

Burgos, Alexander N

Subject: FW: [External] RE: Board of Examiners for Electrical Contractors-Revised Rule in Response to RRC Request for Changes
Attachments: 21 NCAC 18B. 0306 Bona Fide Employee - Final.docx

From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Sent: Wednesday, July 8, 2026 8:19 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Kelly Edwards <kelly.edwards@youngmoorelaw.com>
Subject: [External] RE: Board of Examiners for Electrical Contractors-Revised Rule in Response to RRC Request for Changes

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Please find attached revised rule 21 NCAC 18B. 0306 Bona Fide Employee from the Board of Examiners of Electrical Contractors in response to the June 20, 2026, Request for Changes from Mr. Wiggs which changes I understand to have been accepted.

The RRC is scheduled to review these rules at its meeting on Thursday, July 30, 2026, at 10:00 a.m. I will be out of state that day but will attempt to attend the meeting virtually.

Thanks to all for their time and assistance in this matter.



Reed N. Fountain
Young Moore and Henderson, P.A.
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Raleigh, NC 27612
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21 NCAC 18B. 0306 is amended with changes as published in 40:15 NCR 1252:

21 NCAC 18B .0306 BONA FIDE EMPLOYEE

(a) For the exemption for electrical work done as a bona fide employee of a ~~license~~ licensee under G.S. 87-43.1(3), the following conditions must be met:

- (1) The restrictions of the employing licensee's license apply to any employee of the licensee.
- (2) The employing licensee shall have control and direction of the details, methods, and manner of performing the electrical work being done by the employee. ~~The manner of payment, if any, to the person shall not be the sole determining factor concerning whether the person is an employee.~~
- (3) The electrical work shall be performed under the supervision and direction of a listed qualified individual who is the employing licensee, or under the supervision and direction of a listed qualified ~~individual~~ individual, as defined by G.S. 87-41.1, regularly employed by the employing ~~licensee~~ licensee, and issued a ~~w-2~~ W-2 by the employing licensee.
- (4) Persons acting as independent contractors, consultants, or subcontractors, or paid in cash without tax withholding, or issued a 1099 form, are not bona fide employees.
- (5) Licensed contractors may utilize employees shared with a labor supplier but only under a written contract. That written contract must allocate payroll or tax withholding obligations to the labor supplier while also placing the responsibilities of control and supervision of all electrical work upon the listed qualified individual and licensed firm. The listed qualified individual and licensed firm shall remain obligated to the owner or general contractor for all electrical installations, and the listed qualified individual must be a bona fide employee of the licensed firm.

~~(b) The employing licensee, the employee, and every listed qualified individual of the licensee~~ Every listed qualified individual and all employees of the licensed firm shall furnish any information the Board may require, including affidavits, to evaluate and determine a claim of employee exemption.

(c) When the information furnished to the Board does not substantiate compliance with this Rule, the individual shall be deemed to be an independent contractor rather than an employee and shall be subject to G.S. Chapter 87, Article 4- Article 4 of Chapter 87 of the General Statutes.

History Note: Authority G.S. 87-42; G.S. 87-43.1(3);

Eff. October 1, 1988;

Amended Eff. April 1, 1993; February 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest

Eff. February 2, ~~2016~~ 2026;

Amended Eff. August 1, 2026.

Burgos, Alexander N

Subject: FW: [External] RE: Board of Examiners for Electrical Contractors-RRC Request for Changes-July 2026

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, July 7, 2026 6:13 PM
To: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: [External] RE: Board of Examiners for Electrical Contractors-RRC Request for Changes-July 2026

I'm satisfied with the changes made. Please send the final revised Rule to oah.rules@oah.nc.gov and cc Mr. Burgos and I (or just reply all).

This Rule is final for review and can be placed on July's agenda. Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Sent: Tuesday, July 7, 2026 4:12 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Board of Examiners for Electrical Contractors-RRC Request for Changes-July 2026

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Please find attached the changes I understand satisfy your suggestions 2-5 based on our call following my receipt of your written Request for Changes. I understand that in regard to your first Request for Change, it is sufficient to state that the website identified in our previously submitted Form 400 is the Board website where Notice of the Proposed Rule, as required by GS 150B-19.1(c)(1)-(5), was displayed from the date of publication in the Register through the comment period. Please advise if these changes and this response satisfy your requested changes or if additional changes to the formatting or language is needed. Your assistance is appreciated.



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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest

Eff. February 2, ~~2016~~ 2026;

Amended Eff. August 1, 2026.

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Friday, June 26, 2026 2:51 PM
To: Reed Fountain
Cc: Burgos, Alexander N
Subject: Board of Examiners for Electrical Contractors-RRC Request for Changes-July 2026
Attachments: 7_2026-Electrical Contractors-Request for Changes.docx

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Board of Examiners of Electrical Contractors for the July 2026 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, July 30, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on July 13, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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