



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

WILL COLLINS
Assistant Secretary

February 1, 2017

VIA E-MAIL ONLY

Garth K. Dunklin, Chair
N.C. Rules Review Commission
N.C. Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Re: N.C. Department of Commerce
Periodic Review of Existing Rules
Request for Extension of Time
26 NCAC 05 .0204(a)

Mr. Dunklin:

I am writing to you pursuant to 26 NCAC 05 .0204(a) to request an extension of time within which to file the Periodic Review and Expiration of Existing Rules Report for Submission to the Rules Review Commission for the rules contained in Title 4, Chapter 22 of the N.C. Administrative Code, entitled Apprenticeship and Training Division.

The N.C. Department of Commerce is a large agency divided into various divisions. The Apprenticeship and Training Program, historically housed in the Department of Labor, was transferred to the Division of Workplace Solutions (DWS) within the Department of Commerce on January 1, 2014. At the time of its transfer, the program had been notified by the US Department of Labor (USDOL) that a complete review and analysis of the programs administrative rules (then located in 13 NCAC 14) and N.C. Gen. Stat. Chapter 94 (Apprenticeship) revealed that parts of the Code and General Statutes departed from or imposed additional requirements from those in Title 29, CFR parts 29 and 30 (those federal regulations governing the program), and therefore were in a state of non-conformity. USDOL notified North Carolina Department of Labor of this non-conforming status in 2011, but the state of non-conformity has continued to the present day. Department attorneys have undertaken the task of working with USDOL to bring Chapter 94 of the North Carolina General Statutes into compliance, which will include working with the General Assembly during the 2017 legislative session to make the statutory changes necessary to bring Chapter 94 into conformity with Title 29, CFR parts 29 and 30.

I know that the periodic review of existing rules is an important and necessary process, and I have asked the Council to make this a priority. The Department of Commerce has also recently hired a full time attorney in late December 2016, dedicated full time to DWS, who will work with the Council on this complex project. At this time, we anticipate taking up the review of 04 NCAC 22 at the first meeting of 2017 of the Apprenticeship and Training Council on February 1, 2017. This meeting was originally to take place on Monday, January 9, 2017, but had to be rescheduled due to the snow and ice storm that occurred over the previous weekend. We anticipate completing Step 1 of the review process outlined in N.C. Gen. Stat. § 150B-21.3A(c) in early February 2017, such that we can have it up on the Department's website, and send it to the N.C. Office of Administrative Hearings for posting on its website shortly thereafter. After the 60-day comment period the Council will again take up the matter at our June 2017 meeting to review all comments received. However, based upon this timeline, we will not be able to meet the deadline set forth in 26 NCAC 05 .0211 for submitting the report to the Rules Review Commission for consideration at the April 2017 meeting.

For this reason, I am hereby requesting the Commission grant an extension of time such that the report for the rules contained in 04 NCAC Chapter 22 will be considered at the August 2017 meeting of the Rules Review Commission.

I appreciate your attention to this matter, and look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Roger D. Collins". The signature is fluid and cursive, with the first name "Roger" and last name "Collins" clearly legible.

Roger Collins,
Chairman, Apprenticeship and Training Council

G.S. 150B-21.3A Report for 04 NCAC 22, APPRENTICESHIP AND TRAINING DIVISION

Agency - Apprenticeship and Training Council

Comment Period -02/08/2017 through 04/08/2017

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation
	SECTION .0100 - GENERAL PROVISIONS	04 NCAC 22 .0101	NAME: ADDRESS	Transferred from 13 NCAC 14B .0101 Eff. January 1, 2014	Necessary without substantive public interest	No	
		04 NCAC 22 .0102	REGISTRATION AGENCY	Transferred from 13 NCAC 14B .0102 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0103	VETERANS TRAINING ASSISTANCE ALLOWANCES	Transferred from 13 NCAC 14B .0103 Eff. January 1, 2014	Unnecessary	No	
		04 NCAC 22 .0104	DEFINITIONS	Transferred from 13 NCAC 14B .0104 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0105	DISCRETIONARY POWERS OF DIRECTOR	Transferred from 13 NCAC 14B .0105 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0106	PARTICIPATION IS VOLUNTARY; GROUP PROGRAMS	Transferred from 13 NCAC 14B .0106 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0107	COMPUTATION OF WAGES: BEGINNING TRAINING	Transferred from 13 NCAC 14B .0107 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
	SECTION .0200 – APPRENTICESHIP PROGRAMS	04 NCAC 22 .0201	CRITERIA FOR APPRENTICEABLE OCCUPATIONS	Transferred from 13 NCAC 14B .0201 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0202	STANDARDS OF APPRENTICESHIP	Transferred from 13 NCAC 14B .0202 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	19 CFR 29
		04 NCAC 22 .0203	PROGRAM PERFORMANCE STANDARDS	Transferred from 13 NCAC 14B .0203 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0204	REGISTRATION REQUEST PROCEDURE	Transferred from 13 NCAC 14B .0204 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29

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		04 NCAC 22 .0205	ELIGIBILITY AND PROCEDURE FOR REGISTRATION OF AN APPRENTICESHIP PROGRAM	Transferred from 13 NCAC 14B .0205 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0206	SPONSOR'S REPORTING REQUIREMENTS	Transferred from 13 NCAC 14B .0206 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0207	MINIMUM QUALIFICATIONS OF APPRENTICES	Transferred from 13 NCAC 14B .0207 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0208	APPRENTICESHIP AGREEMENT	Transferred from 13 NCAC 14B .0208 Eff. January 1, 2014	Necessary with substantive public interest	Select One	29 CFR 29
		04 NCAC 22 .0209	REGISTRATION OF APPRENTICE AND AGREEMENT	Transferred from 13 NCAC 14B .0209 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0210	DENIAL OF REQUEST FOR REGISTRATION	Transferred from 13 NCAC 14B .0210 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0211	REVISION OF APPRENTICESHIP STANDARDS OR AGREEMENT	Transferred from 13 NCAC 14B .0211 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0212	TERMINATION AND EXTENSION OF AGREEMENTS	Transferred from 13 NCAC 14B .0212 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0213	CERTIFICATION OR CERTIFICATE OF COMPLETION	Transferred from 13 NCAC 14B .0213 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0214	SUSPENSION DURING UNION ACTIVITY	Transferred from 13 NCAC 14B .0214 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29

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	SECTION .0300 – ON-THE-JOB TRAINING (OJT) PROGRAMS	04 NCAC 22 .0301	STANDARDS FOR OJT PROGRAMS	Transferred from 13 NCAC 14B .0301 Eff. January 1, 2014	Necessary with substantive public interest	No	
		04 NCAC 22 .0302	REGISTRATION REQUEST PROCEDURE FOR OJT PROGRAMS	Transferred from 13 NCAC 14B .0302 Eff. January 1, 2014	Necessary with substantive public interest	No	
		04 NCAC 22 .0303	ELIGIBILITY AND PROCEDURE FOR registration OF OJT PROGRAMS	Transferred from 13 NCAC 14B .0303 Eff. January 1, 2014	Necessary with substantive public interest	No	
		04 NCAC 22 .0304	SPONSOR'S REPORTING REQUIREMENTS	Transferred from 13 NCAC 14B .0304 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0305	OJT AGREEMENT	Transferred from 13 NCAC 14B .0305 Eff. January 1, 2014	Necessary with substantive public interest	No	
		04 NCAC 22 .0306	REGISTRATION OF OJT AGREEMENTS	Transferred from 13 NCAC 14B .0306 Eff. January 1, 2014	Necessary with substantive public interest	No	
		04 NCAC 22 .0307	DENIAL OF REQUEST FOR APPROVAL	Transferred from 13 NCAC 14B .0307 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0308	REVISION OF OJT STANDARDS OR AGREEMENT	Transferred from 13 NCAC 14B .0308 Eff. January 1, 2014	Necessary with substantive public interest	No	
		04 NCAC 22 .0309	TERMINATION AND EXTENSION OF AGREEMENTS	Transferred from 13 NCAC 14B .0309 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0310	CERTIFICATE OF COMPLETION	Transferred from 13 NCAC 14B .0310 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29

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		04 NCAC 22 .0311	DECLARATION OF EMERGENCY; PERFORMANCE OF DUTIES UNDER EMERGENCY	Transferred from 13 NCAC 14B .0311 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
	SECTION .0400 – DE-REGISTRATION AND WITHDRAWAL OF APPROVAL	04 NCAC 22 .0401	QUALITY ASSURANCE ASSESSMENTS	Transferred from 13 NCAC 14B .0401 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0402	DE-REGISTRATION OF PROGRAM	Transferred from 13 NCAC 14B .0402 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0403	VOLUNTARY DE-REGISTRATION	Transferred from 13 NCAC 14B .0403 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0404	DE-REGISTRATION	Transferred from 13 NCAC 14B .0404 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0405	DE-REGISTRATION FOR INACTIVITY	Transferred from 13 NCAC 14B .0405 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0406	REINSTATEMENT OF REGISTRATION	Transferred from 13 NCAC 14B .0406 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0407	DE-REGISTRATION OF AGREEMENT	Transferred from 13 NCAC 14B .0407 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 29
		04 NCAC 22 .0408	EQUAL OPPORTUNITY VIOLATIONS	Transferred from 13 NCAC 14B .0408 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	30 CFR 29
	SECTION .0500 - COMPLAINTS	04 NCAC 22 .0501	DISPUTES TO BE RESOLVED LOCALLY	Transferred from 13 NCAC 14B .0501 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	31 CFR 29

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		04 NCAC 22 .0502	COMPLAINANTS	Transferred from 13 NCAC 14B .0502 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	32 CFR 29
		04 NCAC 22 .0503	COMPLAINT PROCEDURE	Transferred from 13 NCAC 14B .0503 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 29
		04 NCAC 22 .0504	CERTAIN DISPUTES EXCLUDED	Transferred from 13 NCAC 14B .0504 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	34 CFR 29
	SECTION .0600 – EQUAL OPPORTUNITY	04 NCAC 22 .0601	DEFINITIONS	Transferred from 13 NCAC 14B .0601 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 30
		04 NCAC 22 .0602	GENERAL EQUAL OPPORTUNITY REQUIREMENTS	Transferred from 13 NCAC 14B .0602 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 30
		04 NCAC 22 .0603	EXEMPTIONS FROM SPECIFIC REQUIREMENTS	Transferred from 13 NCAC 14B .0603 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 30
		04 NCAC 22 .0604	ANALYSIS: UNDERUTILIZATION	Transferred from 13 NCAC 14B .0604 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 30
		04 NCAC 22 .0605	GOALS: ESTABLISHMENT	Transferred from 13 NCAC 14B .0605 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	29 CFR 30
		04 NCAC 22 .0606	GOALS: ATTAINMENT AND ADJUSTMENT	Transferred from 13 NCAC 14B .0606 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	30 CFR 30
		04 NCAC 22 .0607	AFFIRMATIVE ACTION PLAN: OUTREACH	Transferred from 13 NCAC 14B .0607 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	31 CFR 30
		04 NCAC 22 .0608	SELECTION PROCEDURES	Transferred from 13 NCAC 14B .0608 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	32 CFR 30

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		04 NCAC 22 .0609	LIST OF ELIGIBLES: PUBLIC NOTICE	Transferred from 13 NCAC 14B .0609 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 30
		04 NCAC 22 .0610	RECORDS	Transferred from 13 NCAC 14B .0610 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	34 CFR 30
		04 NCAC 22 .0611	COMPLIANCE REVIEWS	Transferred from 13 NCAC 14B .0611 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	35 CFR 30
		04 NCAC 22 .0612	SANCTIONS	Transferred from 13 NCAC 14B .0612 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	36 CFR 30
		04 NCAC 22 .0613	PRIVATE REVIEW BODIES	Transferred from 13 NCAC 14B .0613 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	37 CFR 30
		04 NCAC 22 .0614	COMPLAINT PROCEDURE	Transferred from 13 NCAC 14B .0614 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	38 CFR 30
		04 NCAC 22 .0615	INTIMIDATION OR RETALIATION	Transferred from 13 NCAC 14B .0615 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	39 CFR 30
		04 NCAC 22 .0616	NONCOMPLIANCE WITH FEDERAL AND STATE EQUAL OPPORTUNITY REQUIREMENTS	Transferred from 13 NCAC 14B .0616 Eff. January 1, 2014	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 30