

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1A - GENERAL PROVISIONS AND ORGANIZATION

SECTION .0100 - GENERAL PROVISIONS

13 NCAC 01A .0101	NAME: ADDRESS: HOURS
13 NCAC 01A .0102	PURPOSE
13 NCAC 01A .0103	COMMISSIONER
13 NCAC 01A .0104	DEPUTY COMMISSIONER: ASSISTANT TO THE COMMISSIONER

History Note: Authority G.S. 95-1; 95-2; 95-4; 95-11; 143A-67; 143A-68;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. April 1, 2001.

SECTION .0200 – ORGANIZATION

13 NCAC 01A .0201 DIVISIONS

History Note: Authority G.S. 74-24.19; 94-4; 95-4; 95-11; 95-12; 95-35; 95-36.3; 95-47.9; 95-69.12; 95-133;
143A-69;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. April 1, 2001.

13 NCAC 01A .0202	CONTROLLER'S OFFICE
13 NCAC 01A .0203	COMMUNICATIONS OFFICE
13 NCAC 01A .0204	PERSONNEL OFFICE

History Note: Authority G.S. 95-4;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

SUBCHAPTER 01B - RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES

SECTION .0100 - RULE-MAKING

13 NCAC 01B .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING

(a) Any person may petition the Commissioner of Labor to adopt a new permanent rule, or amend or repeal an existing permanent rule by submitting a rule-making petition to the Rulemaking Coordinator, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, NC 27699-1101.

(b) The petition shall be titled "Petition for Rule-making" and shall include the following information:

- (1) the name and address of the person submitting the petition;
- (2) a citation to any rule for which an amendment or repeal is requested;
- (3) the text of any proposed rule or amended rule; and
- (4) a statement of the effect of the requested rule change on the Department of Labor to include the effect on those over whom the agency has jurisdiction.

(c) The petition may include the following to provide clarifying information to the Commissioner of Labor:

- (1) documents or data supporting the petition;
- (2) a statement of the reasons for adoption of the proposed rule(s), amendment, or repeal of an existing rule(s), to include why the proposed rule(s) or amendment is requested;
- (3) a statement explaining the costs and computation of the cost factors, if known;

- (4) a description, including named entities, if known, of those most likely to be affected by the proposed rule(s);
 - (5) the statutory authority for the agency to promulgate the rule(s); and
 - (6) any other information the person submitting the petition considers relevant.
- (d) The Commissioner of Labor shall grant or deny a petition for rule-making within 30 days of the date the rule-making petition is received by the agency. In making the decision, the Commissioner of Labor shall consider the information submitted with the petition and any other relevant information.
- (e) In the review of the proposed permanent rule, the Commissioner of Labor shall consider whether the Department has authority to adopt the rule; the effect of the proposed rule on existing rules, programs, and practices; probable costs and cost factors of the proposed rule; and the impact of the rule on the public and regulated entities.
- (f) When the Commissioner of Labor denies a petition for rule-making, a written notice of the denial shall be sent to the person who submitted the request. The notice shall state the reason for the denial.
- (g) When the Commissioner of Labor grants a rule-making petition, the Rulemaking Coordinator shall initiate permanent rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

History Note: Authority G.S. 95-4(2); 150B-20;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. April 1, 2001; July 1, 1988; December 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;
Amended Eff. May 1, 2022; January 1, 2020.

13 NCAC 01B .0102 MAILING LIST

(a) Any person or agency desiring to be placed on the mailing list for the Department's rule-making notices issued pursuant to G.S. 150B-21.2(d) may file a request in writing to the Commissioner of the Department at 1101 Mail Service Center Raleigh, NC 27699-1101.

(b) The request shall:

- (1) include the person's name and address;
- (2) specify the subject areas within the authority of the Department for which notice is requested; and
- (3) state the calendar year(s) for which the notice is desired.

History Note: Authority G.S. 95-4(2); 150B-21.2;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;
Amended Eff. May 1, 2022.

13 NCAC 01B .0103 DISPOSITION OF PETITIONS

History Note: Authority G.S. 95-4(2); 150B-16;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;
Repealed Eff. May 1, 2022.

SECTION .0200 - NOTICE OF RULE-MAKING HEARINGS

13 NCAC 01B .0201 TIMING OF NOTICE

History Note: Authority G.S. 95-4(2); 150B-12(2);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

13 NCAC 01B .0202 NOTICE MAILING LIST
13 NCAC 01B .0203 ADDITIONAL INFORMATION

History Note: Authority G.S. 95-4; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988; December 1, 1985;
Repealed Eff. April 1, 2001.

SECTION .0300 - RULE-MAKING HEARINGS

13 NCAC 01B .0301 REQUEST TO PARTICIPATE
13 NCAC 01B .0302 CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS
13 NCAC 01B .0303 RECEIPT OF REQUEST: SPECIFIC TIME LIMITS
13 NCAC 01B .0304 WRITTEN SUBMISSIONS
13 NCAC 01B .0305 PRESIDING OFFICER: POWERS AND DUTIES
13 NCAC 01B .0306 STATEMENT OF REASONS FOR DECISION
13 NCAC 01B .0307 RECORD OF PROCEEDINGS

History Note: Authority G.S. 95-4; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988; December 1, 1985;
Repealed Eff. April 1, 2001.

13 NCAC 01B .0308 EMERGENCY RULES

History Note: Authority G.S. 95-4; 74A-1; 150B-13;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

SECTION .0400 - DECLARATORY RULINGS

13 NCAC 01B .0401 SUBJECTS OF DECLARATORY RULINGS
13 NCAC 01B .0402 SUBMISSION OF REQUEST FOR RULING
13 NCAC 01B .0403 DISPOSITION OF REQUESTS
13 NCAC 01B .0404 RECORD OF DECISION
13 NCAC 01B .0405 DEFINITION

History Note: Authority G.S. 95-4; 150B-17;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988; December 1, 1985;
Repealed Eff. April 1, 2001.

SECTION .0500 - ADMINISTRATIVE HEARING PROCEDURES

13 NCAC 01B .0501 RIGHT TO HEARING
13 NCAC 01B .0502 PETITION FOR HEARING

History Note: Authority G.S. 95-4; 150B-23;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;

*Amended Eff. July 1, 1988; December 1, 1985;
Repealed Eff. April 1, 2001.*

- 13 NCAC 01B .0503 GRANTING OR DENYING HEARING REQUESTS**
- 13 NCAC 01B .0504 NOTICE OF HEARING**
- 13 NCAC 01B .0505 WHO SHALL HEAR CONTESTED CASES**
- 13 NCAC 01B .0506 PETITION FOR INTERVENTION**
- 13 NCAC 01B .0507 TYPES OF INTERVENTION**
- 13 NCAC 01B .0508 DISQUALIFICATION OF HEARING OFFICERS**

*History Note: Authority G.S. 95-4; 150B;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. December 1, 1985;
Repealed Eff. July 1, 1988.*

SECTION .0600 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS AND PROCEDURES

- 13 NCAC 01B .0601 FAILURE TO APPEAR**

*History Note: Authority G.S. 95-4; 150B-25(a);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.*

- 13 NCAC 01B .0602 SIMPLIFICATION OF ISSUES**

*History Note: Authority G.S. 95-4; 150B-33;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. April 1, 2001.*

- 13 NCAC 01B .0603 SUBPOENAS**
- 13 NCAC 01B .0604 DEPOSITIONS**

*History Note: Authority G.S. 95-4(2); 150B-27; 150B-28(a);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. December 1, 1985;
Repealed Eff. July 1, 1988.*

- 13 NCAC 01B .0605 REQUEST FOR DEPARTMENT RECORDS**
- 13 NCAC 01B .0606 ASSISTANCE OF COUNSEL**
- 13 NCAC 01B .0607 FINAL DECISIONS IN ADMINISTRATIVE HEARINGS**
- 13 NCAC 01B .0608 APPLICABILITY**

*History Note: Authority G.S. 95-4; 95-4(2); 150B-2(2); 150B-23(a); 150B-28(b); 150B-36;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. April 1, 2001.*

SUBCHAPTER 1C - PERSONNEL RULES

SECTION .0100 - AFFIRMATIVE ACTION POLICY

- 13 NCAC 01C .0101 GENERAL PROVISIONS**
- 13 NCAC 01C .0102 ASSIGNMENT OF RESPONSIBILITY**
- 13 NCAC 01C .0103 JOB STRUCTURING**

History Note: Authority G.S. 95-4(2);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. July 1, 1988;
 Repealed Eff. April 1, 2001.

- 13 NCAC 01C .0104 TRAINING AND EDUCATION**
- 13 NCAC 01C .0105 PROGRAM EVALUATION**

History Note: Authority G.S. 95-4(2);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Repealed Eff. July 1, 1988.

- 13 NCAC 01C .0106 DISCRIMINATION COMPLAINTS**

History Note: Authority G.S. 95-4(2);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Repealed Eff. April 1, 2001.

SECTION .0200 - EMPLOYMENT POLICY

- 13 NCAC 01C .0201 GENERAL PROVISIONS**
- 13 NCAC 01C .0202 APPLICATION PROCEDURE**
- 13 NCAC 01C .0203 JOB VACANCY ANNOUNCEMENTS**
- 13 NCAC 01C .0204 INTERVIEW PROCEDURES**
- 13 NCAC 01C .0205 HIRING PROCEDURES**

History Note: Authority G.S. 95-4(2);
 Eff. February 1, 1976;
 Amended Eff. October 7, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. July 1, 1988;
 Repealed Eff. April 1, 2001.

- 13 NCAC 01C .0206 ORIENTATION PROCEDURES**

History Note: Authority G.S. 95-4(2);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Repealed Eff. July 1, 1988.

SECTION .0300 - PARKING POLICY

