

### **13 NCAC 12 .0902            DEFINITIONS**

In addition to the definitions contained in G.S. 64-25, the following definitions apply throughout this Section:

- (1) "Anonymous" means having an unknown or unacknowledged name or origin;
- (2) "Date of hire" means the first day that an individual meets the definition of being an "employee" of an "employer" as set forth in G.S. 64-25. When calculating an employee's "date of hire", the days between the employer's offer and the employee's first day of work performance are not counted.
- (3) "Determines that the complaint is not false and frivolous," as stated in G.S. 64-30, means the Commissioner or her designee determines there is evidence, beyond mere suspicion or allegation and not based solely on race, religion, gender, ethnicity, or national origin, that the employer has in fact violated G.S. 64-26;
- (4) "Employs 25 or more employees" in G.S. 64-25(4), means the employer employs 25 or more employees in this State as of the date of hire of the person for whom it has been alleged that E-Verify was not used for verification of work authorization. When calculating the number of employees, seasonal temporary workers shall not be counted if those workers meet the requirements for exemption as set forth in G.S. 64-26(c);
- (5) "Good faith belief" means having some basis in fact or credible information to believe that the employer has violated the provisions of G.S. 64-26.

*History Note:*     *Authority G.S. 64-37;*  
                          *Eff. October 1, 2012;*  
                          *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*  
                          *2016.*