13 NCAC 07A .0709 MODIFICATION: REVOCATION: AND RENEWAL OF RULES OR ORDERS

(a) Modification or Revocation

(1) An affected employer or an affected employee may apply in writing to the Commissioner for a modification or revocation of a rule or order issued under section 95-132(a) or 95-132(b) of the Act. The application shall contain:

(A) the name and address of the applicant;

(B) a description of the relief which is sought;

(C) a statement setting forth with particularity the grounds for relief;

(D) if the applicant is an employer, a certification that the applicant has informed his affected employees of the application by:

(i) giving a copy thereof to their authorized representative;

(ii) posting at the place or places where notices to employees are normally posted, a statement giving a summary of the application and specifying where a copy of the full application may be examined (or, in lieu of the summary, posting the application itself); and

(iii) other appropriate means such as by first class mail, company newsletter or enclosed in employee pay envelopes.

(E) if the applicant is an affected employee, a certification that a copy of the application has been furnished to the employer; and

(F) any request for a hearing, as provided in Rule .0711 of this Section.

(2) The Commissioner may on his own motion proceed to modify or revoke a rule or order issued under section 95-132(a) or 95-132(b) of the Act. In such event, the Commissioner shall cause to be published a notice of his intention, affording interested persons an opportunity to submit written data, views, or arguments regarding the proposal and informing the affected employer and employees of their right to request a hearing, and shall take other action as may be appropriate to give actual notice to affected employees. The notice of hearing shall be published in the North Carolina Register. Any request for a hearing shall include a short and plain statement of:

(A) how the proposed modification or revocation would affect the requesting party, and

(B) what the requesting party would seek to show on the subjects or issues involved.

(b) Renewal. Any final rule or order issued under section G.S. 95-132(a) or G.S. 95-132(b) of the Act may be renewed or extended as permitted by the applicable section and in the manner prescribed for its issuance.

History Note: *Authority G.S. 95-132; 95-136;*
Eff. February 1, 1976;
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Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.