

| G.S. 150B-21.3A Report for 13 NCAC 12, WAGE AND HOUR    |                                    |                  |  |  |  |   |                             |  |  |  |  |                     |
|---|------------------------------------|------------------|--|--|--|---|-----------------------------|--|--|--|--|---------------------|
| Agency - Department of Labor                            |                                    |                  |  |  |  |   |                             |  |  |  |  |                     |
| Comment Period - September 26, 2025 - November 25, 2025 |                                    |                  |  |  |  |   |                             |  |  |  |  |                     |
| 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] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2) | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps      |
|   | SECTION .0100 - GENERAL PROVISIONS | 13 NCAC 12 .0102 | STATE AND FEDERAL LAWS AND INTERPRETATIONS AVAILABLE     | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0103 | FEDERAL LAW AS GUIDE                                     | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0200 - SUBMINIMUM WAGES   | 13 NCAC 12 .0202 | DISABLED WORKER CERTIFICATION                            | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0300 – WAGES              | 13 NCAC 12 .0301 | BOARD: LODGING OR OTHER FACILITIES                       | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0302 | COMPUTATION OF REASONABLE COST                           | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0303 | TIPS AND TIP CREDITS                                     | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0304 | WITHHOLDING OF WAGES                                     | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0305 | AUTHORIZATION FOR WITHHOLDING OF WAGES                   | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0306 | VACATION PAY   | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0307 | BONUSES, COMMISSIONS AND OTHER FORMS OF WAGE CALCULATION | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0308 | FINAL PAY FOR SEPARATED EMPLOYEES                        | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0309 | FORM OF PAYMENT OF WAGES                                 | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0310 | "OTHER AMOUNTS PROMISED" AS WAGES                        | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0400 - YOUTH EMPLOYMENT   | 13 NCAC 12 .0401 | CERTIFICATION OF YOUTHS                                  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0402 | APPLICATION FOR A YOUTH EMPLOYMENT CERTIFICATE           | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0403 | REVIEW: ISSUANCE AND MAINTENANCE OF CERTIFICATES         | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                                    | 13 NCAC 12 .0404 | WAIVER   | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |

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| Subchapter  | Rule Section                                  | Rule Citation    | Rule Name   | Date and Last Agency Action on the Rule  | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps      |
|   |   | 13 NCAC 12 .0405 | REVOCATION  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0406 | DETRIMENTAL OCCUPATIONS                             | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0407 | DESIGNATION OF YOUTH EMPLOYMENT CERTIFICATE ISSUERS | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0408 | DEFINITIONS RELATIVE TO ABC RESTRICTIONS            | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 CFR 570                  | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0500 - JURISDICTION AND EXEMPTIONS   | 13 NCAC 12 .0501 | EXEMPTIONS  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 29 USC 213                  | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0600 - INVESTIGATION AND ENFORCEMENT | 13 NCAC 12 .0601 | COMPLAINTS  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0602 | INVESTIGATIONS                                      | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0604 | ADMINISTRATIVE REMEDIES                             | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0700 - CIVIL MONEY PENALTIES         | 13 NCAC 12 .0701 | CIVIL PENALTIES                                     | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0702 | CIVIL PENALTY ASSESSMENT                            | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0703 | EXCEPTIONS TO CIVIL PENALTY                         | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0800 – RECORDKEEPING                 | 13 NCAC 12 .0801 | RECORDS TO BE MAINTAINED                            | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0802 | RECORD RETENTION                                    | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0803 | SCOPE OF PROMISED WAGES                             | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0804 | NOTIFICATION AT TIME OF HIRING                      | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0805 | NOTIFICATION DURING EMPLOYMENT                      | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |
|   |   | 13 NCAC 12 .0806 | MEANING OF "MAINTAINED IN A PLACE ACCESSIBLE"       | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                  | Necessary and must be readopted  | Agency must readopt |

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| Agency - Department of Labor                            |                          |                  |  |  |  |   |                             |  |  |  |  |                     |
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| Subchapter  | Rule Section             | Rule Citation    | Rule Name  | Date and Last Agency Action on the Rule  | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2) | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps      |
|   |                          | 13 NCAC 12 .0807 | METHODS OF PROVIDING EMPLOYEES WITH ITEMIZED STATEMENT OF DEDUCTIONS | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   | SECTION .0900 – E-VERIFY | 13 NCAC 12 .0901 | SCOPE AND ADDRESS  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                          | 13 NCAC 12 .0902 | DEFINITIONS  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                          | 13 NCAC 12 .0903 | PRESUMPTION OF COMPLIANCE  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                          | 13 NCAC 12 .0904 | FILING OF COMPLAINTS   | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                          | 13 NCAC 12 .0905 | HEARINGS   | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |
|   |                          | 13 NCAC 12 .0906 | CIVIL PENALTIES  | Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016 | Necessary                                | No  |                             | No   | Necessary  | No comments with merit                                 | Necessary and must be readopted  | Agency must readopt |