 270, ss. 1, 2; c. 330, s. 5; 1997-146, s. 1; 1997-443, s. 12.25; 2006-114, s. 1; 2006-259, s. 18; 2011-401, s. 3.6; 2017-185, s. 3(b).)

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