

**2013-2014
JOINT LEGISLATIVE OVERSIGHT
COMMITTEE ON
UNEMPLOYMENT INSURANCE**



**REPORT TO THE 2013-2014
GENERAL ASSEMBLY OF NORTH CAROLINA
2014 SESSION**

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**JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON
UNEMPLOYMENT INSURANCE**

*State Legislative Building
Raleigh, North Carolina 27603*

Representative Julia C. Howard, Co-Chair

Senator Bob Rucho, Co-Chair

May 9, 2014

TO THE MEMBERS OF THE 2014 GENERAL ASSEMBLY:

The Joint Legislative Oversight Committee on Unemployment Insurance submits to you for your consideration its report pursuant to G.S. 120-70.155; S.L. 2013-2, Section 10; House Bill 4, Section 10.

Respectfully Submitted,

Rep. Julia C. Howard, Co-Chair

Senator Bob Rucho, Co-Chair

2013-2014

JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

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PREFACE

The Unemployment Compensation Program is a Federal-state partnership created by the federal Social Security Act of 1935 and the Federal Unemployment Tax Act (FUTA). The purpose of the UI program is to provide economic stability to both the unemployed individual and the surrounding community. Federal law requires states to offer temporary unemployment compensation benefits to individuals who lose a job through no fault of their own and are able, available, and actively seeking work. States may design their own UI program so long as the program meets minimal federal coverage and benefit requirements. Employers pay both a federal and state unemployment tax to fund the program. No part of either tax may be deducted from an employee's wages.

North Carolina, like many other states, could not adequately fund its unemployment insurance trust fund during the Great Recession. North Carolina began borrowing money from the federal government to pay its unemployment benefits in February 2009. The State's outstanding loan balance reached \$2.5 billion. The General Assembly enacted fundamental changes to the State's UI program over the past three years to address the structural imbalance in the State's unemployment insurance fund:

- Merger of the administration of the UI program from an independent agency² to a division³ within the Department of Commerce with the goal of achieving employment security organizational reform and savings. The merger sought to streamline and strengthen the workforce development efforts of the UI program and Commerce.

² Employment Security Commission.

³ Division of Employment Security.

- Creation of a Board of Review to determine appeal policies and procedures and to hear appeals arising from decisions of appeal referees.
- Enhancements of the tools available to the Division of Employment Security (DES) to prevent, detect, and recover UI overpayments.
- Decreases in the benefit calculation and duration.
- Increases in the State unemployment tax rates.
- Repeal of substantial fault, elimination of most good cause provisions for leaving work voluntarily, and restriction of the availability to file attached claims.

The General Assembly created the Joint Legislative Oversight Committee on Unemployment Insurance as a Non-Standing Committee⁴ to ensure that a group of legislative members remain educated on UI issues and the administration of the State's program. The Committee consists of eight members, four appointed by the Speaker of the House of Representatives, and four appointed by the President Pro Tempore of the Senate. The co-chairs for 2013-2014 are Representative Julia C. Howard and Senator Bob Rucho.

In its study of the unemployment insurance laws, G.S. 120-70.156, gives the Committee a very broad scope, directing the Committee to "review the State's unemployment insurance laws to determine which laws need clarification, technical amendment, repeal, or other change to make the laws concise, intelligible, and easy to administer." The Committee monitors the payment of the debt owed by the Unemployment Insurance Fund to the federal unemployment account, reviews and determines the adequacy of the balances in the Unemployment Insurance Fund and the Unemployment Insurance Reserve Fund, and studies the workforce development programs and reemployment assistance efforts of the Department of Commerce.

⁴ Article 12R of Chapter 120 of the General Statutes. The Article expires July 1, 2023.

A copy of Article 12R of Chapter 120 of the General Statutes is included in Appendix A. A committee notebook containing the Committee minutes and all information presented to the Committee is filed in the Legislative Library and may also be accessed online at the Committee's website: http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-Standing_6596

COMMITTEE PROCEEDINGS

The Joint Legislative Oversight Committee on Unemployment Insurance met eight times prior to the convening of the 2014 Regular Session of the 2013 General Assembly. The Committee focused its attention on the Unemployment Insurance Fund balance, the repayment of the debt owed by the Fund to the federal unemployment account, and the implementation of the legislative changes enacted over the past three years to the State's unemployment insurance (UI) program. Appendix B contains a copy of the Committee's agenda for each meeting. All of the materials distributed at the meetings may be viewed on the Committee's website.

UNEMPLOYMENT TRUST FUND DEBT BALANCE

Unemployment Trust Fund Debt Balance

Status reports on the Unemployment Trust Fund debt balance were provided by DES at each meeting. Based on statistical models provided by the Upjohn Institute, the program changes included in HB 4; S.L. 2013-2 and HB 112; S.L. 2013-363 are projected to result in the debt being repaid in 2015. The model projected that the debt would be repaid in 2018 without legislative changes.

DES reported that the year-end debt balance for 2013 was approximately \$1.8 billion. The balance for the end of 2012 was \$2.5 billion. Debt reduction reflected increased tax collections from:

- FUTA credit reduction
- Transferred balances from other funds
- Reserve payments from state and local governments
- Reduced benefit payments resulting from program changes in HB 4.

FUTA Credit Reductions

When the State is in compliance with US DOL requirements, the effective FUTA tax rate is 0.6%, reflecting a tax rate of 6% with a credit of 5.4%. After borrowing from the federal government for two successive years, an automatic credit reduction was triggered in 2011 to accelerate repayment of the debt. The FUTA credit is reduced by 0.3% each year until the debt is repaid. The FUTA credit reduction for 2013 was 0.9%, resulting in increased employer taxes of \$63 per employee. The FUTA credit reduction for 2014 will be 1.2%, or \$84 per employee. The debt is projected to be repaid in 2015 and the FUTA credit will return to 5.4%.

Transferred Balances

A total of \$17 million was transferred from the Worker Training Trust Fund, the Training and Employment Account and the Supplemental Employment Security Administration Fund. These funds were transferred to the Unemployment Insurance Trust Fund and used to reduce the debt balance. The fund transfers were provided for in HB 112; S.L. 2013-363.

Reserve Payments from State and Local Governments

HB 4 required State and local governments to build a reserve equal to 1% of taxable payroll so that benefit payments on behalf of their employees can be drawn from the reserve rather than being paid from the Trust Fund and reimbursed in arrears. The first installment of the 1% payment was made in October and reduced the debt by \$16.6 million.

Weekly Claims

The number of weeks for which benefits were claimed in 2013 was approximately 4.6 million compared to approximately 5.5 million in 2012. This reduction reflects both an improving economy and a reduction in the number of weeks allowed per claim. HB 4 reduced the maximum number of weeks of

benefits allowed from 26 to a sliding scale ranging from 12-20 weeks depending on the unemployment rate. Beginning in January of 2014, the maximum numbers of weeks allowed is 19. This is based on the average unemployment rate for July, August and September of 2013.

STATE UNEMPLOYMENT RATE

Unemployment Rate

At the February meeting, the Committee heard presentations on recent trends in the unemployment rate and how it is calculated. The unemployment rate has declined sharply since 2010 from 11.3% to 6.3%. The rate is calculated monthly by dividing the number of persons unemployed by the total workforce and multiplying the result by 100. This rate, known as the “headline rate,” is most often cited in the media, but it does not include discouraged workers or those marginally attached to the workforce.

The Bureau of Labor Statistics (BLS) publishes the U-5 (includes discouraged plus marginally attached workers) and U-6 rates (includes all U-5 workers plus those employed part-time for economic reasons) to provide a broader indication of economic conditions. For the four-quarter period beginning with the second quarter of 2014, the average unemployment rate was 8.6% for U-5 and 13.6% for U-6. The average U-3, or headline rate, for the same period was 7.2%.

The data used to estimate the national unemployment rate comes from the Current Population Survey (CPS). The CPS is a monthly household survey conducted by the US Census Bureau and includes 60,000 households. For state estimates, the Local Area Unemployment Statistics (LAUS) program enters a variety of employment and population data into a BLS statistical model to calculate the labor force estimate and unemployment rate. LEAD (Labor

Economic Analysis Division) staff use BLS methodologies to determine measures for sub-state areas.

State and sub-state estimates are released monthly. Initial estimates are considered preliminary and undergo revisions the month following release. In addition, all state and sub-state estimates undergo an annual revision which is reviewed by State and BLS analysts.

Monthly releases for national data typically occur on the first Friday of the following month. Regional and state estimates are released two weeks following the national release. Sub-state estimates are released 10-12 days following the regional and state release.

Dr. Mike Walden, Distinguished Economics Professor at NC State University, noted that North Carolina has typically had a “bumpier ride” compared to the rest of the nation in terms of percentage change in employment during and after economic downturns. This means that the State has experienced greater unemployment and stronger recoveries than the rest of the nation and is caused in part by the State’s greater reliance on manufacturing, which is typically impacted more significantly than other sectors of the economy. North Carolina’s unemployment rate since the Great Recession has been higher than the national rate, but has declined faster than the national rate since 2012.

Duration of Benefits

HB 4 utilized a sliding scale to tie the duration of benefits to the unemployment rate. When the unemployment rate is greater than 9%, claimants may qualify for a minimum of 13 weeks and a maximum of 20 weeks. For each half-percent drop in the unemployment rate, the minimum and maximum duration of benefits is decreased by one week. If the rate is 5.5% or less, the duration ranges from 5 to 12 weeks. The unemployment rate effective for January through June is based on the average unemployment rate for the previous July

through September. The unemployment rate effective for July through December is based on the average rate for the previous January through March.

The formula used to determine what number of weeks a claimant qualifies for is based on a ratio of base period earnings divided by the average of the two most recent quarterly wages. The result is multiplied by 8.67 and determines the claimant's benefits duration if it falls within the range for the applicable unemployment rate. If it is outside the specified range, the minimum or maximum duration applies. Because this formula, a portion of which was used prior to HB 4, does not result in less than 17 weeks duration, the maximum duration applies anytime the unemployment rate is 8% or less. The Legislative Proposal would eliminate the variable range of benefit duration and apply the current maximum for each corresponding unemployment rate.

States that utilize variable duration of benefits award a greater number of weeks to claimants with a greater attachment to the workforce as measured by wages earned throughout the base period as opposed to one or two quarters of the base period. North Carolina has other aspects of its Unemployment Insurance program that are based on attachment to the workforce including the minimum eligibility requirement for base period wages of six times the average weekly wage. In addition, the formula for determination of the weekly benefit amount was changed in HB 4; S.L. 2013-2 so that it is now based on wages earned in two quarters rather than one.

PROGRAM INTEGRITY

Filing a Claim

When an individual files a claim for unemployment insurance benefits, that claimant must report the reason for separation from employment. DES then sends a form to the claimant's last employer requesting the separation

information, and a form to any other base period employer. The form notifies all employers that a claim for benefits was filed based either wholly or in part on wages paid by the employer, and giving the employer an opportunity to request non-charging of these benefits.

Federal Regulations require the State unemployment agency to obtain promptly and prior to a determination of an individual's right to benefits such facts as will be sufficient to ensure the payment of benefits when due. Information must be obtained promptly so that the payment of benefits is not unduly delayed. In general, the investigation made by the agency must be complete enough to provide information upon which the agency may act with reasonable assurance that its decision is consistent with the unemployment compensation law. On the other hand, the investigation should not be so exhaustive and time-consuming as to unduly delay the payment of benefits and to result in excessive costs.

Employer Responsibility to Respond

Unemployment compensation program integrity provisions in Federal law enacted in October 2011⁵ required states to provide that an employer's account shall not be relieved of charges relating to a payment from the State unemployment fund when the employer is determined to be at fault. Therefore, under G.S. 96-11.4, effective October 21, 2013,⁶ if the employer fails to respond timely or adequately (i.e., completely and accurately) to the request for separation information and the employer or its agent has a pattern of failing to

⁵ Charges to the employer's account will be applied under the requirements of Section 252 of the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), amending Section 3303 of the Federal Unemployment Tax Act (FUTA) at subsection (f) and interpreting Section 3309(a)(2) consistently therewith for employers electing reimbursable status under G.S. 96-9.6, and the authority of the Secretary and Assistant Secretary of Commerce under G.S. 96-4. [See P.L. 112-40.]

⁶ 2013-2, S4; 2013-224, ss 11, 19

respond timely or adequately to these requests, the employer's account will be charged for benefits paid. These charges will apply regardless of whether DES's benefits determination is later reversed on appeal or an overpayment of benefits is established and collected from the claimant.

Adjudication

A separation issue exists whenever a claimant is separated from his last employer for any reason other than lack of work or inability to perform the available work. A separation issue may be first detected when a claim is filed or when the employer returns the requested separation information. Either way, if the separation information indicates a separation issue, the agency conducts a fact finding interview and the claim is referred for adjudication.

A DES Central Office adjudicator reviews the file to ensure that all information needed to fairly and accurately dispose of the issues is contained in the file. If additional information or employer rebuttal is required, the adjudicator makes a reasonable attempt to obtain the information. The adjudicator then prepares a written determination and enters the resolution into the agency's Benefit Payment System.

The U.S. Department of Labor (USDOL) requires that separation issues be adjudicated within 21 days of the issue detection date. Any party adversely affected by the adjudicator's determination has the right to file an appeal.

USDOL has been working with the States to identify several robust strategies that focus on the prevention of overpayments and will yield the highest impact in reducing UI improper payment rates. Asst. Sec. Folwell informed the Committee on October 2, 2013, that the agency had a backlog of 8,000 cases in adjudication and 11,000 cases in lower level appeals. On February 4, 2014, Sec. Folwell stated that Adjudication was paying 100% of claims within 20 days if no issue was raised. However, provisions in House Bill 4 that require

the agency to pursue repayment of overpayments caused "adjudication hemorrhaging," and, as a result, "now, everything must go through adjudication - there is no more pay-and-chase." In other words, adjudication attempts to contact parties by telephone first, as opposed to paying out and letting lower level appeals deal with it. He reported that, in the past, 30% of adjudicators' determinations were appealed, and, of those, 50% were overturned. Sec. Folwell reported that the agency is now "doing it correctly, not quickly." He advised that the agency's plan to deal with the backlog included reassigning various agency staff to the Adjudication Department. Information presented to the UI Oversight Committee in February was that DES's Adjudication Department was working through a backlog of approximately 12,000 cases.

Preventing and Detecting Overpayments

Unemployment insurance program integrity was a focus of the Committee's meeting of November 6, 2013. Generally, an effective program integrity effort is aimed at preventing and detecting fraud, abuse, overpayments, overutilization of services, and inefficiency. Two such initiatives were highlighted for the Committee.

First, Kay Meyer of the Office of State Controller (OSC) presented an overview of the Government Data Analytics Center (GDAC). The GDAC is an enterprise level program that constitutes the "brains" of the State's business intelligence. "Business intelligence" is defined as a broad category of tools, applications, and technologies that support gathering, analyzing, and accessing data to improve the State's business decision making. GDAC is designed to foster interagency collaboration among State agencies that will lead to improved data sharing for enhanced program integrity across programs. In addition to developing and implementing applications and tools to enhance the State's overall efficiency through data analytics, the GDAC operates and maintains

CJLEADS (Criminal Justice Law Enforcement Automated Data Services) and helped develop and implement the fraud and compliance alerts in NC FACTS, the Department of Health and Human Services system used for public benefits eligibility services and screening.

With respect to unemployment insurance, GDAC is focusing on three main areas to improve UI program integrity: (i) undocumented succession, where employers move employees to another company to avoid taxes; (ii) fictitious business, when fictitious companies are established so that fraudulent claimants can draw benefits based upon wages from the phony company; and (iii) unemployment claims and eligibility, to detect improper claims such as payments to deceased or incarcerated persons.

The second program integrity presentation was made by Chinita Arceneaux and Ted Brinn, both of the Division of Employment Security, Department of Commerce. Their presentation focused on DES program integrity efforts and endorsed how NC FACTS is aiding in the prevention and detection of unemployment insurance fraud. Ms. Arceneaux and Mr. Brinson reported that DES is re-engineering its processes to increase the frequency of cross matching using the Weekly National Directory of New Hires (NDNH). Utilizing the Treasury Offset Program (TOP), DES had recovered over \$11 million during the first three quarter of 2013. DES has engaged the North Carolina Conference of District Attorneys in discussions aimed at increasing the number of felony prosecutions and convictions for unemployment fraud. Cases have been referred to the federal Office of the Inspector General for prosecution.

Further, it was reported that unemployment collection assignments for the period 11/1/2012 through 10/31/2013 included 16,464 notices of intent to bring civil actions for collection and 12,411 judgments entered. During the same period, blocked claims numbered 4,127 and there were 2,450 audits conducted by

DES. Identifying when employers misclassify employees as independent contractors, in order to avoid payment of unemployment taxes, is another facet of the program integrity effort. The audits revealed 8,877 instances of worker misclassification.

BOARD OF REVIEW

Confirmation of Board Members

The General Assembly created the Board of Review⁷ to determine appeals policies and procedures and to hear appeals arising from the decisions and determinations of the Lower Appeals Department of DES. The Board consists of three members⁸ appointed by the Governor and confirmed by the General Assembly. In S.L. 2013-224, the General Assembly directed the Governor to make the appointments to the Board by September 1, 2013, and provided that the appointments made under the authority of this legislation would not require legislative confirmation. The Governor made the appointments on December 6, 2013.

The Committee met the Governor's appointees to the Board of Review at its February meeting.⁹ The Committee discussed the appointment process and noted the Governor did not make timely appointments. The Legislative Proposal amends S.L. 2013-224 to extend the date by which the Governor needed to make the appointments to remove any ambiguity or uncertainty about the proper constitution of the Board.

⁷ S.L. 2011-401

⁸ One member representing employers, one member representing employees, and one member representing the general public. The member representing the general public is designated as the chair of the Board and must be a licensed attorney. G.S.96-4(b).

⁹ Keith Holliday of Guilford County; Stanley Campbell of Mecklenburg County; and Jeanette Doran of Wake County.

Higher Level of Appeals

The U.S. Department of Labor (USDOL) encourages states to have a second level of review for DES decisions and determinations, but it does not require one. Beginning in November 1, 2011, North Carolina's UI laws provided a second level of appeal to a Board of Review. Until the appointment of the Board members in December 2013, the Assistant Secretary of Commerce for the DES provided parties with the second level of review the statute vested in the Board of Review. The Superior Court in Rowan County noted that the Assistant Secretary of Commerce for DES did not have the statutory authority to make those decisions. According to the testimony in the case of *Wesley A. Lane v. N.C. Department of Commerce, Division of Employment Security*¹⁰, there may have been 13,000 lower level decisions and determinations appealed to the second level of review prior to the Governor's appointment of the Board of Review. The Legislative Proposal validates the actions taken by the Assistant Secretary during the period of time that the Board of Review was not constituted.¹¹

CONFIDENTIALITY OF UNEMPLOYMENT INSURANCE INFORMATION

On February 28, 2014, an attorney representing claimants and employers in unemployment insurance appeals matters filed a lawsuit against the North Carolina Department of Commerce, Division of Employment Security; Sharon Decker, in her capacity as Secretary of Commerce; and Dale Folwell, in his

¹⁰ Notice of Appeal and Petition for Review of North Carolina Department of Commerce, Division of Employment Security's Decision, Docket 13 CvS 1109, Superior Court Division, Rowan County.

¹¹ The Committee noted that a party who does not agree with a DES decision or determination may seek redress in the Superior Court. The failure to provide a second level of review in the form required by the statute, or by a properly constituted Board of Review, does not irreparably harm a party who disagrees with a decision because the party's right to appeal to Superior Court is not impeded

capacity as the Assistant Secretary of the Division of Employment Security. The background of the lawsuit is as follows:

Every day, DES generates notices of hearing to inform claimants and employers of the date and time of scheduled appeals before an Appeals Referee. The notices give 14 days' notice of the scheduled hearing. Since approximately 2004 (10 years), DES has charged \$300 a month to print extra copies of all hearing notices generated and has made them available for pickup or mailing on a daily basis for anyone who requested to receive them. Attorney Monica Wilson's practice for several years has been to send a courier every morning to pick up the copies of the hearing notices DES has made available pursuant to her request under the N.C. Public Records Law.

On February 26, 2014, DES Assistant Secretary Dale Folwell sent a letter addressed to "All attorneys receiving notices of hearings by Appeal Referees/Hearing Officers" announcing that in-person pickup of hearing notices will not be permitted after February 28, 2014, due to "security concerns" and that the "notices will be batched and sent to your law offices at least three times per month via U.S. Postal Service." The letter also announced an increase in the cost of the monthly provision of hearing notices from \$300 to \$600 per month.

On February 26, plaintiff Wilson sent an email to DES requesting continued access to the hearing notices on a daily basis. She also made the request during a telephone conversation with Assistant Secretary Folwell, who denied that request. Two days later, Ms. Wilson filed a Verified Complaint and Motion for Injunctive Relief in Wake County Superior Court, alleging that the Division's actions violated the North Carolina Public Records Law.

A temporary restraining order (TRO) was issued by Judge Michael Morgan on March 3, 2014, finding: that without timely access to hearing notices beginning on or after February 28, 2014, plaintiffs will not be able to inform

claimants that their services are available to the scheduled hearings, which will cause immediate and irreparable harm to their business; that plaintiffs have no adequate remedy at law; and that the plaintiffs were likely to prevail on the merits of the claims on the grounds that refusal to provide reasonable access to public records as DES has done for 10 years violated G.S. 132-6.2(b) and that a charge of \$600/month does not reflect the actual cost of producing the records, in violation of the N.C. Public Records Law. Judge Morgan's TRO prohibited DES from terminating the long-standing policy of DES of providing copies of hearing notices on a daily basis for a fee of \$300/month, and allowing persons access to DES if reasonable security measures are followed.

Subsequently, on March 7, 2010, the U.S. Department of Labor (USDOL) sent Mr. Folwell a cease-and-desist letter, stating that disclosure of the Notices of Hearings constitutes a failure to comply with Federal laws and regulations relating to confidentiality of unemployment compensation (UC) information. The letter stated that continuing to provide the notices jeopardizes the State's receipt of Title III grant funds, which funds the administrative operations of North Carolina's UI program, totaling approximately \$55M. The USDOL letter contained the statement that "state law conforms to Federal requirements" in that provisions of G.S. 96-4(x) requires compliance with the Federal regulations, but stated that the agency's *practices* do not comply with Federal law regarding confidentiality of UC information.

Following a hearing in Wake County Superior Court, Superior Court Judge Paul Ridgeway issued a preliminary injunction on March 10, 2014, continuing the terms of the TRO until trial.

The Committee directed the staff to contact the US Department of Labor to confirm what North Carolina needed to do to remain compliant with federal UI laws, regulations, and guidance since the funding for DES and the FUTA tax rate

applicable to North Carolina employers is contingent upon this compliance. Based on guidance received from US DOL, the Legislative Proposal makes changes to the State's Public Records Law and the State's Employment Security Law to clarify what information disclosures are permissible and impermissible under Federal laws and regulations.

TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES

The Committee reviewed the State's unemployment insurance laws to determine which laws need clarification, technical amendment, repeal, or other change to make the laws concise, intelligible, and easy to administer. It consulted with DES to determine which laws needed clarification and technical amendment and it heard testimony from DES on statutory changes that would enable DES to better administer the laws. The Committee also consulted with USDOL to confirm that the changes made would adhere to the federal requirements for the State's UI program. The Legislative Proposal contains these changes.

WORKFORCE DEVELOPMENT AND REEMPLOYMENT ASSISTANCE EFFORTS

[S.L. 2013-2](#) charged this Committee with the study and review of “workforce development programs and reemployment assistance efforts of the Division of Workforce Solutions of the Department of Commerce.”¹² More specifically, S.L. 2013-2 directs the Department of Commerce to take into consideration the following factors when determining the appropriate number and location of local offices:

¹² On December 4, 2013, this Committee met jointly with the Joint Legislative Workforce Development System Reform Oversight Committee.

1. Location of the population served.
1. Staff availability.
2. Proximity of local offices to each other.
3. Use of automation products to provide services.
4. Services and procedural efficiencies.
5. Any other factors the Division considers necessary in determining the appropriate number and location of local offices.

Given these charges, the Committee heard regular updates from Division of Workforce Solutions' (DWS) leadership regarding Local Office Service Realignment, Integrated Service Delivery and implementation of a Memorandum of Understanding with the Division of Employment Security. Each of these topics is discussed in more detail below.

Local Office Service Realignment

DWS began oversight of local offices effective November, 2011, as a result of [S.L. 2011-401](#), which directed Commerce to subsume the Employment Security Commission (ESC), effectively merging ESC's Employment Services Division with Commerce's Division of Workforce Development; the newly merged entity was renamed the Division of Workforce Solutions.

Local offices are federally funded and have historically also received supplemental support from the Employment Security Reserve Fund. However, S.L. 2013-2 restricted allowable uses of Reserve Fund monies, forcing realignment/downsizing of local offices. As of April, 2014, DWS has realigned 23 offices and reported to the Committee over \$500,000 in cost-savings, which have been achieved through reduced rent, obtaining local financial support, co-locating with partners, and/or moving to less expensive space (see Appendix C for DWS Service Realignment April, 2014 Update). Commerce's website lists 122 active local office sites (see Appendix D and E for list and map).

Integrated Service Delivery

In efforts to maintain and even enhance customer support in the midst of local office service realignment, DWS launched an “integrated service delivery” initiative. Prior to the merger with ESC, local office staff assisted customers according to program eligibility categories, which include: Workforce Investment Act, Wagner Peyser, Trade Adjustment Assistance and Veterans’ Services. Staff worked in silos, referring customers to one another, depending on the individual’s needs. Integrated service delivery focuses on cross-training employees so one staff member can cover all programs. The goal is to provide seamless service delivery, increase efficiencies, and better satisfy customers. Local offices are working toward a new structure, each consisting of the following teams:

- Welcome Team: Registers the customer, provides an orientation, and assesses the individual.
- Talent Development Team: Explores career options, assesses needs and barriers, and identifies appropriate services.
- Talent Employment Team: Explores career options, searches for jobs and provides referrals, and assesses employment opportunities.

These teams seek to lead people to employment through a variety of intervention activities, including: On-the-job training, apprenticeship, community college coursework, and employment barrier assistance with issues such as transportation and/or childcare.

Another component of this initiative is the launch of a new site, NCWorks Online (ncworks.gov) that consolidates reliance on approximately 10 different technology systems. Since August of 2013, this site has been used as an integrated workforce system for employers, job seekers, training providers, workforce staff, and other stakeholders, which:

- brings together unduplicated job postings from across the Internet;

- provides career tools to allow job seekers to effectively find jobs that match their skills; and
- offers user-friendly options to analyze the current local labor market.

Memorandum of Understanding (MOU) between DWS and Division of Employment Security (DES)

In order to establish DWS responsibilities for customers seeking Unemployment Insurance, DWS and DES established a MOU that requires new UI claimants to participate in one-on-one, in-person Employability Assistance Interviews (EAI) with workforce specialists. An EAI must be scheduled within four weeks of the first UI payment and consists of the following activities:

- verifying claimant identity by capturing photographic identification, which is scanned and sent to DES;
- validating work search requirements;
- registering with NCWorks Online;
- performing an occupational skills assessment;
- reviewing labor market information;
- developing an employability plan; and
- providing job referrals.

On a monthly basis, DWS must provide reports to DES on EAI activities and demographics (See Appendix F for the DWS/DES MOU).

EMERGENCY UNEMPLOYMENT COMPENSATION

The Committee reviewed the federally funded Emergency Employment Compensation program (EUC08) and North Carolina's participation in that program. North Carolina has not participated in the EUC08 program since July 1, 2013. The EUC08 program ended December 29, 2013. Recent attempts to extend the federal program contained a provision that would allow North Carolina to participate. The Committee confirmed that a decision to participate or not

participate in the EUC08 is an executive branch decision and does not require any statutory changes by the General Assembly.

In times of economic hardship, Congress has created temporary federal programs to federally fund additional weeks of unemployment compensation. It did so in 1958, 1961, 1972, 1975, 1982, 1991, and 2002. Most recently, beginning in June 2008, Congress provided up to 47 weeks of additional weeks of unemployment compensation at the state determined benefit amount. The program, known as EUC08, originally expired on March 28, 2009. Congress amended and extended EUC08 eleven times before the program expired on December 29, 2013. The U.S. Senate attempted to extend the program through the month of March 2014 but the motion to invoke closure on S. 1845 of the 1st Session of the 113th Congress failed by a vote of 55-43 on February 6, 2014. The U.S. Senate considered S. 2149 during the 2nd Session of the 113th Congress but the bill has not passed by the date of this report.

The EUC08 benefits are 100% federally funded. To receive the funding, a state must elect to participate in the program through an agreement with USDOL. When Congress extended EUC08 in July 2010, it amended the program to include a "nonreduction clause". That clause temporarily prohibited states from actively reducing UC benefit amounts through changes to benefit calculation if the change resulted in a weekly benefit amount lower than it would have been on June 2, 2010. North Carolina changed its calculation of weekly benefit amounts in S.L. 2013-2. Upon the effective date of that change, July 1, 2013, USDOL terminated its agreement with North Carolina to provide EUC08 benefits to claimants in this State.

Section 6 of the legislation being considered in Congress in 2014 would provide that the nonreduction rule does not apply with respect to a state that has enacted a law before December 1, 2013, that, upon taking effect, would violate

the nonreduction rule. If this provision was enacted, North Carolina could enter into a subsequent agreement with USDOL to provide EUC08 benefits to claimants with respect to weeks of unemployment beginning on or after December 29, 2013. However, the Committee learned there are numerous administrative and programmatic issues that would be nearly impossible to overcome: an antiquated and rigid computer system; funding for the administration of the claims process; difficulty of administering and verifying claimant's adjusted gross income; the backdating of claims; and the determination of eligibility for weeks beginning after January 1, 2013.

Garnishment and Attachment for the Collection of Unpaid UI Taxes

The Division of Employment Security of the Department of Commerce (DES) is authorized by G.S. 96-10(b)(1) to commence a civil action against employers who are delinquent in paying State unemployment taxes. As a judgment creditor, DES may use a number of methods allowed by law to collect on the judgment. Under current law, sources of payment on the judgment include both tangible and intangible property, such as a delinquent taxpayer's bank accounts, deposits payable, and notes payable. The Legislative Proposal clarifies that, under G.S. 1-359, DES may garnish or attach credit card receipts due an employer and then receive those funds directly from a credit card company or clearinghouse in discharge of the tax debt.

Photo ID Requirements

The Department of Commerce's Division of Employment Security (DES) administratively requires UI claimants present photo identification before receiving services. DES imposed the photo identification requirement to address fraudulent UI claims and create an audit trail. The photograph is evidence of the individual who committed fraud and aids prosecution of criminal offenses.

The US Department of Labor (USDOL) supports program integrity measures such as requiring photo identification. The USDOL provided a staff opinion that photo identification is a permissible eligibility requirement for UI claimants as part of the requirement to report to DES.

The Legislative Proposal would add a new, statutory eligibility requirement to receive UI benefits that claimants must present photo identification. Valid photo identification requires the individual's photograph and must be one of the following documents:

- A driver's license, learner's permit, provisional license, or nonoperators identification card issued by North Carolina, another state, the District of Columbia, United States territory, or United States commonwealth.
- A United States passport.
- A United States military identification card.
- A Veterans Identification Card issued by the United States Department of Veterans Affairs.
- A tribal enrollment card issued by a federally recognized tribe.
- Any other document issued by the United States or any state that the Division determines adequately identifies the individual.

COMMITTEE RECOMMENDATIONS AND LEGISLATIVE PROPOSALS

The Joint Legislative Oversight Committee on Unemployment Insurance makes the following recommendation to the 2014 General Assembly. The proposal is followed by an explanation and, if it has a fiscal impact, a fiscal memorandum, indicating any anticipated revenue gain or loss resulting from the proposal.

1. Unemployment Insurance Law Changes.

LEGISLATIVE PROPOSAL

UNEMPLOYMENT INSURANCE LAW CHANGES.

LEGISLATIVE PROPOSAL

A RECOMMENDATION OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE
TO THE 2014 REGULAR SESSION OF THE 2013 GENERAL ASSEMBLY

**AN ACT TO AMEND THE UNEMPLOYMENT INSURANCE LAWS, AS
RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT
COMMITTEE ON UNEMPLOYMENT INSURANCE.**

SHORT TITLE: Unemployment Insurance Law Changes

PRIMARY SPONSORS: Rep. Julia Howard and Sen. Bob Rucho

BRIEF OVERVIEW: This proposal would make certain changes to the unemployment insurance (UI) laws as recommended by the Joint Legislative Oversight Committee on Unemployment Insurance.

FISCAL IMPACT:

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.

A copy of the proposed legislation, a bill analysis, and a fiscal memorandum begin on the next page.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

H

D

HOUSE DRH20118-TMxz-13* (05/09)

Short Title: Unemployment Insurance Law Changes. (Public)

Sponsors: Representative Howard.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED
BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON UNEMPLOYMENT
INSURANCE.

Whereas, the confidentiality of unemployment insurance information is governed by federal regulations at 20 C.F.R. Part 603; and

Whereas, the United States Department of Labor has notified the State that certain practices of the Department of Commerce, Division of Employment Security, are not in compliance with federal confidentiality requirements; and

Whereas, this lack of compliance could jeopardize the State's Title III grant funding and affect the federal Unemployment Tax Act tax rate of the State's employers; and

Whereas, the United States Department of Labor recommends that the General Assembly adopt legislation to ensure the State's compliance with federal law and regulations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I: CONFIDENTIALITY OF UI INFORMATION

SECTION 1.(a) G.S. 96-4(x) reads as rewritten:

"(x) Confidentiality of Records, Reports, and Information Obtained from Claimants, Employers, and Units of Government. – ~~Disclosure~~ For purposes of this Chapter, the term "confidential information" means any unemployment compensation information in the records of the Division of Employment Security that pertains to the administration of the Employment Security Law that is required to be kept confidential under 20 C.F.R. Part 603, including claim information and any information that reveals the name or any identifying particular about any individual or any past or present employer or employing unit, or that could foreseeably be combined with other publicly available information to reveal any such particulars.

Confidential information is exempt from the public records disclosure requirements of Chapter 132 of the General Statutes. Confidential information may be disclosed only as permitted in this subsection. Any disclosure and redisclosure of confidential information shall must be consistent with 20 C.F.R. Part 603 and any written guidance promulgated and issued by the U.S. Department of Labor consistent with this regulation and any successor regulation. To the extent a disclosure or redisclosure of confidential information is permitted or required by this federal regulation, the Department's authority to disclose or redisclosure the information includes the following:

- (1) Confidentiality of Information Contained in Records and Reports. – (i) Except as hereinafter otherwise provided, it shall be unlawful for any person to obtain, disclose, or use, or to authorize or permit the use of any information which is obtained from an employer, individual, or unit of government pursuant to the administration of this Chapter or G.S. 108A-29. (ii) Any claimant or employer or their legal representatives shall be supplied with information from the records of the Division to the extent necessary for the proper presentation of claims or defenses in any proceeding under this Chapter. Notwithstanding any other provision of law, any claimant may be supplied, subject to restrictions as the Division may by regulation prescribe, with any information contained in his payment record or on his most recent monetary determination, and any individual, as well as any interested employer, may be supplied with information as to the individual's potential benefit rights from claim records. (iii) Subject to restrictions as the Secretary may by regulation provide, information from the records of the Division may be made available to any agency or public official for any purpose for which disclosure is required by statute or regulation. (iv) The Division may, in its sole discretion, permit the use of information in its possession by public officials in the performance of their public duties. (v) The Division shall release the payment and the amount of unemployment compensation benefits upon receipt of a subpoena in a proceeding involving child support. (vi) The Division shall furnish to the State Controller any information the State Controller needs to prepare and publish a comprehensive annual financial report of the State or to track debtors of the State. (vii) The Secretary may disclose or authorize redisclosure of any confidential information to an individual, agency, or entity, public or private, consistent with the requirements enumerated in 20 C.F.R. Part 603 or any successor regulation and any written guidance promulgated and issued by the U.S. Department of Labor consistent with 20 C.F.R. ~~Part 603~~Part 603(viii). The Division may disclose final decisions of appeals proceedings and the records of those hearings that led to the final decision.

...."

SECTION 1.(b) G.S. 132-1.1 is amended by adding a new subsection to read:

"(h) Employment Security Information. – Confidential information obtained, compiled, or maintained by the Division of Employment Security may not be disclosed except as provided in G.S. 96-4. As used in this subsection, the term "confidential information" has the same meaning as in G.S. 96-4(x)."

SECTION 1.(c) The Department of Commerce, Division of Employment Security, shall immediately take any action necessary to implement this section. On or before September 1, 2014, the Division of Employment Security shall report to the Joint Legislative Oversight Committee on Unemployment Insurance on the status of the implementation of this section.

PART II: BOARD OF REVIEW FOR UNEMPLOYMENT INSURANCE

SECTION 2.(a) Section 21 of S.L. 2013-224 reads as rewritten:

"SECTION 21. G.S. 96-4, as amended by S.L. 2011-145, S.L. 2011-401, created a Board of Review to determine appeals policies and procedures and to hear appeals arising from the decisions and determinations of the Division of Employment Security. The Board is comprised of three members appointed by the Governor and confirmed by the General Assembly. The

Governor is directed to appoint the members of the Board of Review by ~~September 1, 2013~~January 1, 2014. Notwithstanding G.S. 96-4(b), the initial Board of Review appointments made pursuant to this section do not require confirmation by the General Assembly."

SECTION 2.(b) A decision issued by the Assistant Secretary of Commerce for the Division of Employment Security or by the Secretary of Commerce's designee in an appeal by a party to a decision of an appeals referee or hearing officer under Chapter 96 of the General Statutes is hereby validated and given the same legal effect as if the decision had been issued by the Board of Review.

SECTION 2.(c) This section is effective when it becomes law, and subsection (b) applies to decisions rendered on or after November 1, 2011.

SECTION 3.(a) G.S. 96-4(b) reads as rewritten:

"(b) Board of Review. – The ~~Governor shall appoint a three person~~ Board of Review is created to determine appeals policies and procedures and to hear appeals arising from the decisions and determinations of the Division. The Board of Review shall be comprised of one member representing employers, one member representing employees, and one member representing the general public. Members of the Board of Review ~~are subject to confirmation by the General Assembly and~~ shall serve staggered four-year terms. A term begins on July 1 of the year of appointment and ends on June 30 of the fourth year. Notwithstanding G.S. 128-7, a member may not serve until a successor is appointed. The member appointed to represent the general public shall serve as chair of the Board of Review and shall be a licensed attorney. The annual salaries of the Board of Review shall be set by the General Assembly in the current Operations Appropriations Act. The Board of Review shall exercise its decision-making processes independent of the Governor, the General Assembly, the Department, and the Division.

Two members of the Board of Review shall be appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate. The third member of the Board of Review shall be appointed by the Governor. The appointment by the Governor is subject to confirmation by the General Assembly, and the provisions of G.S. 147-16.3 apply to the nomination and confirmation process. The member appointed upon the recommendation of the Speaker of the House of Representatives must be a person representing employees, the member appointed upon the recommendation of the President Pro Tempore of the Senate must be a person representing employers, and the member appointed by the Governor must be a person representing the general public who is a licensed attorney."

SECTION 3.(b) Notwithstanding G.S. 96-4(b), as amended by subsection (a) of this section, the terms of the initial Board of Review members will be as follows in order to achieve staggered terms:

- (1) The term of the member serving on the Board of Review that represents employers expires June 30, 2014.
- (2) The term of the member serving on the Board of Review that represents employees expires June 30, 2015.
- (3) The term of the member serving on the Board of Review that represents the general public expires June 30, 2017.

PART III: AUTHORIZING DMV TO DISCLOSE SOCIAL SECURITY NUMBERS; REQUIRING UI CLAIMANTS TO CONTACT FIVE POTENTIAL EMPLOYERS PER WEEK; AND ELIMINATING THE PROCEDURE TO REQUEST RECONSIDERATION OF DECISIONS.

SECTION 4. G.S. 20-7(b2) reads as rewritten:

"(b2) Disclosure of Social Security Number. – The social security number of an applicant is not a public record. The Division may not disclose an applicant's social security number except as allowed under federal law. A violation of the disclosure restrictions is punishable as provided in 42 U.S.C. § 408, and amendments to that law.

In accordance with 42 U.S.C. 405 and 42 U.S.C. 666, and amendments thereto, the Division may disclose a social security number obtained under subsection (b1) of this section only as follows:

- (1) For the purpose of administering the drivers license laws.
- (2) To the Department of Health and Human Services, Child Support Enforcement Program for the purpose of establishing paternity or child support or enforcing a child support order.
- (3) To the Department of Revenue for the purpose of verifying taxpayer identity.
- (4) To the Office of Indigent Defense Services of the Judicial Department for the purpose of verifying the identity of a represented client and enforcing a court order to pay for the legal services rendered.
- (5) To each county jury commission for the purpose of verifying the identity of deceased persons whose names should be removed from jury lists.
- (6) To the Office of the State Controller for the purposes of G.S. 143B-426.38A.
- (7) To the Department of Commerce, Division of Employment Security, for the purpose of verifying employer and claimant identity."

SECTION 5.(a) G.S. 96-9.2(c) reads as rewritten:

"(c) Contribution Rate for Experience-Rated Employer. – The contribution rate for an experience-rated employer who does not qualify as a beginning employer under subsection (b) of this section is determined in accordance with the table set out below and then rounded to the nearest one-hundredth percent (0.01%), subject to the minimum and maximum contribution rates. The minimum contribution rate is six-hundredths of one percent (0.06%). The maximum contribution rate is five and seventy-six hundredths percent (5.76%). "Total insured wages" are the total wages reported by all insured employers for the 12-month period ending on July 31~~June 30~~ preceding the computation date. An employer's experience rating is computed as a reserve ratio in accordance with G.S. 96-9.4. An employer's reserve ratio percentage (ERRP) is the employer's reserve ratio multiplied by sixty-eight hundredths. A positive ERRP produces a lower contribution rate, and a negative ERRP produces a higher contribution rate.

...."

SECTION 5.(b) This section is effective when it becomes law and applies to contributions payable for calendar quarters beginning on or after January 1, 2014.

SECTION 6.(a) G.S. 96-14.9(e) reads as rewritten:

"(e) Actively Seeking Work. – The Division's determination of whether an individual is actively seeking work is based upon the following:

- (1) The individual is registered for employment services, as required by the Division.
- (2) The individual has engaged in an active search for employment that is appropriate in light of the employment available in the labor market and the individual's skills and capabilities.
- (3) The individual has ~~sought work on at least two different days during the week and~~ made at least ~~two~~five job contacts with potential ~~employers~~employers during the week.

- (4) The individual has maintained a record of the individual's work search efforts. The record must include the potential employers contacted, the method of contact, and the date contacted. The individual must provide the record to the Division upon request."

SECTION 6.(b) This section becomes effective July 1, 2014, and applies to claims for benefits filed on or after that date.

SECTION 7.(a) G.S. 96-15(h) reads as rewritten:

"(h) Judicial Review. – ~~Any A~~ decision of the ~~Division, in the absence of judicial review as herein provided, or in the absence of an interested party filing a request for reconsideration, shall become Board of Review becomes~~ final 30 days after the date of ~~notification or mailing thereof, whichever is earlier, unless a party to the decision seeks judicial review as provided in this subsection.~~ Judicial review ~~shall be is~~ permitted only after a party claiming to be aggrieved by the decision has exhausted ~~his remedies before the Division as provided in this Chapter the remedies provided in this Chapter~~ and has filed a petition for review in the superior court of the county in which ~~he the petitioner~~ resides or ~~has his the county in which the petitioner's~~ principal place of ~~business. business is located.~~ The petition for review ~~shall must~~ explicitly state what exceptions are taken to the decision or procedure ~~of the Division~~ and what relief the petitioner seeks. Within 10 days after the petition is filed with the court, the petitioner ~~shall must~~ serve copies of the petition by personal service or by certified mail, return receipt requested, upon the Division and upon all parties of record to the Division proceedings. ~~The Division must furnish the petitioner the names~~ Names and addresses of the parties ~~shall be furnished to the petitioner by the Division~~ upon request. The Division ~~shall be deemed to be is~~ a party to any judicial action involving any of its decisions and may be represented in the judicial action by any qualified attorney who has been designated by it for that purpose. Any questions regarding the requirements of this subsection concerning the service or filing of a petition ~~shall must~~ be determined by the superior court. Any party to the Division proceeding may become a party to the review proceeding by notifying the court within 10 days after receipt of the copy of the petition. Any person aggrieved may petition to become a party by filing a motion to intervene as provided in G.S. 1A-1, Rule 24.

Within 45 days after receipt of the copy of the petition for review or within such additional time as the court may allow, the Division ~~shall must~~ transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. With the permission of the court the record may be shortened by stipulation of all parties to the review proceedings. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for ~~such the~~ additional cost ~~as is occasioned incurred~~ by the refusal. The court may require or permit subsequent corrections or additions to the record when ~~deemed the court considers the changes~~ desirable."

SECTION 7.(b) This section becomes effective July 1, 2014, and applies to decisions made on or after that date.

SECTION 8.(a) G.S. 96-3 reads as rewritten:

"§ 96-3. Division of Employment Security.

The Division of Employment Security (DES) is created within the Department of Commerce and shall administer the provisions of this Chapter under the supervision of the Assistant Secretary of ~~Commerce Commerce through two coordinate sections: the Employment Security Section and the Employment Insurance Section. The Employment Security Section shall administer the employment services functions of the Division. The Employment Insurance Section shall administer the unemployment taxation and assessment functions of the Division.~~"

SECTION 8.(b) G.S. 96-4(j) reads as rewritten:

"(j) Hearings. – The Assistant Secretary shall appoint hearing officers or appeals referees to hear contested matters arising from the [Employment Security Section and the Employment Insurance Section](#)–[Division of Employment Security](#). Appeals from the decisions of the hearing officers or appeals referees shall be heard by the Board of Review."

SECTION 8.(c) G.S. 96-9.15(f) reads as rewritten:

"(f) Domestic Employer Exception. – The Division may authorize an employer of domestic service employees to file an annual report and to file that report by telephone. An annual report allowed under this subsection is due on or before the last day of the month following the close of the calendar year in which the wages are paid. A domestic service employer that files a report by telephone must contact either the tax auditor assigned to the employer's account or the [Employment Insurance Section](#)–[Division of Employment Security](#) in Raleigh and report the required information to that auditor or to that section by the date the report is due."

PART IV: GARNISHMENT AND ATTACHMENT FOR THE COLLECTION OF UNPAID UI TAXES

SECTION 9.(a) G.S. 1-359 reads as rewritten:

"§ 1-359. Debtors of judgment debtor may satisfy execution.

[\(a\)](#) After the issuing of an execution against property, all persons indebted to the judgment debtor, or to any one of several debtors in the same judgment, may pay to the sheriff the amount of their debt, or as much thereof as is necessary to satisfy the execution; and the sheriff's receipt is a sufficient discharge for the amount paid.

[\(b\)](#) When the Division of Employment Security of the Department of Commerce (Division) prevails in a civil action against an employer to collect unpaid employment taxes under G.S. 96-10(b), the Division may attach or garnish the employer's credit card receipts in payment of the unpaid taxes in the manner provided by subsection (a) of this section. Direct receipt by the Division is a sufficient discharge for the amount paid by a credit card company or clearinghouse."

SECTION 9.(b) G.S. 96-10(b)(1) reads as rewritten:

"(b) Collection. –

(1) If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the Division, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions, except petitions for judicial review under this Chapter and cases arising under the Workers' Compensation Law of this State; or, if any contribution imposed by this Chapter, or any portion thereof, and/or penalties duly provided for the nonpayment thereof shall not be paid within 30 days after the same become due and payable, and after due notice and reasonable opportunity for hearing, the Division, under the hand of the Assistant Secretary, may certify the same to the clerk of the superior court of the county in which the delinquent resides or has property, and additional copies of said certificate for each county in which the Division has reason to believe the delinquent has property located. If the amount of a delinquency is less than fifty dollars (\$50.00), the Division may not certify the amount to the clerk of court until a field tax auditor or another representative of the Division

personally contacts, or unsuccessfully attempts to personally contact, the delinquent and collect the amount due. A certificate or a copy of a certificate forwarded to the clerk of the superior court shall immediately be docketed and indexed on the cross index of judgments, and from the date of such docketing shall constitute a preferred lien upon any property which said delinquent may own in said county, with the same force and effect as a judgment rendered by the superior court. The Division shall forward a copy of said certificate to the sheriff or sheriffs of such county or counties, or to a duly authorized agent of the Division, and when so forwarded and in the hands of such sheriff or agent of the Division, shall have all the force and effect of an execution issued to such sheriff or agent of the Division by the clerk of the superior court upon a judgment of the superior court duly docketed in said county. Provided, however, the Division may in its discretion withhold the issuance of said certificate or execution to the sheriff or agent of the Division for a period not exceeding 180 days from the date upon which the original certificate is certified to the clerk of superior court. The Division is further authorized and empowered to issue alias copies of said certificate or execution to the sheriff or sheriffs of such county or counties, or to a duly authorized agent of the Division in all cases in which the sheriff or duly authorized agent has returned an execution or certificate unsatisfied; when so issued and in the hands of the sheriff or duly authorized agent of the Division, such alias shall have all the force and effect of an alias execution issued to such sheriff or duly authorized agent of the Division by the clerk of the superior court upon a judgment of the superior court duly docketed in said county. Provided, however, that notwithstanding any provision of this subsection, upon filing one written notice with the Division, the sheriff of any county shall have the sole and exclusive right to serve all executions and make all collections mentioned in this subsection and in such case no agent of the Division shall have the authority to serve any executions or make any collections therein in such county. A return of such execution, or alias execution, shall be made to the Division, together with all moneys collected thereunder, and when such order, execution, or alias is referred to the agent of the Division for service the said agent of the Division shall be vested with all the powers of the sheriff to the extent of serving such order, execution or alias and levying or collecting thereunder. The agent of the Division to whom such order or execution is referred shall give a bond not to exceed three thousand dollars (\$3,000) approved by the Division for the faithful performance of such duties. The liability of said agent shall be in the same manner and to the same extent as is now imposed on sheriffs in the service of executions. If any sheriff of this State or any agent of the Division who is charged with the duty of serving executions shall willfully fail, refuse, or neglect to execute any order directed to him by the said Division and within the time provided by law, the official bond of such sheriff or of such agent of the Division shall be liable for the contributions, penalty, interest, and costs due by the employer. Any judgment that is executable and allowed under this section shall be subject to attachment and garnishment under G.S. 1-359(b) in payment of unpaid taxes that are due from the employer and collectable under this Article."

SECTION 9.(c) This section is effective when it becomes law and applies to judgments entered on or after that date.

PART V: SET THE DURATION OF UNEMPLOYMENT BENEFITS BASED ONLY ON UNEMPLOYMENT RATES

SECTION 10.(a) G.S. 96-14.4 is repealed.

SECTION 10.(b) G.S. 96-14.3 reads as rewritten:

"§ 96-14.3. ~~Minimum and maximum duration~~ Duration of benefits.

(a) The ~~minimum and maximum~~ number of weeks an individual is allowed to receive unemployment benefits depends on the seasonal adjusted statewide unemployment rate that applies to the six-month base period in which the claim is filed. One six-month base period begins on January 1 and one six-month base period begins on July 1. For the base period that begins January 1, the average of the seasonal adjusted unemployment rates for the State for the preceding months of July, August, and September applies. For the base period that begins July 1, the average of the seasonal adjusted unemployment rates for the State for the preceding months of January, February, and March applies. The Division must use the most recent seasonal adjusted unemployment rate determined by the U.S. Department of Labor, Bureau of Labor Statistics, and not the rate as revised in the annual benchmark. ~~The number of weeks allowed for an individual is determined in accordance with G.S. 96-14.4.~~

Seasonal Adjusted Unemployment Rate	Minimum Number of Weeks	Maximum Number of Weeks
Less than or equal to 5.5%	5	12
Greater than 5.5% up to 6%	6	13
Greater than 6% up to 6.5%	7	14
Greater than 6.5% up to 7%	8	15
Greater than 7% up to 7.5%	9	16
Greater than 7.5% up to 8%	10	17
Greater than 8% up to 8.5%	11	18
Greater than 8.5% up to 9%	12	19
Greater than 9%	13	20

(b) The total benefits paid to an individual equals the individual's weekly benefit amount allowed under G.S. 96-14.2 multiplied by the number of weeks allowed under subsection (a) of this section."

SECTION 10.(c) G.S. 96-14.12(b) reads as rewritten:

"(b) Duration of Benefits. – This subsection applies to an individual and the spouse of an individual who is unemployed based on services performed for a corporation in which the individual held five percent (5%) or more of the outstanding shares of the voting stock of the corporation. The maximum number of weeks an individual or an individual's spouse may receive benefits is ~~limited to the lesser of six weeks or the applicable weeks determined under G.S. 96-14.4.weeks.~~"

SECTION 10.(d) G.S. 96-16(f) reads as rewritten:

- "(f) (1) A seasonal worker shall be eligible to receive benefits based on seasonal wages only for a week of unemployment which occurs, or the greater part of which occurs within the active period or periods of the seasonal pursuit or pursuits in which he earned base period wages.
- (2) A seasonal worker shall be eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during any active period or periods of the seasonal pursuit in which he has earned base period wages

provided he has exhausted benefits based on seasonal wages. Such worker shall also be eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during the inactive period or periods of the seasonal pursuit in which he earned base period wages irrespective as to whether he has exhausted benefits based on seasonal wages.

- (3) The maximum amount of benefits which a seasonal worker shall be eligible to receive based on seasonal wages shall be an amount, adjusted to the nearest multiple of one dollar (\$1.00), determined by multiplying the maximum benefits payable in his benefit year, as provided in [G.S. 96-14.4](#), [G.S. 96-14.3](#), by the percentage obtained by dividing the seasonal wages in his base period by all of his base period wages.
- (4) The maximum amount of benefits which a seasonal worker shall be eligible to receive based on nonseasonal wages shall be an amount, adjusted to the nearest multiple of one dollar (\$1.00), determined by multiplying the maximum benefits payable in his benefit year, as provided in [G.S. 96-14.4](#), [G.S. 96-14.3](#), by the percentage obtained by dividing the nonseasonal wages in his base period by all of his base period wages.
- (5) In no case shall a seasonal worker be eligible to receive a total amount of benefits in a benefit year in excess of the maximum benefits payable for such benefit year, as provided in [G.S. 96-14.4](#), [G.S. 96-14.3](#)."

SECTION 10.(e) This section becomes effective July 1, 2014. Changes made by this section to unemployment benefits apply to claims for benefits filed on or after July 1, 2014.

PART VI: REQUIRE PHOTO IDENTIFICATION TO RECEIVE UI BENEFITS

SECTION 11. G.S. 96-14.9 reads as rewritten:

"§ 96-14.9. Weekly certification.

(a) Requirements. – An individual's eligibility for a weekly benefit amount is determined on a week-to-week basis. An individual must meet all of the requirements of this section for each weekly benefit period. An individual who fails to meet one or more of the requirements is ineligible to receive benefits until the condition causing the ineligibility ceases to exist:

- (1) File a claim for benefits.
- (2) Report ~~at an employment office~~ as requested by the ~~Division~~ [Division and present valid photo identification meeting the requirements of subsection \(k\) of this section.](#)
- (3) Meet the work search requirements of subsection (b) of this section.

...

[\(k\) Photo Identification – The individual must present the Division one of the following documents bearing the individual's photograph:](#)

- [\(1\) A drivers license, learner's permit, provisional license, or nonoperators identification card issued by North Carolina, another state, the District of Columbia, United States territory, or United States commonwealth.](#)
- [\(2\) A United States passport.](#)
- [\(3\) A United States military identification card.](#)
- [\(4\) A Veterans Identification Card issued by the United States Department of Veterans Affairs.](#)
- [\(5\) A tribal enrollment card issued by a federally recognized tribe.](#)
- [\(6\) Any other document issued by the United States or any state that the Division determines adequately identifies the individual."](#)

PART VII: EFFECTIVE DATE

SECTION 12. Except as otherwise provided, this act is effective when it becomes law.



Bill Draft 2013-TMxz-13*: Unemployment Insurance Law Changes.

2013-2014 General Assembly

Committee:	Joint Legislative Oversight Committee on Unemployment Insurance	Date:	May 9, 2014
Introduced by:		Prepared by:	Greg Roney Committee Counsel
Analysis of:	2013-TMxz-13*		

SUMMARY: *The bill draft would make the following changes to the unemployment insurance (UI) laws as recommended by the Joint Legislative Oversight Committee on Unemployment Insurance:*

- *Clarify that UI claim information is confidential unless the disclosure is permitted by federal regulation, and would exempt UI information from the public records disclosure requirements of Chapter 132 of the General Statutes.*
- *Validate higher-level appeal decisions made since November 1, 2011; create staggered terms for the members of the Board of Review; and change the appointment of the Board of Review members.*
- *Authorize the Division of Motor Vehicles (DMV) to disclose social security numbers to Division of Employment Security (DES) for the purpose of verifying employer and claimant identity; require UI claimants to contact 5 potential employers per week; eliminate the procedure to request reconsideration of DES decisions; and make other technical changes to modernize language and fix statutory references to DES.*
- *Clarify DES authority to garnish and attach the credit card receipts of delinquent tax payers.*
- *Eliminate the variable range for UI duration and base the duration of UI benefits only on the unemployment rate. Under the proposal, all UI claimants would receive the maximum number of weeks of UI benefits currently allowed.*
- *Require photo identification to receive UI benefits.*

CURRENT LAW, BILL ANALYSIS, AND EFFECTIVE DATE:

PART I: CONFIDENTIALITY OF UI INFORMATION

CURRENT LAW: The Employment Security Law, Chapter 96, currently provides for disclosure of UI information only as permitted or required by Federal regulations. UI information is not specifically exempted from the public records disclosure requirements of Chapter 132 of the General Statutes.

BILL ANALYSIS:

Section 1.(a) of the bill would define "confidential information" in G.S. 96-4(x) to mean:

- Any information in the records of DES relating to the administration of the UI Law that is confidential under Federal regulations.
- Claim information as defined in the Federal regulations, including any information that might identify a claimant, employer, or employing unit in an UI matter.

This section would exempt confidential information from the public records disclosure requirements of G.S. Chapter 132. Finally, this section would amend G.S. 96-4(x) to authorize DES to disclose final decisions of appeals proceedings and the records of those hearings that led to the final decisions.

Section 1.(b) would amend G.S. 132-1.1 to exempt confidential UI information from the disclosure requirements of the Public Records Law.

Section 1.(c) of the bill would direct DES to take immediate action to comply with the provisions of the bill.

BACKGROUND: DES generates notices of hearing to inform claimants and employers in UI cases of the date and time of scheduled appeals before an Appeals Referee. In 2004, DES received a request under the Public Records Law for access to those notices, and DES began making the notices available on a daily basis to those who requested them and paid a fee as allowed under Chapter 132 of the General Statutes.

In February 2014, DES announced that the hearing notices would be made available only three times monthly and that the fee would be increased. A lawsuit¹³ was filed in Wake County Superior Court, alleging that the agency's practice violated the Public Records Law. Subsequently, a temporary restraining order and preliminary injunction were issued, ordering DES to continue providing the notices of hearing until the case could be tried.

Confidentiality of UI information is governed by Federal regulations at 20 C.F.R. Part 603. After learning of the agency's practice, in a letter dated March 7, 2014, the US Department of Labor (USDOL) officially notified DES that it must cease providing the hearing notices.¹⁴ USDOL stated that such disclosure constitutes a failure to comply with Federal laws and regulations relating to confidentiality of UI information. The USDOL letter states that State law conforms to Federal requirements, but that the DES practices did not comply with Federal law. The letter also stated that continuing to provide the notices would jeopardize the State's receipt of Title III grant funds, which funds the administrative operations of the State's UI program.

USDOL sent a follow-up letter to DES on April 25, 2014,¹⁵ reiterating its position that DES practice of providing notices of UI appeals hearings raises "several issues of substantial compliance with Federal law requirements," and again instructing DES to

¹³ Monica Wilson and Wilson Law Group PLLC v. North Carolina Department of Commerce; NC Department of Commerce, Division of Employment Security; Sharon Allred Decker, in her capacity as Secretary of Commerce; and Dale R. Folwell, in his capacity as Assistant Secretary of Employment Security, Wake County General Court of Justice 14 CvD 2499 (filed Feb 28, 2014).

¹⁴ Letter dated March 7, 2014, from Gay M. Gilbert, Administrator, Office of Unemployment Insurance, U.S. Department of Labor.

¹⁵ Letter dated April 25, 2014, from Gay M. Gilbert, Administrator, Office of Unemployment Insurance, U.S. Department of Labor.

immediately cease that practice. The USDOL letter stated that "[t]o be in substantial compliance with Federal law, DES must cease the practice of providing notice of appeals hearings to attorneys who do not already represent a claimant or an employer, and provide assurances that the practice has stopped and will not be resumed," and that DES must request that recipients of confidential UI information either destroy that information or return it to DES. The USDOL made clear that "DES has an affirmative duty to explore all avenues to comply with Federal law, including through the court system with the current proceedings, but also potentially via legislative remedy...." USDOL recommended that although the provisions of G.S. 96-4(x) conform to Federal law and regulations, the State's Public Records Law should be amended to exempt UI information from public records disclosures.

PART II: BOARD OF REVIEW FOR UNEMPLOYMENT INSURANCE

CURRENT LAW: USDOL encourages states to have a second level of review for decisions and determinations made by DES, but it does not require one. The General Assembly created a Board of Review¹⁶ to determine appeals policies and procedures and to hear appeals arising from the decisions and determinations of the Lower Appeals Department of DES. The Board consists of three members¹⁷ appointed by the Governor and confirmed by the General Assembly: one member representing employers, one member representing employees, and one member representing the general public.¹⁸ The member representing the general public is designated as the chair of the Board and must be a licensed attorney.

Beginning November 1, 2011, the UI laws provided a second level of appeal to an impartial Board of Review. However, the Board was not appointed until December 6, 2013. In the absence of a Board, the Assistant Secretary of Commerce for DES, or the Secretary of Commerce's designee, provided parties with the second level of review that the statute vested in the Board of Review.

In a case before the Superior Court in Rowan County, the Court noted that the Assistant Secretary of Commerce for DES did not have the statutory authority to make those decisions. According to the testimony in the case,¹⁹ there may have been 13,000 lower level decisions appealed to the second level of review prior to the Governor's appointment of the Board of Review.

BILL ANALYSIS: The bill draft addresses two issues: the validation of higher-level appeal decisions made since November 1, 2011, and the appointment of the members to the Board of Review.

A party who does not agree with a DES decision or determination may seek redress in the Superior Court. The failure to provide a second level of review in the form required by the statute (i.e., by a properly constituted Board of Review) does not harm a party who disagrees with a decision because the party has the ability to appeal to Superior Court.

¹⁶ S.L. 2011-401.

¹⁷ G.S.96-4(b).

¹⁸ The Governor made the following appointments to the Board of Review: Keith Holliday, representing employers; Stanley Campbell, representing employees; and Jeanette Doran, representing the general public.

¹⁹ Wesley A. Lane v. N.C. Department of Commerce, Division of Employment Security, Rowan County Superior Court 13 CvS 1109.

Section 2 of the bill draft validates the second level appeals decisions made since November 1, 2011, in two ways:

- Provides that a decision made by the Assistant Secretary of Commerce for DES or the Secretary of Commerce's designee is validated and given the same legal effect as if the decision had been issued by the Board of Review.
- Removes any ambiguity concerning the proper constitution of the Board of Review by changing the date by which the Governor could make the initial appointments without confirmation by the General Assembly from September 1, 2013, to January 1, 2014.

Section 3 of the bill draft changes the appointment of the Board of Review members and provides for staggered four-year terms. The bill draft provides that the terms begin on July 1 and end on June 30 of the fourth year. A member of the Board of Review may not continue to serve until a successor is appointed. Under the draft, two members will be appointed by the General Assembly: one upon the recommendation of the Speaker of the House and one upon the recommendation of the President Pro Tempore of the Senate. The third member will be appointed by the Governor. The Governor's appointment will need to be confirmed by the General Assembly in accordance with the nomination and confirmation process set forth in G.S. 14-16.3.²⁰

The Governor's appointee will be the chair of the Board; that member must be a licensed attorney and must represent the general public. One of the General Assembly's appointments, the one representing employers, will be made upon the recommendation of the President Pro Tempore. The other appointment, the one representing employees, will be made upon the recommendation of the Speaker.

To achieve the staggered terms, the terms of the existing Board members are as follows:

- The term of the member representing employers will expire June 30, 2014.
- The term of the member representing employees will expire June 30, 2015.
- The term of the member representing the general public will expire June 30, 2017.

BACKGROUND: The General Assembly created the Board in S.L. 2011-401, but failed to set the salaries for the Board members. The Current Operations and Capital Improvements Appropriations Act of 2012, S.L. 2012-142, set the salaries for the Board members.²¹ Although the budget became law on July 2, 2012, the appointments to the Board had not been made by June of 2013.

In recognition that the appointments would not be made prior to the adjournment of the 2013 Session, the General Assembly enacted the one-time exception to the confirmation process in S.L. 2013-224. In S.L. 2013-224, the General Assembly directed the Governor to make the appointments to the Board by September 1, 2013, and provided that the appointments made under the authority of this legislation would not require confirmation.

²⁰ G.S. 147-16.3 provides that an appointment for an odd-numbered year should be made by May 15 and an appointment for an even-numbered year should be made by June 7. If an appointment is not timely made, then the nominee may serve on an interim basis until the convening of the next regular session.

²¹ The chair receives an annual salary of \$122,255 and the remaining two members receive an annual salary of \$120,737.

The Governor made the appointments outside the time allowed by S.L. 2013-224 on December 6, 2013.

PART III: AUTHORIZING DMV TO DISCLOSE SOCIAL SECURITY NUMBERS; REQUIRING UI CLAIMANTS TO CONTACT 5 POTENTIAL EMPLOYERS PER WEEK; AND ELIMINATING THE PROCEDURE TO REQUEST RECONSIDERATION OF DECISIONS.

CURRENT LAW: G.S. 20-7(b2) authorizes DMV to disclose social security numbers to a list of State entities subject to federal limitations. DMV obtained the social security numbers when a person applied for an identification card, learners permit, or driver's license.

G.S. 96-14.9(e) requires UI claimants to actively search for work while receiving UI benefits. The claimant must make 2 job contacts with potential employers on 2 different days during a week.

G.S. 96-15(h) provides a procedure for parties to any decision of DES to request reconsideration of the decision. The decision is not final until the request for reconsideration has been decided.

BILL ANALYSIS: Section 4 would add DES to the list of State entities authorized to receive social security numbers from DMV. The social security numbers are disclosed for the purpose of verifying employer and claimant identity.

Section 5 would make a technical change to move the date for the calculation of tax rates for certain employers from July 31 to June 30. The calculation is based on a 12-month period, and June 30 is the end of the calendar quarter.

Section 6 would modify the work search requirement by increasing the number of job contacts to 5 per week and eliminating the requirement to search on 2 different days.

Section 7 would eliminate the procedure to request reconsideration of decisions of DES and modernize the language of G.S. 96-15(h).

Section 8 would correct 3 references to DES.

EFFECTIVE DATE: Section 5 would be effective for contributions payable for calendar quarters beginning on or after January 1, 2014. Sections 6 and 7 would be effective July 1, 2014.

PART IV: GARNISHMENT AND ATTACHMENT FOR THE COLLECTION OF UNPAID UI TAXES

CURRENT LAW: DES is authorized by G.S. 96-10(b) to bring civil actions to collect delinquent UI taxes. G.S. 1-359 governs the manner in which debtors of a judgment debtor may satisfy an execution.

BILL ANALYSIS: The bill draft clarifies DES authority to use attachment and garnishment of credit card receipts to satisfy a judgment for unpaid employment taxes.

Section 9.(a) amends G.S. 1-359 to specifically allow DES to execute a judgment by attaching or garnishing a delinquent employer's credit card receipts and then receiving those funds directly from a credit card company or clearinghouse in discharge of the debt.

Section 9.(b) clarifies that, under G.S. 96-10(b)(1), DES may garnish or attach credit card receipts due an employer using the process for execution authorized by new G.S. 1-359(b) to receive direct payment.

BACKGROUND: DES is responsible for collecting unemployment taxes from employers who fail to remit unemployment tax payments. DES may use the same forms of execution available to any other judgment creditor who prevails against a defendant. Obtaining payment from a debtor's debtor is one such method.

EFFECTIVE DATE: This section is effective when it becomes law and applies to judgments entered on or after that date.

PART V: SET THE DURATION OF UNEMPLOYMENT BENEFITS BASED ONLY ON UNEMPLOYMENT RATES

CURRENT LAW: The duration of UI benefits is determined based on a formula in G.S. 96-14.4 and a table in G.S. 96-14.3.

The formula in G.S. 96-14.4 was designed to reward UI claimants who have a higher attachment to the workforce by comparing base period wages and wages in the last 2 quarters. The formula resulted in some UI claimants receiving less than the maximum number of weeks of UI benefits allowed under the table.

The table in G.S. 96-14.3 gives the minimum and maximum number of weeks an individual is allowed to receive UI benefits depending on the seasonal adjusted statewide unemployment rate that applies to the six-month period in which the claim is filed.²² The table follows:

Seasonal Adjusted Unemployment Rate	Minimum Number of Weeks	Maximum Number of Weeks
Less than or equal to 5.5%	5	12
Greater than 5.5% up to 6%	6	13
Greater than 6% up to 6.5%	7	14
Greater than 6.5% up to 7%	8	15
Greater than 7% up to 7.5%	9	16
Greater than 7.5% up to 8%	10	17
Greater than 8% up to 8.5%	11	18
Greater than 8.5% up to 9%	12	19
Greater than 9%	13	20

BILL ANALYSIS: The bill draft would eliminate the variable range for the duration of UI benefits and pay all UI claimants based on the maximum number of weeks currently allowed. The bill draft also makes conforming changes to statutory cross-references.

BACKGROUND: S.L. 2013-2 (House Bill 4), UI Fund Solvency & Program Changes, reduce the maximum duration of regular UI benefits from 26 weeks to 20 weeks and tied

²² One six month base period begins on January 1 and one six month base period begins on July 1. For the base period that begins January 1, the average of the seasonal adjusted unemployment rates for the State for the preceding months of July, August, and September applies. For the base period that begins July 1, the average of the seasonal adjusted unemployment rates for the State for the preceding months of January, February, and March applies.

the duration of UI benefits to the seasonal adjusted unemployment rate under a table. S.L. 2013-2 did not change the formula setting a variable number of weeks based on attachment to the workforce. The interaction of the existing formula and the new table does not reduce benefits below 17 weeks – making the minimum number of weeks in the table inoperable below 17 weeks. The bill draft would remove the variable range and place all UI claimants at the maximum duration.

EFFECTIVE DATE: Part V of the bill draft would be effective July 1, 2014 and apply to claims for UI benefits filed on or after July 1, 2014.

PART VI: REQUIRE PHOTO IDENTIFICATION TO RECEIVE UI BENEFITS

CURRENT LAW AND BACKGROUND: DES administratively requires UI claimants present photo identification before receiving services. DES imposed the photo identification requirement to address fraudulent UI claims and create an audit trail. The photograph is evidence of the individual who committed fraud and aids prosecution of criminal offenses.

USDOL supports program integrity measures such as requiring photo identification. USDOL provided a staff opinion that photo identification is a permissible eligibility requirement for UI claimants as part of the requirement to report to DES.

BILL ANALYSIS: The bill draft would add a new, statutory eligibility requirement to receive UI benefits that claimants must present photo identification. Valid photo identification requires the individual's photograph and must be one of the following documents:

- A driver's license, learner's permit, provisional license, or nonoperators identification card issued by North Carolina, another state, the District of Columbia, United States territory, or United States commonwealth.
- A United States passport.
- A United States military identification card.
- A Veterans Identification Card issued by the United States Department of Veterans Affairs.
- A tribal enrollment card issued by a federally recognized tribe.
- Any other document issued by the United States or any state that the Division determines adequately identifies the individual.

PART VII: EFFECTIVE DATE

Except as otherwise provided in Parts III, IV, and V, the bill draft would be effective when it becomes law.

Cindy Avrette and Janice Paul with the Research Division and Phyllis Pickett with the Bill Drafting Division substantially contributed to this summary.

APPENDIX A

AUTHORIZING LEGISLATION ARTICLE 12R OF CHAPTER 120 OF THE GENERAL STATUTES

ALL MATERIALS DISTRIBUTED AT MEETINGS MAY
BE VIEWED ON THE COMMITTEE'S WEBSITE:

[http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-
Standing_6596](http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-
<u>Standing_6596</u>)

Article 12R.

Joint Legislative Oversight Committee on Unemployment Insurance.

§ 120-70.155. (Expires July 1, 2023) Creation and membership.

(a) The Joint Legislative Oversight Committee on Unemployment Insurance is established. The Committee consists of eight members appointed as follows:

- (1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (2) Four members of the Senate appointed by the President Pro Tempore of the Senate.

(b) The members serve for a term of two years. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee. A member continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment. (2013-2, s. 10; 2013-224, s. 19.)

§ 120-70.156. (Expires July 1, 2023) Purpose and powers of Committee.

(a) Purpose. - The Joint Legislative Oversight Committee on Unemployment Insurance is directed to study and review all unemployment insurance matters, workforce development programs, and reemployment assistance efforts of the State. The following duties and powers, which are enumerated by way of illustration, shall be liberally construed to provide maximum review by the Committee of these matters:

- (1) Study the unemployment insurance laws of North Carolina and the administration of those laws.
- (2) Review the State's unemployment insurance laws to determine which laws need clarification, technical amendment, repeal, or other change to make the laws concise, intelligible, and easy to administer.
- (3) Monitor the payment of the debt owed by the Unemployment Trust Fund to the federal government.
- (4) Review and determine the adequacy of the balances in the Unemployment Trust Fund and the Unemployment Insurance Reserve Fund.
- (5) Study the workforce development programs and reemployment assistance efforts of the Division of Workforce Solutions of the Department of Commerce.
- (6) Call upon the Department of Commerce to cooperate with it in the study of the unemployment insurance laws and the workforce development efforts of the State.

(b) The Committee may report its findings and recommendations to any regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee. (2013-2, s. 10; 2013-224, s. 19.)

§ 120-70.157. (Expires July 1, 2023) Organization of Committee.

The Speaker of the House of Representatives shall designate one representative as cochair, and the President Pro Tempore of the Senate shall designate one senator as

cochair. The Joint Legislative Oversight Committee on Unemployment Insurance may meet upon the joint call of the cochairs. A quorum of the Committee is five members.

The Committee may meet in the Legislative Building or the Legislative Office Building. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. The House of Representatives and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Committee, and the expenses relating to the clerical employees shall be borne by the Committee. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. Members of the Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate. (2013-2, s. 10; 2013-224, s. 19.)

§ 120-70.158. (Expires July 1, 2023) Sunset.

This Article expires July 1, 2023. (2013-2, s. 10; 2013-224, s. 19.)

APPENDIX B

MEETING AGENDAS

ALL MATERIALS DISTRIBUTED AT MEETINGS MAY
BE VIEWED ON THE COMMITTEE'S WEBSITE:

[http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-Standing_6596](http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-<u>Standing_6596</u>)

AGENDA
JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard

Sen. Bob Rucho

Wednesday, October 2, 2013
Room 544, Legislative Office Building
10:00 a.m.

- I. **Call to Order**
Rep. Howard
- II. **Welcome and Introductions**
- III. **Recent Legislative Changes Enacted to Reform the Unemployment Insurance System**
 - **Focus: Organizational Changes**
S.L. 2011-401
Phyllis Pickett, Bill Drafting Division
 - **Focus: Program Integrity**
S.L. 2012-134
Jan Paul, Research Division
 - **Focus: Debt Reduction**
S.L. 2013-2, as amended by S.L. 2013-224 and S.L. 2013-391;
S.L. 2013-360 (budget bill)
Rodney Bizzell, Fiscal Research
Greg Roney, Research Division
- IV. **Implementation of the Legislative Changes**

Assistant Secretary Roger Shackelford, Division of Workforce Solutions, Department of Commerce

Assistant Secretary Dale Folwell, Division of Employment Security, Department of Commerce
- V. **Adjournment**

AGENDA
JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard

Sen. Bob Rucho

Wednesday, November 6, 2013
Room 544, Legislative Office Building
10:00 a.m.

- I. **Call to Order**
Sen. Rucho
- II. **Approval of Minutes from October 2, 2013, Meeting**
- III. **Status Updates**
 - **Appointment of Board of Review Members**
Secretary Sharon Decker, Department of Commerce
 - **Local Office Service Realignment**
Assistant Secretary Roger Shackelford, Division of Workforce Solutions, Department of Commerce
 - **Modernization of State Unemployment Insurance Technology Programs**
Assistant Secretary Dale Folwell, Division of Employment Security, Department of Commerce
 - **Unemployment Trust Fund Debt Balance**
Rodney Bizzell, Fiscal Research Division
- IV. **Unemployment Insurance Program Integrity**
 - **Overview of Program Integrity**
Phyllis Pickett, Bill Drafting Division, North Carolina General Assembly
 - **Report from the Government Data Analytics Center**
Kay Meyer, Office of State Controller
 - **Report from the Division of Employment Security, Department of Commerce on Benefits Integrity and Employee Misclassification**
Chinita Arceneaux, Division of Employment Security, Department of Commerce

Ted Brinn, Division of Employment Security, Department of Commerce
- V. **Adjournment**

AGENDA

JT LEG WORKFORCE DEVELOPMENT SYSTEM REFORM OVERSIGHT COMMITTEE

Rep. Julia Howard and Sen. Fletcher Hartsell

JT LEG OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard and Sen. Bob Rucho

**Wednesday, December 4, 2013
Room 544, Legislative Office Building
10:00 a.m.**

- I. **Call to Order**
- II. **Approval of Minutes from Prior Meetings**
- III. **Status Updates from Commerce**
 - **Appointment of Board of Review Members**
Fred Steen, Legislative Liaison to Governor McCrory
 - **Division of Employment Security and Division of Workforce Solutions Memorandum of Understanding**
Assistant Secretary Dale Folwell, Division of Employment Security, Department of Commerce
Assistant Secretary Roger Shackelford, Division of Workforce Solutions, Department of Commerce
- IV. **Workforce Initiatives**
 - **Integrated Service Delivery**
Assistant Secretary Roger Shackelford, Division of Workforce Solutions, Department of Commerce
 - **North Carolina Community College System Strategic Plan Overview and Examples of Success**
Dr. R. Scott Ralls, President, North Carolina Community College System
- V. **Adjournment**

AGENDA
JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard

Sen. Bob Rucho

Wednesday, January 8, 2014
Room 544, Legislative Office Building
10:00 a.m.

- I. **Call to Order**
- II. **Emergency Unemployment Compensation**
 - **Overview of EUC Prior to December 31, 2013**
Cindy Avrette, Research Division
 - **EUC and Congressional Action to Date**
Doug Holmes, UWC-Strategic Services on Unemployment & Workers' Compensation
- III. **Status Updates**
 - **Unemployment Trust Fund Debt Balance Issues**
Division of Employment Security
 - **Unemployment Benefits Paid to Federal Employees during Federal Government Shutdown**
Division of Employment Security
 - **Current North Carolina Local Area Unemployment Statistics**
Division of Employment Security
 - **Other Items**
Division of Employment Security
- IV. **Approval of Minutes from December 4, 2013, Meeting**
(The December meeting was a joint meeting with the Joint Legislative Workforce Development System Reform Oversight Committee)
- V. **Adjournment and Recognition of Committee Staff**

AGENDA
JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard

Sen. Bob Rucho

Wednesday, February 5, 2014
Room 544, Legislative Office Building
10:00 a.m.

- I. **Call to Order**
- II. **Approval of Minutes from January 8, 2014, meeting**
- III. **Employment Trends in North Carolina**
Mike Walden, William Neal Reynolds Distinguished Professor and Extension Economist in the Department of Agricultural and Resource Economics at North Carolina State University, and a member of the Graduate Economics faculty with The Poole College of Management
- IV. **Discussion of Unemployment Rate Calculation and Uses**
Betty McGrath, Ph.D, Director of Workforce Research and Evaluation, NC Department of Commerce, Labor and Economic Analysis Division
- V. **Board of Review**
 - **Introduction of Governor's Appointees to the Board of Review**
Jeanette Doran, Chair; Keith Holliday and Stanley Campbell
 - **Discussion of Process and Procedures of the Board of Review to Date**
Jeanette Doran, Chair
- VI. **DES Status Updates**
 - **UI Trust Fund Debt Balance**
 - **Claim Statistics**
 - **DES/DWS Memorandum of Understanding**
- VII. **Adjournment**

AGENDA
JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard

Sen. Bob Rucho

Wednesday, March 5, 2014
Room 544, Legislative Office Building
10:00 a.m.

- I. **Call to Order**
- II. **Approval of Minutes from February 5, 2014 meeting**
- III. **Vision & Plan for Workforce Development- Getting the Unemployed Back to Work**
Will Collins, Special Assistant for Workforce Development, Department of Commerce
- IV. **Division of Workforce Solutions (DWS) Status Updates**
Will Collins, Special Assistant for Workforce Development, Department of Commerce
 - **Local Office Service Realignment**
 - **DES/DWS - Memorandum of Understanding**
- V. **Division of Employment Security (DES) Status Updates**
Assistant Secretary Folwell, DES, Department of Commerce
 - **UI Trust Fund Debt Balance**
 - **Claims Backlog**
 - **Recapture of Benefits Issued to Federal Employees during Government Shutdown**
 - **Direct Deposit/Debit Cards**
- VI. **Adjournment**

AGENDA
JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard

Sen. Bob Rucho

Wednesday, April 2, 2014
Room 544, Legislative Office Building
10:00 a.m.

- I. **Call to Order**
- II. **Approval of Minutes from March 5, 2014 meeting**
- III. **Wilson v. Division of Employment Security**
Jan Paul, Research Division
- IV. **Emergency Unemployment Compensation**
Cindy Avrette, Research Division
- V. **UI Technical Corrections**
Greg Roney, Research Division
- VI. **Division of Workforce Solutions (DWS) Status Updates**
Will Collins, Special Assistant for Workforce Development, Department of Commerce
 - **Local Office Service Realignment**
 - **DES/DWS - Memorandum of Understanding**
- VII. **Division of Employment Security (DES) Status Updates**
Assistant Secretary Folwell, DES, Department of Commerce
 - **UI Trust Fund Debt Balance**
 - **Claims Backlog**
 - **Debit Cards: Inactive vs. Unpinned**
 - **BCR Waiver & Potential 2.7% Add-On**
- VIII. **Adjournment**

AGENDA
JOINT LEGISLATIVE OVERSIGHT COMMITTEE
ON UNEMPLOYMENT INSURANCE

Rep. Julia Howard

Sen. Bob Rucho

Friday, May 9, 2014
Room 544, Legislative Office Building
10:00 a.m.

- I. Call to Order and Approval of Minutes from April 2, 2014 meeting**
- II. Disclosure of Confidential Information: Bill draft and Summary**
Jan Paul, Research Division
- III. Photo ID: Bill Draft and Summary**
Greg Roney, Research Division
- IV. Board of Review: Bill Draft and Summary**
Phyllis Pickett, Bill Drafting Division
- V. Removing Minimum Range for UI Duration: Bill Draft and Summary**
Greg Roney, Research Division
Rodney Bizzell, Fiscal Research Division
- VI. DES Authority for Attachment & Garnishment: Bill Draft and Summary**
 - *Department of Revenue's Experience with this Collection Tool, Charlie Helms, Director of the Collections Division*
 - *Phyllis Pickett, Bill Drafting Division*
- VII. Bill Draft: Technical Corrections**
Greg Roney, Research Division
- VIII. Approval of Report to the 2014 General Assembly**
- IX. Division of Workforce Solutions (DWS) Status Updates**
Will Collins, Special Assistant for Workforce Development,
Department of Commerce
 - **Local Office Service Realignment:**
Correlation with High Unemployment Areas
 - **DES/DWS - Memorandum of Understanding**
 - **Employability Assessment Interviews**
 - **Photo IDs**
 - **Other**
- X. Division of Employment Security (DES) Status Updates**
Assistant Secretary Folwell, DES, Department of Commerce
 - **DES/DWS - Memorandum of Understanding**
 - **Overpayments Collection and Reduction**
 - **UI Trust Fund Debt Balance**
 - **Claims Backlog**
 - **Other**
- XI. Adjournment**

APPENDIX C

DIVISION OF WORKFORCE SOLUTIONS SERVICE REALIGNMENT APRIL 2014 UPDATE

ALL MATERIALS DISTRIBUTED AT MEETINGS MAY BE
VIEWED ON THE COMMITTEE'S WEBSITE:

http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-Standing_6596

**Division of Workforce Solutions
Service Realignment
April 2004 Update**

We have made the following changes to date:

Location	Modification
Troy (Montgomery)	local financial support identified for this location and no service changes were made
Yadkinville (Yadkin)	moved to free space provided by WIA partner
Spruce Pine (Mitchell)	moved to free space provided by Mayland Community College
Brevard (Transylvania)	reduced DWS hours from 5 days to 2 days and moved to free space co-located with WIA partner*
Bryson City (Swain)	reduced DWS hours from 3 days to 2 days
Burnsville (Yancey)	reduced DWS hours from 5 days to 3 days*
Newland (Avery)	reduced DWS hours from 5 days to 3 days*
Ahoskie (Hertford)	reduced DWS hours from 5 days to 2 days*
Tarboro (Edgecombe)	reduced DWS hours from 5 days to 2 days
Charlotte East (Mecklenburg)	office will be merged with four other workforce offices in Charlotte
Sparta (Alleghany)	reduce DWS hours from 5 days to 3 days
Jefferson (Ashe)	reduce DWS hours from 5 days to 4 days and co-locating with WIA partner
Taylorsville (Alexander)	reduce DWS hours from 5 days to 3 days and free space will be provided
Warrenton (Warren)	free space will be provided by the county
Albemarle (Stanly)	local financial support identified for this location, no service changes were made
Mocksville (Davie)	reduced DWS hours from 5 days to 3 days and negotiated reduced rent with landlord
Elizabethtown (Bladen)	negotiated reduced rent with landlord

Burgaw (Pender)	local financial support identified for this location, no service changes were made
Franklin (Macon)	local financial support identified for this location, no service changes were made
Roanoke Rapids (Halifax)	local financial support identified for this location, no service changes were made
Roxboro (Person)	moved to free space provided by local workforce partner
Mooreville (Iredell)	office will be merged with workforce office located in Statesville
Louisburg (Franklin)	will be moving to free space provided by local workforce partner

*denotes offices with DWS staff co-located with WIA staff who provide workforce services full- time

APPENDIX D

FIND YOUR LOCAL WORKFORCE OFFICE

ALL MATERIALS DISTRIBUTED AT MEETINGS MAY BE
VIEWED ON THE COMMITTEE'S WEBSITE:

http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-Standing_6596

Find Your Local Workforce Office

For your convenience, our local workforce offices are organized by county. (Please note: offices located on community college campuses may offer different summer hours than posted.)

If you notice any errors, please contact Justin Boulmay, communications and outreach specialist for the N.C. Division of Workforce Solutions, at justin.boulmay@nccommerce.com, and we will correct the error as soon as possible.

<u>Counties</u>	<u>Offices</u>	<u>Phone/Fax</u>	<u>Office Hours</u>
Alamance	Alamance County Career Center 2640 Columbine Lane Burlington, NC 27215	Phone: (336) 570-6800 Fax: (336) 570-6806	Mon.-Fri. 8:30 a.m.-5:00 p.m.
Alexander	Taylorsville Local Office 604 7th St. SW Taylorsville, NC 28681	Phone: (828) 632-4631 Fax: (828) 632-7689	Mon., Wed., Fri., 8:00 a.m.-noon, 1:00-5:00 p.m.
Alleghany	Alleghany County Career Center 115-D Atwood St. Sparta, NC 28675	Phone: (336) 372-9675 Fax: (336) 372-4306	Tues., Thu., 8:00 a.m.-noon, 1:00-5:00 p.m.

Anson	Anson County Career Center 116 W. Wade St. Wadesboro, NC 28170	Phone: (704) 694-6551 Fax: (704) 694-9070	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Ashe	Ashe County Career Center 626 Ashe Central School Rd., Unit 5 Jefferson, NC 28640	Phone: (336) 982-4212 Fax: (336) 982-5627	Mon., Tues., Wed., Fri., 9:00 a.m.-4:00 p.m.
Avery	Avery County Career Center 28 Pineola Street Newland, NC 28657	Phone: (828) 737-5419 Fax: (828) 737-5480	Mon.-Fri., 8:00 a.m.-5:00 p.m.
Bertie	Bertie County Career Center 1001 South King St. Windsor, NC 27983	Phone: (252) 794-5616 Fax: (252) 794-5684	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Beaufort	Washington Local Office 112 West Third St. Washington, NC 27889	Phone: (252) 946-2141 Fax: (252) 946-0257	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Beaufort County Career Center 1385 John Small Ave. Washington, NC 27889	Phone: (252) 946-3116 Fax: (252) 946-8700	Mon.-Thu., 7:30 a.m.-6:00 p.m.
Bladen	Bladen County Career Center 401 Mercer Mill Rd. Elizabethtown, NC 28337	Phone: (910) 862-3255 Fax: (910) 862-4098	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Buncombe	Asheville Career Center 48 Grove St. Asheville, NC 28801	Phone: (828) 251-6200 Fax: (828) 251-6005	Mon.-Fri. 8:30 a.m.-5:00 p.m.
Burke	Burke County Career Center 720 East Union St. Morganton, NC 28655	Phone: (828) 438-6161 Fax: (828) 438-6207	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Brunswick	Brunswick County Career Center 5300-7 Main St. Shalotte, NC 28470	Phone: (910) 754-6120 Fax: (910) 754-2434	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Cabarrus	Cabarrus County Career Center 2275 Kannapolis Highway Concord, NC 28027	Phone: (704) 786-3183 Fax: (704) 786-3471	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Caldwell	Caldwell County Career Center Caldwell Community College 2855 Hickory Blvd. Hudson, NC 28638	Phone: (828) 759-4680 Fax: (828) 759-4631	Mon., Wed., Fri., 8:00 a.m.-5:00 p.m. Tues., Thu., 8:00 a.m.-8:00 p.m.
	Lenoir Local Office 504 Wilkesboro Blvd., S.E. Lenoir, NC 28645	Phone: (828) 757-5622 Fax: (828) 757-5632	Thu., Fri., 8:30 a.m.-5:00 p.m.

Carteret	Carteret County Career Center 309 Commerce Ave. Morehead City, NC 28557	Phone: (252) 726-7151 Fax: (252) 726-1141	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Caswell	PCC/Community College Drive, P.O. Drawer T Yanceyville, NC 27379	Phone: (336) 694-5975 Fax: (336) 694-5633	Wed.-Thu., 8:30 a.m.-12:30 p.m., 1:30-4:30 p.m.
Catawba	Catawba County Career Center 3301 Highway 70 SE Newton, NC 28658	Phone: (828) 466-5535 Fax: (828) 466-5545	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Chatham	Chatham County Career Center 764 West St. Pittsboro, NC 27312	Phone: (919) 545-8054	Mon.-Thu., 9:00 a.m.-5:00 p.m.
	Siler City Local Office 225 E. Beaver St. Siler City, NC 27344	Phone: (919) 742-7454 Fax: (919) 742-2103	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Cherokee	Tri-County Career Center 800 US Hwy. 64 West Murphy, NC 28906	Phone: (828) 837-7407 Fax: (828) 837-5586	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Chowan	Edenton Local Office 300 N. Virginia Rd. Edenton, NC 27932	Phone: (252) 482-2195 Fax: (252) 482-2188	Mon.-Fri., 8:00 a.m.-4:30 p.m.

Clay	Clay County Affiliate Career Center Community Services Building 55 Riverside Circle Hayesville, NC 28904	Phone: (828) 389-6301 Fax: (828) 389-6427	Thu., 8:30 a.m.-12:30 p.m.
Cleveland	Cleveland County Career Center 404 E. Marion St. Shelby, NC 28150	Phone: (704) 480-5414 Fax: (704) 480-5632	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Columbus	Columbus County Career Center 4564 Chadbourn Hwy. P.O. Box 151 Whiteville, NC 28472	Phone: (910) 642-7141 Fax: (910) 642-5658	Mon., Wed., Thu. 8:00 a.m.-5:00 p.m. Tues., 8:00 a.m.-8:00 p.m. Fri., 8:00 a.m.-3:00 p.m. Summer Schedule: Mon., Wed. 7:30 a.m.-6:00 p.m. Tues., 7:30 a.m.-8:00 p.m. Thu., 7:30 a.m.-5:30 p.m.
	Career Center (Whiteville) 913 Jefferson St. Whiteville, NC 28472	Phone: (910) 642-0146 Fax: (910) 641-3909	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Craven	Craven County Career Center 2836 Neuse Blvd. New Bern, NC 28560	Phone: (252) 514-4828 Fax: (252) 514-4840	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Cumberland	Cumberland County Career Center 414 Ray Ave. Fayetteville, NC 28301	Phone: (910) 486-1010 Fax: (910) 484-5155	Mon., Tues., Wed., Fri., 8:00 a.m.-4:30 p.m. Thu., 8:00 a.m.-4:00 p.m.
	Fort Bragg Branch Office Bldg. 4-2843 Normandy Dr. Fort Bragg, NC 28307	Phone: (910) 436-1304 Fax: (910) 436-0829	Mon.-Tues., Wed., Fri., 8:00 a.m.-4:30 p.m. Thu., 8:00 a.m.-3:30 p.m.
Dare	Dare County Career Center 2522 S. Croatan Highway, Milepost 10.5 P.O. Box 757 Nags Head, NC 27959	Phone: (252) 480-3500 Fax: (252) 480-0121	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Davidson	Lexington Local Office 103 West Center St. Ext. Lexington, NC 27295	Phone: (336) 248-2326 Fax: (336) 243-7398	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Thomasville Career Center 211 W. Colonial Dr. Thomasville, NC 27360	Phone: (336) 472-3116 Fax: (336) 474-1015	Mon.-Fri., 8:00 a.m.-4:30 p.m.

	DavidsonWorks 555-A W. Center Street, Ext. Lexington, NC 27295	Phone: (336) 242-2065	Mon.-Fri., 8:00 a.m.-5:00 p.m.
Davie	Mocksville Local Office 375 Hospital St., Suite 101 Mocksville, NC 27028	Phone: (336) 751-3315 Fax: (336) 751-9194	Tues., Wed., Thu., 8:00 a.m.-12:30 p.m., 1:30-4:30 p.m.
Duplin	Duplin County Career Center 192 Magnolia Ext. P.O. Box 459 Kenansville, NC 28349-0349	Phone: (910) 296-1478 Fax: (910) 296-1005	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Durham	Durham County Career Center 1105 S. Briggs Ave. Durham, NC 27703	Phone: (919) 560-6880 Fax: (919) 560-3388	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Edgecombe	Edgecombe/Nash County Career Center 121 Fairview Rd. Rocky Mount, NC 27801	Phone: (252) 977-3306 Fax: (252) 446-2720	Mon.-Thu., 8:30 a.m.-5:00 p.m.
	Tarboro Local Office 2009 W. Wilson St. Edgecombe Community College Tarboro, NC 27886	Phone: (252) 823-6742 Fax: (252) 641-5799	Tues., Thu., 8:30 a.m.-5:00 p.m.

Forsyth	Forsyth County Affiliate Goodwill Industries of Northwest N.C., Inc. 2701 University Pkwy., P.O. Box 4299 Winston-Salem, NC 27105	Phone: (336) 724-3625 Fax: (336) 714-3060	Mon., Wed., Fri. 8:00 a.m.-5:00 p.m. Tues, Thu. 8:00 a.m.-8:00 p.m.
	Forsyth County Career Center 450 West Hanes Mill Rd., Suite 101 Winston-Salem, NC 27105	Phone: (336) 776-6720 Fax: (336) 776-6816	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Franklin	Capital Area Workforce Center at Northern Regional Center 350 E. Holding Avenue Wake Forest, NC 27587	Phone: (919) 562-6300 Fax: (919) 562-6315	Tues., Thu.-Fri., 8:30 a.m.-5:15 p.m.
	Franklin County Career Center 6 North Main St. Franklinton, NC 27525	Phone: (919) 494-1162 Fax: (919) 494-1530	Mon.-Fri., 8:30 a.m.-noon, 1:00-5:00 p.m.
Gaston	Gaston County Career Center 1391 Bessemer City Rd. Gastonia, NC 28052	Phone: (704) 853-5328 Fax: (704) 853-5303	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Graham	Graham County Affiliate Career Center 347 Rodney Orr Bypass Robbinsville, NC 28771	Phone: (828) 479-3376 Fax: (828) 479-9376	Mon, Tues., Thu., 9:00 a.m.-3:00 p.m.

Granville	Granville County Career Center 111 Hilltop Village Oxford, NC 27565	Phone: (919) 693-2686 Fax: (919) 693-3388	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Greene	Greene County Career Center 818 Hwy. 91 North Snow Hill, NC 28580	Phone: (252) 747-5689 Fax: (252) 747-3839	Mon.-Thu., 8:00 a.m.-5:00 p.m. Fri., 8:00 a.m.-3:00 p.m. Summer Schedule: Mon., 8:00 a.m.-6:30 p.m. Tues., 8:00 a.m.-5:00 p.m. Wed., 7:30 a.m.-6:00 p.m. Thu., 8:00 a.m.-5:00 p.m.
Guilford	Greensboro Local Office 2005B S. Elm Eugene St. Greensboro, NC 27406	Phone: (336) 334-5777 Fax: (336) 334-5188	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Greensboro Career Center 303 North Raleigh St. Greensboro, NC 27401	Phone: (336) 373-5922 Fax: (336) 373-5840	Mon.-Tues., Thu., 8:30 a.m.-5:00 p.m. Wed., 8:30 a.m.-7:30 p.m. Fri., 8:30 a.m.-noon

	High Point Career Center 607 Idol St. High Point, NC 27262	Phone: (336) 882-4141 Fax: (336) 882-4142	Mon.-Tues., Thu.-Fri., 8:30 a.m.-5:00 p.m. Wed., 8:30 a.m.-7:00 p.m.
Halifax	Halifax/Northampton Co. Career Center 1620 E. Tenth St., Suite 101 Roanoke Rapids, NC 27870	Phone: (252) 537-4188 Fax: (252) 535-7943	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Harnett	Harnett County Career Center Affiliate (Dunn) 101 Hunt Valley Dr. Dunn, NC 28334	Phone: (910) 891-2915 Fax: (910) 891-2918	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Harnett County Career Center (Lillington) 1137 E. Cornelius Harnett Blvd. Lillington, NC 27546	Phone: (910) 814-4042 Fax: (910) 814-4011	Mon.-Thu., 8:00 a.m.-5:00 p.m. Fri., 7:00 a.m.-3:30 p.m. Summer Schedule Mon.-Thu., 7:00 a.m.-5:30 p.m.
Haywood	Haywood County Career Center 1170 N. Main St. Waynesville, NC 28786	Phone: (828) 456-6061 Fax: (828) 452-1430	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Henderson	Hendersonville Career Center 26 Francis Rd. Hendersonville, NC 28792	Phone: (828) 693-1703 Fax: (828) 697-8949	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Henderson County Career Center Blue Ridge Community College 180 West Campus Dr. Flat Rock, NC 28731	Phone: (828) 694-1755 Fax: (828) 694-1698	Regular Schedule: Mon.-Thu., 8:00 a.m.-6:00 p.m. Fri., 8:00 a.m.-4:30 p.m. Summer Schedule: (May 14-July 19) Mon.-Thu., 7:30 a.m.-6:00 p.m.
Hertford	Hertford County Career Center 109 Community College Rd. Ahoskie, NC 27910	Phone: (252) 862-1257 Fax: (252) 862-1270	Mon.-Fri. 8:30 a.m.-5:00 p.m.
Hoke	Hoke County Affiliate Career Center 304 Birch St. Raeford, NC 28376	Phone: (910) 875-5059 Fax: (910) 875-2125	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Iredell	Iredell Co. Career Center (Statesville) 133 Island Ford Rd. Statesville, NC 28625	Phone: (704) 878-4241 Fax: (704) 878-3278	Mon., Wed., Thu.-Fri., 8:00 a.m.-4:30 p.m. Tues. 8:00 a.m.-7:00 p.m.
Jackson	Sylva Local Office 26 Ridgeway St., Suite 2 P.O. Box 1014 Sylva, NC 28779	Phone: (828) 586-4063 Fax: (828) 586-3041	Mon., Tues., Wed., Fri., 8:30 a.m.-noon, 1:00-4:30 p.m.
Jones	Jones County Affiliate Career Center 509 NC Highway 58 North Trenton, NC 28585	Phone: (252) 448-4791 Fax: (252) 448-1424	Mon., Tues., 8:00 a.m.-6:00 p.m. Wed., Thu., 8:00 a.m.-5:00 p.m.
Johnston	Capital Area Workforce Center at Johnston Comm. College 300 S. Third Street, Suite A Smithfield, NC 27577	Phone: (919) 934-4032 Fax: (919) 934-4945	Mon.-Thu., 8:00 a.m.-6:00 p.m. Fri., 8:00 a.m.-5:00 p.m.
	Capital Area Workforce Center at Eastern Regional Center 1002 Dogwood Dr. Zebulon, NC 27597	Phone: (919) 404-3900 Fax: (919) 404-3957	Mon.-Fri., 8:30 a.m.-5:15 p.m.

	Capital Area Workforce Center at Peedin DWS 224 Peedin Rd. Smithfield, NC 27577	Phone: (919) 934-0536 Fax: (919) 934-1369	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Lee	Lee County Career Center 1909 Lee Ave. Sanford, NC 27330	Phone: (919) 775-2241 Fax: (919) 775-2243	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Lenoir	Kinston Local Office 2100 Presbyterian Lane Kinston, NC 28501	Phone: (252) 526-4435 Fax: (252) 526-4440	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Lenoir Co. Career Center 231 Highway 58 South P.O. Box 118 Kinston, NC 28502-0188	Phone: (252) 527-6223, ext. 126 Fax: (252) 527-7320	Mon.-Fri., 8:00 a.m.-5:00 p.m. Summer Schedule: Mon.-Thu., 8:00 a.m.-5:00 p.m.
Lincoln	Lincoln County Career Center 529 N. Aspen St. Lincolnton, NC 28092	Phone: (704) 735-8035 Fax: (704) 732-1140	Mon.-Fri., 8:00 a.m.-4:30 p.m.

Macon	Macon County Career Center 427 Harrison Ave. Franklin, NC 28734	Phone: (828) 369-9534 Fax: (828) 369-5166	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Madison	Madison County Career Center 4646 U.S. Hwy. 25-70 AB Tech, Madison Campus Marshall, NC 28753	Phone: (828) 649-2577 Fax: (828) 649-0358	Mon.-Fri., 8:00 a.m.-5:00 p.m.
Martin	Martin County Career Center 407 East Blvd. Williamston, NC 27892	Phone: (252) 792-7816 Fax: (252) 792-2479	Mon.-Fri., 8:00 a.m.-5:00 p.m.
McDowell	McDowell County Career Center 316 Baldwin Ave., Suite 1 Marion, NC 28752	Phone: (828) 652-7131 Fax: 828-652-9451	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	McDowell County Career Center 316 Baldwin Avenue, Suite 2 Marion, NC 28752	Phone: (828) 659-6001 Fax: (828) 659-8733	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Mecklenburg	Charlotte Local Office 5601 Executive Center Drive, Suite 100 Charlotte, NC 28212	Phone: (704) 566-2870 Fax: (704) 566-2856	Mon.-Fri., 8:00 a.m.-4:30 p.m.
	Charlotte South Local Office 7140 Forest Point Blvd., Suite A Charlotte, NC 28217	Phone: (704) 565-6865 Fax: (704) 565-6873	Mon.-Fri., 8:30 a.m.-4:30 p.m.
	Charlotte/Mecklenburg Career Center 5125-A South Blvd. Charlotte, NC 28217	Phone: (704) 527-3195 Fax: (704) 529-8128	Mon., Wed., Fri., 8:00 a.m.-4:30 p.m. Tues., Thu., 8:00 a.m.-6:00 p.m.
	Charlotte/Mecklenburg Employer Engagement Ctr-1401 W. Morehead St. Charlotte, NC 28208	Phone: (704) 206-1350	Mon.-Fri., 8:00 a.m.-4:30 p.m. Wed., 8:00 a.m.-8:00 p.m.
Mitchell	200 Mayland Drive P.O. Box 827 Spruce Pine, NC 28777	Phone: (828) 766-1195 Fax: 828-765-0728	Mon., Wed., 8:30 a.m.-noon 1:00-5:00 p.m.
Montgomery	Montgomery County Career Center 1011 Page St. Troy, NC 27371	Phone: (910) 572-3641 Fax: (910) 576-2876	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Moore	Moore County Career Center 245 Shepherd Trail Aberdeen, NC 28315	Phone: (910) 944-7697 Fax: (910) 944-7937	Mon.-Fri. 8:30 a.m.-5:00 p.m.
Nash	Edgecombe/Nash County Career Center 121 Fairview Rd. Rocky Mount, NC 27801	Phone: (252) 977-3306 Fax: (252) 446-2720	Mon.-Thu., 8:30 a.m.-5:00 p.m.
New Hanover	New Hanover Career Center 717 Market St. Wilmington, NC 28401	Phone: (910) 251-5777 Fax: (910) 251-5795	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Northampton	Halifax/Northampton Co. Career Center 1620 E. Tenth St., Suite 101 Roanoke Rapids, NC 27870	Phone: (252) 537-4188 Fax: (252) 535-7943	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Onslow	Onslow County Career Center 461 Western Blvd., Suite 106 Jacksonville, NC 28546	Phone: (910) 347-2121 Fax: (910) 938-2583	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Orange	Orange County Career Center 503 W. Franklin St. Chapel Hill, NC 27516	Phone: (919) 968-2031 Fax: (919) 968-8496	Mon.-Fri. 8:30 a.m.-5:00 p.m.

<p>Pamlico</p>	<p>Pamlico County Career Center 705 Main St. P.O. Box 598 Bayboro, NC 28515</p>	<p>Phone: (252) 745-9934 Fax: (252) 745-9935</p>	<p>Mon.-Thu., 7:30 a.m.-4:30 p.m. Fri., 7:30 a.m.-1:00 p.m. Summer Schedule: Mon.-Thu., 7:30 a.m.-6:00 p.m.</p>
<p>Pasquotank</p>	<p>Pasquotank County Career Center 422 McArthur St. Elizabeth City, NC 27909</p>	<p>Phone: (252) 331-4798 Fax: (252) 331-4809</p>	<p>Mon.-Fri., 8:30 a.m.-5:00 p.m.</p>
<p>Pender</p>	<p>Pender County Career Center 904-A S. Walker St. Burgaw, NC 28425</p>	<p>Phone: (910) 259-0240 Fax: (910) 259-0242</p>	<p>Mon.-Fri., 8:00 a.m.-4:30 p.m.</p>
<p>Person</p>	<p>Person County Career Center 201 N. Main St., Roxboro, NC 27573</p>	<p>Phone: (336) 599-3109 Fax: (336) 599-6482</p>	<p>Mon.-Fri., 8:30 a.m.-5:00 p.m.</p>
<p>Pitt</p>	<p>Pitt County Career Center 3101 Bismarck St. Greenville, NC 27834</p>	<p>Phone: (252) 355-9067 Fax: (252) 355-9075</p>	<p>Mon.-Fri., 8:30 a.m.-5:00 p.m.</p>

Randolph	Asheboro Local Office 355 South Fayetteville Street Asheboro, NC 27203	Phone: (336) 625-5128 Fax: (336) 625-2798	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Randolph County Career Center 629 Industrial Park Ave., Asheboro, NC 27205	Phone: (336) 633-0304 Fax: (336) 626-4599	Mon., Wed., Thu., 9:00 a.m.-5:00 p.m. Tues., 9:00 a.m.-8:00 p.m. Fri., 9:00 a.m.-3:00 p.m.
Richmond	Richmond County Career Center 115 W. Franklin St. Rockingham, NC 28379	Phone: (910) 997-9180 Fax: (910) 997-9184	Mon.-Fri., 8:00 a.m.-5:00 p.m.
Robeson	Robeson County Career Center 289 Corporate Dr. Lumberton, NC 28358	Phone: (910) 618-5500 Fax: (910) 618-5570	Mon.-Tues., 8:30 a.m.-7:30 p.m. Wed., Fri., 8:30 a.m.-5:00 p.m. Thu., 8:30 a.m.-7:00 p.m. Sat., 8:00 a.m.-noon

Rockingham	Rockingham County Center (Wentworth) 8340 NC 87 Reidsville, NC 27320	Phone: (336) 634-5600 Fax: (336) 634-5633	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Rowan	Rowan County Career Center 1904 S. Main St. Salisbury, NC 28144	Phone: (704) 639-7529 Fax: (704) 639-7537	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Rutherford	Rutherford County Career Center 139 E. Trade St. Forest City, NC 28043	Phone: (828) 245-9841 Fax: (828) 248-3363	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Sampson	Sampson County Career Center 115 North Blvd. Clinton, NC 28328	Phone: (910) 592-5756 Fax: (910) 592-1502	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Scotland	Scotland County Career Center 303 N. Main St. Laurinburg, NC 28352	Phone: (910) 276-4260 Fax: (910) 277-2628	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Stanly	Stanly County Career Center 2215 US Hwy. 52 North Albemarle, NC 28001	Phone: (704) 982-2183 Fax: (704) 982-1815	Mon.-Fri. 8:00 a.m.-4:30 p.m.

Surry	Mount Airy Local Office 541 West Pine St., Suite 300 Mount Airy, NC 27030	Phone: (336) 786-4169 Fax: (336) 789-3795	Mon.-Fri., 8:00 a.m.-5:00 p.m.
Swain	Bryson City Local Office Federal Building 50 Main St., P.O. Box 280 Bryson City, NC 28713	Phone: (828) 488-2149 Fax: (828) 488-8890	Tues., Thu., 8:30 a.m.-noon, 1:00-4:30 p.m.
Transylvania	Transylvania County Career Center Blue Ridge Community College 45 Oak Park Dr. Brevard, NC 28712	Phone: (828) 883-2552 Fax: (828) 883-2536	Mon.-Thu., 8:00 a.m.-5:00 p.m. Fri., 8:00 a.m.-4:30 p.m.
Union	Union County Career Center 1125 Skyway Dr. Monroe, NC 28110	Phone: (704) 283-7541 Fax: (704) 283-1854	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Vance	Vance County Career Center 945-D West Andrews Ave. Henderson, NC 27536	Phone: (252) 438-6129 Fax: (252) 436-2020	Mon.-Fri., 8:30 a.m.-5:00 p.m.
	Capital Area Workforce Center in Cary 742-F East Chatham St. Cary, NC 27511	Phone: (919) 469-1406 Fax: (919) 469-2472	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Wake	Capital Area Workforce Center in Raleigh 3351 Carl Sandburg Ct. Raleigh, NC 27610	Phone: (919) 212-3849 Fax: (919) 250-4007	Mon., Wed., Fri., 8:30 a.m.-5:00 p.m. Tues., Thu., 8:30 a.m.-6:00 p.m.
	Capital Area Workforce Center at Swinburne 220 Swinburne St. P.O. Box 46833 Raleigh, NC 27610	Phone: (919) 250-3770 Fax: (919) 212-9491	Mon-Wed., Thu.-Fri, 9:00 a.m.-4:15 p.m. Tues., 9:00 a.m.-8:00 p.m.
	Capital Area Workforce Center at Southern Regional Center 130 N. Judd Parkway NE Fuquay-Varina, NC 27526	Phone: (919) 557-1121 Fax: (919) 557-1070	Mon.-Fri. 8:30 a.m.-5:00 p.m.
Warren	Warren County Career Center 309 N. Main St., Rm. 123 Warrenton, NC 27589	Phone: (252) 257-3230 Fax: (252) 257-4369	Mon.-Fri., 8:30 a.m.-noon, 1:00-5:00 p.m.
Wayne	Wayne County Career Center 2006 Wayne Memorial Dr. Goldsboro, NC 27534	Phone: (919) 731-7950 Fax: (919) 731-7967	Mon.-Fri., 8:30 a.m.-5:00 p.m.

Watauga	Watauga County Career Center 207 Winklers Creek Rd. Suite 1 Boone, NC 28607	Phone: (828) 265-5385 Fax: (828) 265-5410	Mon.-Fri. 8:30 a.m.-5:00 p.m.
Wilkes	Wilkes County Career Center Midtown Plaza 316 Wilkesboro Ave. North Wilkesboro, NC 28659	Phone: (336) 651-2540 Fax: (336) 651-2558	Mon.-Fri., 8:00 a.m.-5:00 p.m.
	Wilkesboro Local Office 103 Call Street Extension Wilkesboro, NC 28697	Phone: (336) 838-5164 Fax: (336) 838-9953	Mon.-Fri., 8:00 a.m.-4:30 p.m.
Wilson	Wilson County Career Center 302 Tarboro Street West Wilson, NC 27893	Phone: (252) 234-1129 Fax: (252) 234-1134	Mon.-Fri., 8:30 a.m.-5:00 p.m.
Yadkin	Yadkinville Workforce Center 236 N. Lee Ave Yadkinville, NC 27055	Phone: (336) 679-4079 Fax: (336) 679-7350	Tues., Wed., Thu., 8:30 a.m.-noon, 1:00-5:00 p.m.

Yancey	Yancey County Career Center 1040-L East US Highway 19E Burnsville, NC 28714	Phone: (828) 682-6618 Fax: (828) 682-7563	Mon.-Fri., 8:00 a.m.-noon, 1:00-5:00 p.m.
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APPENDIX E

LOCAL WORKFORCE OFFICES AND WORKFORCE DEVELOPMENT BOARDS

ALL MATERIALS DISTRIBUTED AT MEETINGS MAY BE
VIEWED ON THE COMMITTEE'S WEBSITE:

http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-Standing_6596

APPENDIX F

2013-2014 AGREEMENT

Between

The North Carolina Department of Commerce, Division of
Employment Security

and

The North Carolina Department of Commerce, Division of
Workforce Solutions

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