

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Repealed Eff.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
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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Repealed Eff.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Repealed Eff.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

13 NCAC 01C .0301 PARKING POLICY
13 NCAC 01C .0302 EXCEPTION TO POLICY

History Note: *Authority G.S. 143-340(18);*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

SECTION .0400 - EMPLOYEE APPRAISAL AND INCREMENT RULES

13 NCAC 01C .0401 PERFORMANCE APPRAISAL
13 NCAC 01C .0402 MERIT INCREMENT AWARD

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Repealed Eff.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

SECTION .0500 - GRIEVANCE PROCEDURES

13 NCAC 01C .0501 GENERAL PROVISIONS
13 NCAC 01C .0502 DISCUSSION WITH IMMEDIATE SUPERVISOR
13 NCAC 01C .0503 APPEAL TO PERSONNEL OFFICER
13 NCAC 01C .0504 APPEAL TO EMPLOYEE GRIEVANCE COMMITTEE
13 NCAC 01C .0505 FINAL DECISION BY COMMISSIONER
13 NCAC 01C .0506 APPEAL TO THE STATE PERSONNEL COMMISSION

History Note: *Authority G.S. 95-4(2); 126-34;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

Chapter 01 - Departmental Rules

SUBCHAPTER 01D – HUMAN TRAFFICKING AWARENESS

SECTION .0100 – HUMAN TRAFFICKING AWARENESS

13 NCAC 01D .0101 TRAINING ON HUMAN TRAFFICKING

(a) Any individual required to complete the training required by G.S. 130A-511(b) shall complete one of the following existing training courses identified by the Department:

- (1) Businesses Ending Slavery and Trafficking ("BEST"): "Inhospitable to Human Trafficking;"
- (2) Protect All Children from Trafficking ("PACT"): "Your Role in Preventing Human Trafficking: Recognize the Signs;"
- (3) PACT for Employees: "Recognize and Respond: Addressing Human Trafficking in the Hospitality Industry for Associates;"
- (4) PACT for Managers: "Recognize and Respond: Addressing Human Trafficking in the Hospitality Industry for Managers;"
- (5) Unbound Now: "Identifying and Responding to Human Trafficking: Commercial Lodging and Hospitality Industry;" or
- (6) Marriott International Human Trafficking Prevention Training.

(b) The Department shall provide links to register for each training course on its website at www.labor.nc.gov.

*History Note: Authority G.S. 130A-511;
Eff. September 1, 2025.*

13 NCAC 01D .0102 HUMAN TRAFFICKING AWARENESS SIGNAGE

(a) Displaying any sign including the following information shall meet the requirements of G.S. 130A-511(c)(3):

- (1) the toll-free National Human Trafficking Resource Hotline telephone number, 1-888-373-7888;
- (2) the link for the National Human Trafficking Hotline's website, <https://humantraffickinghotline.org/en>;
- (3) the number to contact the National Human Trafficking Hotline via text message, 233733;
- (4) the teletypewriter number for the Human Trafficking Resource Hotline, 711; and
- (5) the link for the National Human Trafficking Hotline Web Chat, <https://humantraffickinghotline.org/en/chat>.

(b) The Department shall make signs containing the information in Paragraph (a) of this Rule available to the public at no cost. These signs will be available for download on the Department's website at www.labor.nc.gov.

(c) Displaying any awareness sign developed by the North Carolina Human Trafficking Commission and available for download at <https://www.nccourts.gov/commissions/human-trafficking-commission/human-trafficking-awareness-resource-library#awareness-signs-9133> shall meet the requirements of G.S. 130A-511(c)(3).

*History Note: Authority G.S. 130A-511;
Eff. September 1, 2025.*