

# North Carolina Labor Laws

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North Carolina Labor Laws include the North Carolina Wage and Hour Act (WHA). This law exhibits the employer responsive foundation of the state's [employment law](#) legislation. North Carolina WHA does not require mandatory meal breaks or rest breaks for employees 16 years of age or older, but does require meal breaks and rest breaks of at least a 30-minute break after five hours for those workers under the age of 16 years old. The North Carolina rule to youth employment of persons under 16 years old, applies to businesses reporting gross receipts of under \$500,000; and to [nonprofit organizations](#). North Carolina employment rules coincide to sections CFR 785.18 and 785.19 of the federal [Fair Labor Standards Act](#) (FLSA) not requiring employers give employees mandatory meal breaks or rest breaks, regardless of an employee's age. Breaks of less than 30 minutes must be paid by the employer. North Carolina employers may not discriminate against an employee for lawful use of lawful products during non-working hours.

## Payday Requirements: How Often?

North Carolina labor laws provide that employers can elect to pay employees on a: (1) monthly basis; (2) biweekly basis; (3) week basis; or (4) more frequently.

## Method of Payment

In North Carolina, wages may be paid in cash, check, direct deposit or by "payroll debit card" to an employee. A stored value debit card gives an employee immediate access to withdrawal or transfer of wages via an automatic teller machine network. There are two stipulations: 1) The employee can withdraw all monies due on payday, or 2) can have a single-use of the card by the employee on payday is at no cost to the employee.

## Minimum Wage

North Carolina's current minimum wage is **\$7.25**.

For more information on North Carolina's minimum wage laws, visit our **North Carolina Minimum Wage Laws** page, which includes topics such as minimum wage, tip minimum wage, tip sharing and pooling, and subminimum wages.

Related topic covered on other pages include:

- Compensable time (hours worked)
- Minimum wage and overtime exemptions

## Overtime

North Carolina labor laws require an employer to pay overtime to employees, unless otherwise exempt, at the rate of 1½ times the employee's regular rate of pay for all hours worked in excess of 40 hours in a workweek. NC Dept. of Workforce Solutions FAQs. See FLSA: Overtime for more information regarding overtime requirements.

## Meals and Breaks

North Carolina labor laws require employers to provide employees fourteen (14) or fifteen (15) years of age with a thirty (30) minute break when scheduled to work over five (5) hours. NCGS 95-25.5(e).

North Carolina employers are not required to provide either a rest break (generally ten (10) or fifteen (15) minutes) or a meal break (usually thirty (30) minutes or more) for anyone who is sixteen (16) years of age or older. However, in accordance with federal law, if an employer chooses to provide additional breaks, they must be paid. Meal or lunch periods do not need to be paid, so long as the employee is free to do as they wish during the meal or lunch period. NC Dept. of Labor Facts.

## Vacation Leave

Employers in North Carolina, are not mandated to offer employees paid or unpaid vacation benefits. If an employer elects to offer paid or unpaid vacation it is solely at their discretion. If an employer chooses to provide such benefits, they must be described in the terms of [employment contract](#) with the employee. Where an employer has established a [vacation policy](#), it must address:

How vacation is earned and amount paid is what the employee is entitled to:

- If carry over of vacation time is transferred one year to another, and if so, what amount
- If vacation time must be taken
- If [vacation pay](#) may be paid in lieu of time off
- Under what conditions vacation pay may be forfeited on termination of employment for any reason

[Contract terms to employment](#) must abide by established policy, and can be written or silent (i.e., unwritten) in formation of agreement. An employer may establish a policy or enter into a legal contract denying employees compensation for accrued vacation leave at time of [severance](#) of employment, if the employer has properly notified employees in writing. An employer may also establish a policy or enter into a legal contract disqualifying employees from accrued vacation benefits in case of separation, and where an employer fails to comply with specific conditions of a two-week notice can do so if properly notifying the employee in writing.

An employer is required to pay accrued vacation to an employee where an employment contract does not expressly deny obligation. A cap on vacation leave time, or time limit on use of that leave accrued over time, is lawful. North Carolina employment law does not require employers to give employees with benefits such as sick leave. Employers may be required to offer unpaid sick leave time to employees in accordance with U.S. federal [Family and Medical Leave Act](#)(FMLA) rules or other federal legislation.

## Holiday Leave

North Carolina law does not mandate private employers to give employees paid or unpaid holiday leave. Employers in the state can require an employee(s) to work holidays. Private employers in North Carolina are not obliged to compensate employees with premium pay rates for holiday overtime. Where an employer elects to give either paid or unpaid holiday leave, the employer must adhere to established terms and conditions to employment contract. North Carolina recognizes the following [legal holidays](#): Confederate Memorial Day, Greek Independence Day, and other holidays that identified with North Carolina's socio-cultural history.

## Jury Duty Leave

In North Carolina, an employer is not required to pay an employee for jury time. Employers cannot discharge or demote an employee for serving time as a juror performing official jury duty.

## Voting Leave

North Carolina does not provide for voting leave enforcing employer paid or unpaid compensation.

## Bereavement Leave

North Carolina employment law does not oblige employers to protect employee rights to [bereavement leave](#). Paid or unpaid bereavement leave for attending obligations surrounding the death of family is not considered the duty of an employer. An employer may elect to give bereavement leave time to an employee, and therefore, must comply with bereavement policy outlined in an employment contract.

## Severance Pay

North Carolina labor laws do not require employers to provide [severance pay](#) benefits to employees. Where an employer elects to provide an employee severance benefits, the employer must comply with the terms and conditions of an established policy or employment contract.

## North Carolina Whistleblower Laws

Whistleblower actions are not protected in North Carolina State. Reporting negligence on behalf of oneself or another employee through internal or external complaint may result in termination. Recently legislated rules protecting employees that report fraud or illegal conduct in the workplace deviate from the tradition of whistleblower prohibitions in the state. North Carolina whistleblower laws apply to employees of both public and private employers, and specifically, focus on protections for those whistleblowers alleging a company has defrauded the government.

Unlike most states, which provide universal rights to protection against retaliation where employees undertaking whistleblower actions are concerned, North Carolina does not consider termination or [demotion](#) a violation. Those reporting dangerous, unethical, or otherwise unconscionable acts by an employer are not protected. Federal whistleblower legislation was designed to protect employees who otherwise might not step forward with important information.

While North Carolina has incorporated some of this legislation, whistleblower laws are considerably limited compared to other states. An employee who believes their company has defrauded the government is, however, protected by North Carolina and federal law; prohibiting an employer from retaliating against the employee for filing a lawsuit under the False Claims Act.

## An Overview of [Right to Work Laws](#)

[‘Right-to-work’ laws](#) are legislative statutes prohibiting the enforcement of labor union membership (or non-membership) and payment of dues as conditions for hire, promotion, or retention. In North Carolina, ‘Right-to-Work’ laws prohibit the requirement that non-union members be responsible for obligatory payment of union dues. This includes monthly fees to cover the costs of representation. Non-union employees employed at unionized worksites are entitled to union representation under law. Agent fees may apply to representation, and are not considered to be union membership dues.

North Carolina protects employee rights to ‘Right-to-Work’ protections, and does not condone forced [collective bargaining](#) agreements. North Carolina’s legislative rules to ‘Right-to-Work’ coincide with federal labor laws prohibiting “forced union membership” in adherence with Equal Employment Opportunity Commission (EEOC) and Department of Labor (DOL) guidelines.

## North Carolina Right to Work Law at a Glance

North Carolina is a ‘Right-to-Work’ state with laws prohibiting the requirement that non-union workers pay union dues. All employees may benefit from union representation, and fees associated with representation with employment complaint may not be dues where denied by a worker.

## North Carolina Civil Rights Laws

Incorporation of the Civil Rights Act of 1964 in North Carolina guarantees the rights of individuals to be treated equal as circumscribed under federal law; this includes freedom from discrimination in employment. The state also provides extended protections in the area of civil rights prohibiting discrimination of individuals on the basis of military status; AIDS/HIV status; sickle cell or hemoglobin C trait status; or lawful use of a lawful product when not at work.

If you have inquiries about North Carolina labor laws, [post your legal need](#) on the UpCounsel marketplace. UpCounsel lawyers represent the top 5 percent attorneys in the United States, graduating from top law schools such as Harvard Law School and Yale Law School. UpCounsel attorneys have an average 14 years of legal experience, and have represented corporate clients like Google and Stripe.

## MINIMUM WAGE

**NORTH CAROLINA** -- current minimum wage is **\$7.25**.

**FEDERAL** -- current minimum wage is **\$7.25**.