

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 426

Short Title: Employment Terms in Writing.

(Public)

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Sponsors: Representatives Hensley; Bowman and Luebke.

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Referred to: Judiciary III.

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April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT EMPLOYEES BE NOTIFIED IN WRITING OF THE  
WAGES AND OTHER TERMS OF EMPLOYMENT TO BE RECEIVED FROM  
THE EMPLOYER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-25.13 reads as rewritten:

**"§ 95-25.13. Notification, posting, and records.**

Every employer shall do all of the following:

- (1) Notify his employees, orally or in writing at the time of hiring, of the rate of pay, policies on vacation time and pay, sick leave and comparable matters, and the day, and place for payment of wages; At the time of hiring, present to each employee a written statement, to be dated and signed by the employer and the employee, setting forth the terms of employment. The statement shall include the anticipated hours of work, the wages agreed upon, the time and place for payment of wages, and policies regarding sick pay, vacation pay, holiday pay, commissions, bonuses, and other amounts promised. The Commissioner shall adopt rules containing a model form for stating the terms of employment. A written statement of the terms of employment that has been dated and signed by an employee and employer shall be prima facie evidence of the terms of employment contained in the statement. If an employer cannot produce a copy of a written statement of the terms of employment dated and signed by the employee and employer, then, in any action in which the terms of

1           employment are in issue, the testimony of the employee as to his  
2           understanding of the employer's promise shall establish a **prima facie**  
3           case as to the terms of employment, and the burden of proof shall shift  
4           to the employer on this issue.

5           ~~(2) Make available to his employees, in writing or through a~~  
6           ~~posted notice maintained in a place accessible to his employees,~~  
7           ~~employment practices and policies with regard to vacation pay, sick~~  
8           ~~leave, and comparable matters; Maintain a written record of the~~  
9           ~~terms of employment specified in subdivision (1) of this section and,~~  
10          ~~at the request of an employee to see his record, make this record~~  
11          ~~available to the requesting employee at a reasonable time and place~~  
12          ~~and within one working day after the request is made.~~

13          (3) ~~Notify his employees, in writing or through a posted notice~~  
14          ~~maintained in a place accessible to his employees, of any changes in~~  
15          ~~the arrangements specified in (2) above prior to the time of such~~  
16          ~~changes except that wages and benefits may be retroactively increased~~  
17          ~~without the prior notice required by this subsection; and Present to~~  
18          ~~each employee a written statement, to be dated and signed by the~~  
19          ~~employer and employee, of changes in the terms of employment~~  
20          ~~specified in subdivision (1) of this section. No change in employment~~  
21          ~~terms shall take effect until seven days after the employee and~~  
22          ~~employer have signed such a statement, provided that nothing in this~~  
23          ~~section shall prevent an employer from increasing wages or otherwise~~  
24          ~~changing the terms of employment to the benefit of employees~~  
25          ~~retroactively, or taking immediate disciplinary action. The absence or~~  
26          ~~existence of a dated and signed statement of change shall have the~~  
27          ~~same evidentiary consequences as the absence or existence of a dated~~  
28          ~~and signed statement of the terms of employment specified in~~  
29          ~~subdivision (1) of this section.~~

30          (4) Furnish each employee with an itemized statement of deductions made  
31          from his wages under G.S. 95-25.8 for each pay period such  
32          deductions are made."

33          Sec. 2. This act becomes effective April 1, 1992. The Commissioner of  
34          Labor may begin official rule making pursuant to this act immediately upon ratification  
35          thereof, with such rules as the Commissioner may adopt to become effective no earlier  
36          than April 1, 1992.