

13 NCAC 12 .0904 FILING OF COMPLAINTS

(a) Complaints may be made on the form available at www.nclabor.com, or verbally by contacting the North Carolina Department of Labor at 1-800-625-2267.

(b) All verbal complaints or complaints filed on a form other than the one prescribed in this Rule shall include the following information:

- (1) Complainant's name, address, telephone number, email address (if applicable), and relationship to the employer, unless the complaint is filed anonymously;
- (2) Employer's name;
- (3) Employer's physical address, mailing address, and telephone number, if available;
- (4) Name of business owner or other contact, telephone number, and email address, if available;
- (5) Approximate number of employees employed by the employer in the State of North Carolina;
- (6) Name(s) of the employee(s) in North Carolina whom the complainant is alleging the employer failed to verify the work authorization of in accordance with G.S. 64-26, if available;
- (7) Information which leads the complainant to believe that the employer failed to verify work authorization(s) in accordance with G.S. 64-26; and
- (8) Any additional information the complainant considers relevant to support the allegations set forth in the complaint.

(c) A complaint shall not be investigated if:

- (1) it is filed against an employer who employs less than 25 employees;
- (2) it is based solely on race, religion, gender, ethnicity, or national origin;
- (3) sufficient information to proceed with an investigation is not provided at the time of filing pursuant to the provisions of Chapter 64, Article 2 of the North Carolina General Statutes and the provisions of this Section;
- (4) within 48 hours of being notified that a complaint has been filed, the employer provides the Commissioner or her designee with written proof of compliance with Chapter 64, Article 2 of the North Carolina General Statutes and the provisions of this Section;
- (5) it is based solely upon an employee who was hired prior to the effective date of G.S. 64, Article 2; or
- (6) it is based solely upon an employee who meets the criteria of a seasonal temporary worker as set forth in G.S. 64-26(c).

*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.*