

1 13 NCAC 18 .0101 - .0110 are proposed for repeal as follows:  
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3 **CHAPTER 18 - JOB LISTING SERVICES**  
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5 **13 NCAC 18 .0101 INTRODUCTION**

6 ~~To the extent that it is applicable, and with the words "job listing service" substituted for the words "private personnel~~  
7 ~~service" where appropriate, this Chapter incorporates Chapter 17, including subsequent amendments and editions, by~~  
8 ~~reference. Copies of Chapter 17 can be obtained at no cost from the Private Personnel Service Division, 4 West~~  
9 ~~Edenton Street, Raleigh, North Carolina 27601, (919) 733 4895.~~

10  
11 *History Note: Authority G.S. 95-47.19; 95-47.21; 95-47.22; 95-47.23; 95-47.24; 95-47.30;*  
12 *Eff. January 1, 1996;*  
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
14 *2018.*  
15 *Repealed Eff. June 1, 2023.*  
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18 **13 NCAC 18 .0102 DEFINITIONS**

19 ~~As used in G.S. 95, Article 5B and this Chapter, unless the context clearly requires otherwise:~~

- 20 ~~(1) "Activities of a private personnel service," as used in G.S. 95 47.19, includes, but is not limited to,~~  
21 ~~the following:~~  
22 ~~(a) producing a resume;~~  
23 ~~(b) setting up an appointment on behalf of an applicant, or otherwise making contact with a~~  
24 ~~prospective employer on behalf of an applicant;~~  
25 ~~(c) testing an applicant's skill levels or aptitude for any type of work or profession; or~~  
26 ~~(d) counseling the applicant on techniques for job search, interview, salary or benefits~~  
27 ~~negotiation, or any other job seeking methodology.~~  
28 ~~(2) "Job order" means an oral or written communication from an employer authorizing a job listing~~  
29 ~~service to include in the job listing service's list of jobs provided to applicants a position the~~  
30 ~~employer currently has available.~~  
31 ~~(3) Except as used in G.S. 95 47.19, "rules", "regulations", or "rules or regulations" as used in G.S. 95,~~  
32 ~~Article 5B and in this Chapter refer to administrative rules adopted by the Department of Labor~~  
33 ~~pursuant to G.S. 95, Article 5B and G.S. 150B.~~

34  
35 *History Note: Authority G.S. 95-47.30;*  
36 *Eff. January 1, 1996;*

1 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,  
2 2018.

3 Repealed Eff. June 1, 2023.  
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6 **13 NCAC 18 .0103 LICENSING PROCEDURES**

7 ~~An applicant for a license to operate a job listing service shall follow the procedures set out in 13 NCAC 17 for  
8 application for a license to operate a private personnel service, with the exception of the surety bond requirement. The  
9 surety bond required to be filed is required under G.S. 95-47.22(b).~~

10  
11 *History Note:* Authority G.S. 95-47.22; 95-47.30;

12 *Eff. January 1, 1996;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
14 *2018.*

15 *Repealed Eff. June 1, 2023.*  
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18 **13 NCAC 18 .0104 SURETY BONDS**

19 ~~If a job listing service ceases business without completing its contracts with applicants or without paying refunds due  
20 under its contract with applicants, the North Carolina Department of Labor shall claim against the surety bond required  
21 under G.S. 95-47.22(b) on behalf of the affected applicants in order to make them whole under the contract. Refunds  
22 shall be in full to the extent the surety bond proceeds allow. Refunds shall be prorated between the applicants if the  
23 amount of the surety bond does not allow full refunds.~~

24  
25 *History Note:* Authority G.S. 95-47.9; 95-47.22; 95-47.30;

26 *Eff. January 1, 1996;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
28 *2018.*

29 *Repealed Eff. June 1, 2023.*  
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32 **13 NCAC 18 .0105 CONTRACTS**

33 ~~(a) A job listing service must have a contract with an applicant for any service if a fee is charged to the applicant.~~

34 ~~(b) At the time of execution an applicant shall receive a copy of the contract signed by the applicant and the job listing  
35 service.~~

36 ~~(c) The applicant's name shall be typed or printed in a clearly legible manner adjacent to the place for the applicant's  
37 signature.~~

1 ~~(d) The contract shall include the applicant's address, driver's license state and number, social security number, and~~  
2 ~~phone number. This information shall be legible.~~

3 ~~(e) All job listing service contracts for use with an applicant shall set forth in clear and unambiguous terms the~~  
4 ~~respective rights and obligations of the applicant and the job listing service.~~

5 ~~(f) Refund Policy. A job listing service shall abide by the refund policy (if any) stated on its contract by paying any~~  
6 ~~refund due under the terms of the contract within 15 days of:~~

7 ~~(1) Receiving a request from any applicant; or~~

8 ~~(2) If the refund is in dispute, upon receiving a written final determination that a refund is due. Such~~  
9 ~~determination may be issued by the Commissioner, an arbitrator, or a court of law.~~

10 ~~(g) The terms of the contract shall constitute the entire agreement between the job listing service and the applicant.~~  
11 ~~Any ambiguities in the contract or in information provided to the applicant outside the contract shall be interpreted in~~  
12 ~~favor of the applicant.~~

13 ~~(h) Job listing services shall not provide to applicants guarantees of any sort relating to the service provided.~~

14 ~~(i) If the job listing service represents to the applicant that the service may be frozen or suspended as the applicant~~  
15 ~~desires, the terms and conditions of such shall be included in the contract and shall include a place for the dates of the~~  
16 ~~suspension and resumption to be entered and signed for by the applicant and the authorized representative of the job~~  
17 ~~listing service.~~

18  
19 *History Note: Authority G.S. 95-47.25; 95-47.30;*

20 *Eff. January 1, 1996;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
22 *2018.*

23 *Repealed Eff. June 1, 2023.*

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26 **13 NCAC 18 .0106 RECORDS**

27 ~~(a) Job orders or Job Specifications. A job order may be taken over the telephone but must be reduced to writing~~  
28 ~~before being used with applicants. Every job listing service shall maintain records of individual jobs orders for 18~~  
29 ~~months from the date on which the job was last published or used with applicants, whichever is later.~~

30 ~~(b) Licensees Going Out of Business. If a licensee goes out of business records must be maintained pursuant to this~~  
31 ~~Rule. Those records must be available to the Commissioner and the licensee must inform the Commissioner in writing~~  
32 ~~as to where its records will be kept.~~

33  
34 *History Note: Authority G.S. 95-47.29; 95-47.30;*

35 *Eff. January 1, 1996;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
37 *2018.*

1 Repealed Eff. June 1, 2023.

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4 **13 NCAC 18 .0107 ADVERTISING**

5 ~~(a) Bona Fide Job Order Required. No licensee shall publish or cause to be published any advertisement of a position~~  
6 ~~soliciting persons to contract with the job listing service unless the licensee has on file a bona fide job order covering~~  
7 ~~all information set forth in the advertisement.~~

8 ~~(b) False or Misleading Advertisements. No licensee shall circulate to any applicant or employer any false or~~  
9 ~~misleading information by advertisement or make any statements known to be false.~~

10 ~~(c) Advertising of Salaries. All salaries, where the dollar amount is advertised, must be substantiated by the job order.~~

11  
12 *History Note: Authority G.S. 95-47.9; 95-47.26; 95-47.30;*

13 *Eff. January 1, 1996;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
15 *2018.*

16 Repealed Eff. June 1, 2023.

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19 **13 NCAC 18 .0108 PROHIBITED ACTS**

20 ~~A job listing service shall not coerce an applicant into contracting with the job listing service by applying or using~~  
21 ~~duress, undue influence, fraud or misrepresentation.~~

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23 *History Note: Authority G.S. 95-47.4; 95-47.22; 95-47.30;*

24 *Eff. January 1, 1996;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
26 *2018.*

27 Repealed Eff. June 1, 2023.

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30 **13 NCAC 18 .0109 REVIEW OF JOB LISTING SERVICES**

31 ~~(a) Job Listing Service to Aid North Carolina Department of Labor. A job listing service shall aid the Department of~~  
32 ~~Labor in any review of the service pursuant to G.S. 95-47.31 by providing to the Department copies of all requested~~  
33 ~~contracts with applicants.~~

34 ~~(b) The Department of Labor shall post the results of any survey in the offices of the Private Personnel Service~~  
35 ~~Division for a minimum of 30 days. In addition a copy of the results shall be supplied to any citizen who makes a~~  
36 ~~request in writing.~~

1 *History Note: Authority G.S. 95-47.29; 95-47.30; 95-47.31;*  
2 *Eff. January 1, 1996;*  
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
4 *2018.*  
5 *Repealed Eff. June 1, 2023.*

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8 **13 NCAC 18 .0110 PENALTY**

9 ~~Any fine levied pursuant to G.S. 95-47.9(e) shall be in the amount of one hundred dollars (\$100.00) for each day the~~  
10 ~~job listing service operates without a license, the penalty not to exceed a total of two thousand dollars (\$2000.00).~~

11  
12 *History Note: Authority G.S. 95-47.9; 95-47.21; 95-47.30;*  
13 *Eff. January 1, 1996;*  
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
15 *2018.*  
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