

Information Regarding Minors Involved in Work-based Learning Programs

The law: [General Assembly of North Carolina Session 2019 Law 2019-166 Senate Bill 391](#)

North Carolina law includes the following text:

Youth, who are at least 16 years of age but less than 18 years of age, who participate in a supervised, practice experience in an occupation with an employer are exempt from the prohibition from occupations found and declared to be detrimental to the health and well-being of youth by the Commissioner of Labor pursuant to subsection (b) of this section, if the Commissioner of Labor finds all of the following conditions are met:

(1) The youth is enrolled in a public school or a nonpublic school...that is partnering with the employer to offer the supervised, practice experience for the occupation.

(2) The employer submits to the Commissioner of Labor the written agreement between the employer and the public or nonpublic school where the youth is enrolled that governs the operation of the supervised, practice experience for the occupation. The written agreement shall include at least the following:

a. The work is incidental to the youth's supervised, practice experience for the occupation.

b. The work is intermittent and for short periods of time.

c. The work is performed under direct and close supervision of a qualified and experienced person.

d. The employer shall give safety instructions and training to the youth before performing the work.

e. The employer has prepared a schedule of organized and progressive work processes to be performed by the youth.

Hazardous and Detrimental Occupations:

(Some of the text has been adapted from the [North Carolina Department of Labor website](#)):

The N.C. Commissioner of Labor has adopted regulations identifying nine detrimental occupations in which youths under 18 may not be employed. However, youths and employers working under the supervision of *bona fide* apprenticeship or student-learner programs, as defined by the Fair Labor Standards Act, are exempt from the prohibition against employment of youths in detrimental occupations. Even so, special work guidelines still apply to these exemptions. The North Carolina Department of Labor (NCDOL) has confirmed that pre-apprentices or apprentices who are 16 or 17 must still complete the waiver (that is attached later in this pdf). The nine detrimental occupations are listed below.

1. Welding, brazing and torch cutting

2. Any processes where quartz or any other form of silicon dioxide or asbestos silicate is present in powdered form.

3. Any work involving exposure to lead or any of its compounds in any form.

4. At any work involving exposure to benzene or any benzene compound that is volatile or can penetrate the skin.

5. Occupations in canneries, seafood and poultry processing that involve cutting or slicing machines, or freezing or packaging activities.

6. Any work which involves the risk of falling a distance of 10 feet or more, including ladders and scaffolds.

7. Any work as an electrician or electrician's helper.

8. Any work in confined spaces.

9. Occupations requiring the use of respirators.

Additionally, federal law has seventeen hazardous occupations in which no youth under the age of 18 may be employed. These limitations apply to all youths under the age of 18, even those employed by their parent or legal guardian. However, for some of those occupations, limited apprenticeship or student-learner program exemptions may apply (see [website](#) for the list). The federal government does not require the waiver for apprentices in those cases.

The Supervised Practice Youth Work-Based Experience waiver for the Nine Detrimental Occupations in North Carolina (The text here has been adapted from what Shannon Council wrote):

The actual waiver is included later in this PDF. Here are some details to note about the waiver.

- The employer shall submit the signed Supervised Practice Youth Work-Based Learning Experience Agreement with signatures from the youth, employer, parent, principal to the Wage and Hour Bureau at the NCDOL at least 60 days prior to the youth's proposed start date.
 - Specifically, one can submit the waiver to the Wage and Hour Bureau at 1101 Mail Service Center, Raleigh, NC 27699-1101 or scan and email it to dol.youthintern@labor.nc.gov or shannon.council@labor.nc.gov .
- Once the Supervised Practice Youth Work-Based Learning Experience Agreement is approved by NCDOL's Legal Division, Shannon Council from NCDOL (shannon.council@labor.nc.gov) will issue the youth employment certificate.
- The youth employment certificate must be signed by the youth, the parent and the employer prior to the first day of work.

NCDOL – Wage and Hour Bureau

Supervised Practice Youth Work-Based Experience

NOTICE:

- The employer shall submit this signed Supervised Practice Youth Work-Based Learning Experience Agreement (Agreement) to the Wage and Hour Bureau of the N.C. Department of Labor (NCDOL) at least 60 days prior to the youth's proposed start date.
- This Agreement shall not become effective until the employer receives written approval from NCDOL.
- A specific NCDOL Youth Employment Certificate, for youth working in a detrimental occupation, will be issued by NCDOL.
- A NCDOL Youth Employment Certificate is only valid for a period of one (1) year from the date of issuance, until the youth reaches 18 or until the youth graduates, whichever is sooner.
- The Youth Employment Certificate must be signed by the youth, the parent, and employer prior to the first day of work.
- This signed Agreement shall either be mailed to the NCDOL Wage and Hour Bureau at 1101 Mail Service Center, Raleigh, NC 27699-1101 or scanned and emailed to dol.youthintern@labor.nc.gov.
- NCDOL must have both the completed Youth Employment Certificate and this Agreement prior to the first day of work.
- Youth are required to be enrolled in either a public school or a nonpublic school that meets the requirements of Part 1 or Part 2 of Article 39 of Chapter 115C of the N.C. General Statutes to participate in this program. A public-school unit is defined as a local school, a charter school, or a regional school. (See N.C. Gen. Stat. § 115C-5) A nonpublic school is defined as a private church school or a school of religious charter, or a qualified nonpublic school. (See Article 39 of Chap. 115C of the N.C. Gen. Statutes.)
- Home schooled students shall not participate in this program. See N.C. Gen. Stat. § 95.25.5(k1)(1).
- This program is not applicable to full-time employment of the youth; the work performed shall be intermittent and for short periods of time. See N.C. Gen. Stat. § 95.25.5(k1)(2)b.
- All work performed by youth enrolled in this program shall be performed under direct and close supervision of a qualified and experienced person who is an employee of the employer participating in this program.
- The employer is hereby notified that the supervised practice for youth excludes the seventeen (17) hazardous occupations designated by the federal Fair Labor Standards Act. The supervised practice includes the nine (9) detrimental occupations designated by the N.C. Commissioner of Labor from which this program is exempt. See <https://www.labor.nc.gov/workplace-rights/youth-employment-rules/hazardous-and-detrimental-occupations-youths>
- All parties participating in this program shall abide by the work hour limitations applicable to 16 and 17-year old youths.
- The Supervised Practice Youth Work-Based Experience is not affiliated with the Apprenticeship NC Program established through the NC Community Colleges.
- The purpose of participating in this work-based program is to educate youth as student learners.
- The participating youth must be at least 16 years of age, but less than 18 years of age.
- Please call 800-625-2267 for assistance.

INSTRUCTIONS:

The employer shall submit this signed Agreement to the Wage and Hour Bureau of the N.C. Department of Labor (NCDOL) at least 60 days prior to the proposed start date. **This Agreement shall not become effective until the employer receives written approval from NCDOL. A Youth Employment Certificate will be issued directly by the NCDOL. The Youth Employment Certificate must be signed by the youth, the parent, and the employer prior to the first day of work.** This signed Agreement shall either be mailed to the NCDOL Wage and Hour Bureau at 1101 Mail Service Center, Raleigh, NC 27699-1101 or scanned and emailed to dol.youthintern@labor.nc.gov. NCDOL must have both the completed Youth Employment Certificate and this Agreement prior to the youth's first day of work. For assistance, call 800-625-2267.

DISCLAIMER:

The NCDOL is not a party to this Supervised Practice Youth Work-Based Experience Agreement. This Agreement is between the named student, the student's school, and the named employer. The NCDOL is not responsible for ensuring that the employer complies with the requirements of this Agreement. Under no circumstances is the NCDOL responsible for any loss or injury of any kind incurred by either the participating student, the student's school, or the participating employer. The NCDOL is responsible for reviewing this Agreement to confirm it is completed and signed by all parties and is responsible for confirming that the parties to this Agreement have applied for and been issued a valid Youth Employment Certificate prior to the youth beginning any work-based learning for the named employer.

NCDOL – Wage and Hour Bureau

Supervised Practice Youth Work-Based Experience Agreement

This Agreement is between the youth, the public or non-public school, and the employer as noted below. The parties agree to enter into a supervised practice experience authorized by N.C. General Statute § 95-25.5(k1) for the purpose of educating the below-named youth who is at least 16 years of age but less than 18 years of age as a student learner working with the below-named employer in the noted detrimental occupation.

Student Information

Full Name of Student
Name of School (public or non-public school (as defined in Chapter 115C of the N. C. General Statutes))

Employer Information

Employer Name	
Business Name	
Full Business Address (street address, city, state, zip)	
Date practice experience will begin	Date practice experience will end
The agreement shall automatically terminate one (1) year from the date of issuance, the youth reaches 18 or when the youth graduates, whichever is sooner.	
Supervised Practice Area/Occupation (i.e., Welding, Brazing)	Starting Wage (per hour) for Youth (Starting wage must be minimum wage or higher)
Detailed Description of Supervised Practice Experience to be Performed	

DISCLAIMER:

The North Carolina Department of Labor (NCDOL) is not a party to this Supervised Practice Youth Work-Based Experience Agreement (Agreement). This Agreement is between the named student, the student’s school, and the named employer. The NCDOL is not responsible for ensuring that the employer complies with the requirements of this Agreement. Under no circumstances is the NCDOL responsible for any loss or injury of any kind incurred by either the participating student, the student’s school, or the participating employer. The NCDOL is responsible for reviewing this Agreement to confirm it is completed and signed by all parties and is responsible for confirming that the parties to this Agreement have applied for and been issued a valid Youth Employment Certificate prior to the youth beginning any work-based learning for the named employer.

The below signatures are required for this Agreement. Once submitted and approved, a Youth Employment Certificate will be issued by the NCDOL. The Youth Employment Certificate must be signed by the youth, the parent, and the employer prior to the first day of work.

Youth

Printed (Typed) Name	Signature	Date Signed
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Parent or Guardian

Printed (Typed) Name	Signature	Date Signed
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Principal

Printed (Typed) Name	Signature	Date Signed
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Title	Email Address	Telephone Number
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Employer

Printed (Typed) Name	Signature	Date Signed
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Title	Email Address	Telephone Number
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N.C.G.S. § 95-25.5(b) prohibits youth under 18 years of age from being employed in any occupation that the United States Department of Labor finds to be hazardous and without exemption under the federal Fair Labor Standards Act. It also requires that youth under 18 years of age are prohibited from being employed in any occupation that the N.C. Commissioner of Labor has declared to be detrimental to the health and well-being of such youth; the Commissioner has adopted regulations identifying nine detrimental occupations in which youth under 18 may not be employed. N.C.G.S. § 95-25.5(k1) allows a supervised practice experience for youth employed in these detrimental occupations.

This Supervised Practice Youth Work-Based Learning Experience Agreement shall only apply to work experiences for youth who are at least 16 years of age but less than 18 years of age who will be participating in a supervised practice experience for the specific occupations listed below that have been identified by the N. C. Commissioner of Labor as detrimental under 13 NCAC 12 .0406:

1. Welding, brazing, and torch cutting as defined in Subpart Q of 29 CFR 1910 or Subpart J of 29 CFR 1926.
2. Any processes where quartz or any other form of silicon dioxide or asbestos silicate is present in powdered form.
3. Any work involving exposure to lead or any of its compounds in any form.
4. At any work involving exposure to benzene or any benzene compound that is volatile or can penetrate the skin.
5. Occupations in canneries, seafood and poultry processing that involve cutting machines, slicing machines, freezing, or packaging activities.
6. Any work which involves the risk of falling a distance of 10 feet or more, including the use of ladders and scaffolds.
7. Any work as an electrician or an electrician’s helper.
8. Any work in confined spaces as defined in 29 CFR 1910.146 or Subpart AA of 29 CFR 1926.
9. Occupations requiring the use of respirators as required by 29 CFR 1910.134 or 29 CFR 1926.

 NCDOL Wage and Hour Administrator

 NCDOL General Counsel

Youth Employment Certificate Number _____