

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Revenue

RULE CITATION: 24 NCAC 03 .0101

DEADLINE FOR RECEIPT: Monday, September 15 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On p.1, line 15, add a comma between law and or: “at ~~law~~ law, or”.

On p.1, line 18, add a semi-colon after officer: “~~officer~~ officer; or”.

On p.1, line 24, fix your statutory citation.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

24 NCAC 03 .0101 is amended as published in 39:24 as follows:

24 NCAC 03 .0101 DEFINITIONS

As used herein:

- (1) "Act" means the Occupational Safety and Health Act of North Carolina, Article 16, Chapter 95 of the General Statutes.
- (2) "Affected employee" means an employee of a cited employer who is exposed to or has access to the alleged hazard described in the citation.
- (3) "Hearing ~~examiner~~ Examiner" is synonymous with the "Administrative Law Judge" and means a person appointed by the Chairman of the ~~Safety and Health Review Board of North Carolina~~, North Carolina Occupational Safety and Health Review Commission pursuant to G.S. 95-135(c).
- (4) "Authorized employee representative" means a labor organization whether local or international which has a collective bargaining relationship with the cited employer and which represents affected employees. Such an organization may appear through an authorized representative. Affected employees may appear pro se (unrepresented by counsel), through an attorney at law or through an authorized employee representative. See Rules .0202 and .0203 of this Chapter.
- (5) "Authorized representative" includes an authorized employee representative; a bona fide full-time officer or employee of a party or intervenor which is an association, partnership, corporation, or other business entity and, for a cited employer, includes its attorney at law of record but excludes private safety consultants.
- (6) "Citation" means a written communication issued by the Commissioner of Labor to an employer pursuant to G.S. 95137.
- (7) "Notification of proposed penalty" means a written communication issued by the Commissioner of Labor to an employer pursuant to G.S. 95137.
- (8) "Day" means a calendar day.
- (9) "Working day" means all days except Saturdays, Sundays, and days which North Carolina observes as holidays, which may differ from Federal holidays.
- (10) "Proceeding" means any proceeding before the ~~Safety and Health Review Board of North Carolina~~ North Carolina Occupational Safety and Health Review Commission or ~~hearing examiner~~. Hearing Examiner.
- (11) "Respondent" means an employer who has been issued a citation.
- (12) "Complainant" means the Commissioner of Labor of North Carolina.
- (13) "Pleadings" are complaints and answers filed under Rule .0304 of this Chapter, petitions for modification of abatement and objecting parties' responses filed under Rule .0305 of this Chapter, and statements of reasons and contestants' responses filed under Rule .0306 of this Chapter. A "motion" is not a pleading within the meaning of these Rules.

1 (14) “E-File System” means to file documents with the Occupational Safety and Health Review
2 Commission by email to the Review Commission’s filing email address:
3 NCOSHRC@oshrc.labor.nc.gov.

4 (14)(15) Unless otherwise specified, definitions set forth in G.S. 95-127 are hereby adopted.

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6 *History Note:* *Authority G.S. 95-135;*
7 *Temporary Rule Eff. October 2, 1991 For a Period of 180 Days to Expire on March 30, 1992;*
8 *Eff. February 3, 1992;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest ~~Eff. December~~*
10 *~~16, 2014~~ Eff. December 16, 2014;*
11 *Amendment Eff. October 1, 2025.*