

**CHAPTER 13 - STATE PORTS AUTHORITY**

**SUBCHAPTER 13A - DEPARTMENTAL RULES AND GENERAL PROVISIONS**

**SECTION .0100 - ORGANIZATION OF STATE PORTS AUTHORITY**

**04 NCAC 13A .0101 IDENTIFYING INFORMATION**

*History Note:* Authority G.S. 143B-454(6);  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

**04 NCAC 13A .0102 FUNCTIONS**

*History Note:* Authority G.S. 143B-453;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

**04 NCAC 13A .0103 BOARD OF STATE PORTS AUTHORITY AND SECRETARY OF ECD**  
**04 NCAC 13A .0104 EXECUTIVE DIRECTOR**

*History Note:* Authority G.S. 143B-452; 143B-453; 143B-454; 143B-454(5);  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. July 1, 1988;  
Repealed Eff. January 1, 1994.

**04 NCAC 13A .0105 ADMINISTRATION OF THE AUTHORITY**

*History Note:* Authority G.S. 143B-454(7);  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

**04 NCAC 13A .0106 COMPTROLLER SECTION**

**04 NCAC 13A .0107 TRAFFIC SECTION**

**04 NCAC 13A .0108 PUBLIC RELATIONS SECTION**

**04 NCAC 13A .0109 ENGINEERING SECTION**

**04 NCAC 13A .0110 SAFETY SECTION**

**04 NCAC 13A .0111 WILMINGTON OPERATIONS**

**04 NCAC 13A .0112 MOREHEAD CITY OPERATIONS**

**04 NCAC 13A .0113 SOUTHPORT BOAT HARBOR**

*History Note:* Authority G.S. 143B-453; 143B-454(4) through (8); 143B-461 through 143B-463;  
143B-465; 143-217; 143-218(4) through (8); 143-224 through 143-226; 143-227.1; 143B-353;  
Eff. February 1, 1976;  
Repealed Eff. June 18, 1979.

**SECTION .0200 - GENERAL PROVISIONS**

**04 NCAC 13A .0201 PURPOSES AND POWERS**

*History Note:* Authority G.S. 143B-453; 143B-454;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. March 1, 1989.

#### **04 NCAC 13A .0202 EXECUTION OF CONTRACTS**

*History Note:* Authority G.S. 143B-454;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

#### **04 NCAC 13A .0203 REAL PROPERTY AND CONSTRUCTION**

*History Note:* Authority G.S. 143-129; 143B-454; 143B-455; 143B-457;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

#### **04 NCAC 13A .0204 VENDING SERVICES**

*History Note:* Authority G.S. 111-41; 143B-454(1);  
Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

### **SUBCHAPTER 13B - PURCHASING PROCEDURES**

#### **04 NCAC 13B .0101 LAWS AND RULES GOVERNING**

*History Note:* Authority G.S. 143B-453; 143B-454; 143B-465;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

#### **04 NCAC 13B .0102 PURCHASES EXCEEDING \$5,000**

*History Note:* Authority G.S. 143-52; 143B-453; 143B-454; 143B-465;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

#### **04 NCAC 13B .0103 PURCHASES NOT EXCEEDING \$5,000: CERTIFICATION CONTRACTS**

*History Note:* Authority G.S. 143B-453; 143B-454; 143B-465;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

#### **04 NCAC 13B .0104 PURCHASES NOT EXCEEDING \$5,000: INFORMAL QUOTATIONS**

*History Note:* Authority G.S. 143B-453; 143B-454; 143B-465;

*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Amended Eff. March 1, 1989;*  
*Repealed Eff. July 1, 1998.*

**04 NCAC 13B .0105 PURCHASES NOT EXCEEDING \$5,000: MONTHLY ACCOUNT ORDERS**

*History Note: Authority G.S. 143B-453; 143B-454; 143B-465;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. July 1, 1998.*

**SUBCHAPTER 13C - SOUTHPORT BOAT HARBOR**

**04 NCAC 13C .0101 LEASE OF SOUTHPORT BOAT HARBOR**

*History Note: Authority G.S. 143B-454(3); 143B-455;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. July 1, 1998.*

- 04 NCAC 13C .0102 AGREEMENT WITH BOAT OWNERS**
- 04 NCAC 13C .0103 REGULATIONS FOR BOAT OWNERS**
- 04 NCAC 13C .0104 AVAILABILITY OF RATES AND REGULATIONS**

*History Note: Authority G.S. 143B-453; 143B-454(6),(7); 143-218(6),(7);*  
*Eff. February 1, 1976;*  
*Repealed Eff. June 18, 1979.*

**SUBCHAPTER 13D - PORT CHARGES TARIFF**

**SECTION .0100 - GENERAL PROVISIONS**

**04 NCAC 13D .0101 PUBLICATION OF PORT CHARGES TARIFF**

*History Note: Authority G.S. 143B-453; 143B-454; 150B-14;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*ARRC Objection Lodged January 19, 1989;*  
*Amended Eff. July 1, 1989;*  
*Repealed Eff. July 1, 1998.*

- 04 NCAC 13D .0102 APPLICATION OF TARIFF**
- 04 NCAC 13D .0103 AUTHORITY HELD HARMLESS**
- 04 NCAC 13D .0104 AUTHORITY LIABILITY**
- 04 NCAC 13D .0105 AUTHORITY RIGHTS**
- 04 NCAC 13D .0106 DISCHARGING BALLAST: RUBBISH: OR DUNNAGE**
- 04 NCAC 13D .0107 FIRE SIGNAL AND SMOKING RESTRICTIONS**
- 04 NCAC 13D .0108 HOLIDAYS**
- 04 NCAC 13D .0109 INSURANCE**
- 04 NCAC 13D .0110 PAYMENT OF CHARGES AND INVOICES**
- 04 NCAC 13D .0111 QUOTATION OF SPECIAL RATES: RULES: AND REGULATIONS**

<b>04 NCAC 13D .0112</b>	<b>CARGO OR MERCHANDISE REFUSED: UNDESIRABLE: DAMAGED: ETC.</b>
<b>04 NCAC 13D .0113</b>	<b>REGULAR WORKING HOURS</b>
<b>04 NCAC 13D .0114</b>	<b>REQUIREMENT OF PRIOR INSTRUCTIONS</b>
<b>04 NCAC 13D .0115</b>	<b>RESPONSIBILITY FOR CLEANING FACILITIES</b>
<b>04 NCAC 13D .0116</b>	<b>RESPONSIBILITY FOR DAMAGE TO FACILITIES</b>
<b>04 NCAC 13D .0117</b>	<b>SEGREGATION OF IMPORT CARGOES</b>
<b>04 NCAC 13D .0118</b>	<b>SHIPPERS REQUEST AND COMPLAINTS</b>
<b>04 NCAC 13D .0119</b>	<b>STORAGE OF CRUISE PASSENGER'S PRIVATE VEHICLES</b>
<b>04 NCAC 13D .0120</b>	<b>TON DEFINITION</b>

*History Note: Authority G.S. 143B-454; 143-218;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1976;  
Repealed Eff. June 18, 1979.*

#### **SECTION .0200 - FREE TIME**

<b>04 NCAC 13D .0201</b>	<b>DEFINITION</b>
<b>04 NCAC 13D .0202</b>	<b>FREE TIME ALLOWED</b>

*History Note: Authority G.S. 143B-454; 143-218;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1976;  
Repealed Eff. June 18, 1979.*

#### **SECTION .0300 - DEMURRAGE**

<b>04 NCAC 13D .0301</b>	<b>DEFINITION</b>
<b>04 NCAC 13D .0302</b>	<b>DELAYS AND DETENTIONS</b>
<b>04 NCAC 13D .0303</b>	<b>RATES</b>

*History Note: Authority G.S. 143B-454; 143-218;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1976;  
Repealed Eff. June 18, 1979.*

#### **SECTION .0400 - DOCKAGE**

<b>04 NCAC 13D .0401</b>	<b>DEFINITION</b>
<b>04 NCAC 13D .0402</b>	<b>RATES</b>

*History Note: Authority G.S. 143B-454; 143-218;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1976;  
Repealed Eff. June 18, 1979.*

#### **SECTION .0500 - MISCELLANEOUS CHARGES**

<b>04 NCAC 13D .0501</b>	<b>SUPERVISORY PERSONNEL</b>
<b>04 NCAC 13D .0502</b>	<b>EQUIPMENT RENTAL</b>
<b>04 NCAC 13D .0503</b>	<b>GANTRY CRANE RENTAL</b>
<b>04 NCAC 13D .0504</b>	<b>LABOR FURNISHED RATES</b>
<b>04 NCAC 13D .0505</b>	<b>MINIMUM CHARGES</b>
<b>04 NCAC 13D .0506</b>	<b>OVERTIME CHARGES</b>
<b>04 NCAC 13D .0507</b>	<b>PASSENGERS FEES</b>

**04 NCAC 13D .0508 SPECIAL SERVICES**  
**04 NCAC 13D .0509 STEAMSHIP AGENCY AND STEVEDORE FEES**  
**04 NCAC 13D .0510 TERMINAL USE CHARGE**  
**04 NCAC 13D .0511 CLEANING DOCKS AND REMOVING TRASH**  
**04 NCAC 13D .0512 STAND-BY SERVICES ON FROZEN OR PERISHABLE COMMODITIES**

*History Note: Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. December 15, 1976; October 1, 1976; February 19, 1976;*  
*Repealed Eff. June 18, 1979.*

#### **SECTION .0600 - SWITCHING SERVICES**

**04 NCAC 13D .0601 INTRA-TERMINAL SWITCHING SERVICE: DEFINITION**  
**04 NCAC 13D .0602 RATES**  
**04 NCAC 13D .0603 STAND-BY USE OF ENGINE SERVICE: DEFINITION**  
**04 NCAC 13D .0604 RATES: STAND-BY USE**

*History Note: Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1976;*  
*Repealed Eff. June 18, 1979.*

#### **SECTION .0700 - CONTAINER RULES AND CHARGES**

**04 NCAC 13D .0701 APPLICATION OF RULES AND CHARGES**  
**04 NCAC 13D .0702 DEFINITION**  
**04 NCAC 13D .0703 FREE TIME ALLOWED**  
**04 NCAC 13D .0704 OPEN STORAGE RATES**  
**04 NCAC 13D .0705 HANDLING RATES**  
**04 NCAC 13D .0706 WHARFAGE**

*History Note: Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1976;*  
*Repealed Eff. June 18, 1979.*

#### **SECTION .0800 - WHARFAGE**

**04 NCAC 13D .0801 DEFINITION**  
**04 NCAC 13D .0802 RATES**

*History Note: Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1976; February 19, 1976;*  
*Repealed Eff. June 18, 1979.*

#### **SECTION .0900 - HANDLING: TRANSFER AND STORAGE**

**04 NCAC 13D .0901 HANDLING: DEFINITION**  
**04 NCAC 13D .0902 HANDLING RULES**  
**04 NCAC 13D .0903 TRANSFER DEFINITION**  
**04 NCAC 13D .0904 TRANSFER RULES**  
**04 NCAC 13D .0905 UNITIZED AND SKIDDED CARGOES DEFINITION**  
**04 NCAC 13D .0906 STORAGE DEFINITION**

**04 NCAC 13D .0907      STORAGE RULES**  
**04 NCAC 13D .0908      RATES CHARGED**

*History Note:      Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1976; July 1, 1976; February 19, 1976;*  
*Repealed Eff. June 18, 1979.*

**SECTION .1000 - COTTON AND COTTON FUMIGATION TARIFF NO. 11**

**04 NCAC 13D .1001      GENERAL APPLICATION**  
**04 NCAC 13D .1002      FREE TIME**  
**04 NCAC 13D .1003      COMPUTATION OF STORAGE**  
**04 NCAC 13D .1004      RATES AND CHARGES**

*History Note:      Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1976;*  
*Repealed Eff. June 18, 1979.*

**SECTION .1100 - IMPORT LUMBER TARIFF NO. 12**

**04 NCAC 13D .1101      APPLICATION**  
**04 NCAC 13D .1102      RECEIPT AND DELIVERY**  
**04 NCAC 13D .1103      RATES AND CHARGES**

*History Note:      Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1976;*  
*Repealed Eff. June 18, 1979.*

**SECTION .1200 - TOBACCO AND TOBACCO FUMIGATION TARIFF NO. 13**

**04 NCAC 13D .1201      SERVICES AND CHARGES**  
**04 NCAC 13D .1202      TRANSIT TOBACCOS**  
**04 NCAC 13D .1203      WHARFAGE**

*History Note:      Authority G.S. 143B-454; 143-218;*  
*Eff. February 1, 1976;*  
*Amended Eff. October 1, 1976;*  
*Repealed Eff. June 18, 1979.*

**SUBCHAPTER 13E - SECURITY AND SAFETY**

**SECTION .0100 - TITLE AND ADOPTION: REGULATIONS**

**04 NCAC 13E .0101      TITLE**  
**04 NCAC 13E .0102      ADOPTION**  
**04 NCAC 13E .0103      ORDINATION**

*History Note:      Authority G.S. 143B-461;*  
*Eff. February 1, 1976;*

*Readopted Eff. June 18, 1979;*  
*Repealed Eff. July 1, 1998.*

## **SECTION .0200 - DEFINITIONS**

### **04 NCAC 13E .0201 STATUTORY DEFINITIONS**

*History Note: Authority G.S. 143B-461;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Amended Eff. July 1, 1988;*  
*Repealed Eff. July 1, 1998.*

### **04 NCAC 13E .0202 DEFINITIONS: AUTHORITY ORDINANCES**

*History Note: Authority G.S. 143B-461;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. July 1, 1998.*

## **SECTION .0300 - TRAFFIC ADMINISTRATION**

### **04 NCAC 13E .0301 DUTIES OF POLICE DEPARTMENTS**

*History Note: Authority G.S. 143B-461;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. July 1, 1998.*

### **04 NCAC 13E .0302 DUTIES OF PORT MANAGERS**

*History Note: Authority G.S. 143B-461;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Amended Eff. March 1, 1989;*  
*Repealed Eff. July 1, 1998.*

- 04 NCAC 13E .0303 DUTIES: TERMINAL TRAFFIC ENGINEER**
- 04 NCAC 13E .0304 TESTING: TRAFFIC CONTROL DEVICES**
- 04 NCAC 13E .0305 TRAFFIC COMMITTEES ESTABLISHED**
- 04 NCAC 13E .0306 DUTIES OF TRAFFIC COMMITTEES**

*History Note: Authority G.S. 143B-461;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. March 1, 1989.*

## **SECTION .0400 - ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS**

### **04 NCAC 13E .0401 ENFORCEMENT BY POLICE OFFICERS**

*History Note: Authority G.S. 143B-461;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. July 1, 1998.*

**04 NCAC 13E .0402      DIRECTION OF TRAFFIC BY POLICE OFFICERS**

*History Note:*    Authority G.S. 143B-461;  
                         Eff. February 1, 1976;  
                         Readopted Eff. June 18, 1979;  
                         Repealed Eff. July 1, 1998.

**04 NCAC 13E .0403      OPERATION OF EMERGENCY VEHICLE**

*History Note:*    Authority G.S. 143B-461;  
                         Eff. February 1, 1976;  
                         Readopted Eff. June 18, 1979;  
                         Repealed Eff. July 1, 1998.

**04 NCAC 13E .0404      RIGHT OF WAY: EMERGENCY VEHICLE**

*History Note:*    Authority G.S. 143B-461;  
                         Eff. February 1, 1976;  
                         Readopted Eff. June 18, 1979;  
                         Repealed Eff. July 1, 1998.

**04 NCAC 13E .0405      COLLISIONS: REPORTS AND INVESTIGATIONS**

*History Note:*    Authority G.S. 143B-461;  
                         Eff. February 1, 1976;  
                         Readopted Eff. June 18, 1979;  
                         Repealed Eff. July 1, 1998.

**SECTION .0500 - TRAFFIC CONTROL DEVICES**

**04 NCAC 13E .0501      PLACEMENT AND MAINTENANCE**

*History Note:*    Authority G.S. 143B-461;  
                         Eff. February 1, 1976;  
                         Readopted Eff. June 18, 1979;  
                         Amended Eff. March 1, 1989;  
                         Repealed Eff. July 1, 1998.

**04 NCAC 13E .0502      STANDARDS AND SPECIFICATIONS**

*History Note:*    Authority G.S. 143B-461;  
                         Eff. February 1, 1976;  
                         Readopted Eff. June 18, 1979;  
                         Repealed Eff. July 1, 1998.

**SECTION .0600 - OPERATION OF MOTOR VEHICLES**

**04 NCAC 13E .0601      SPEED LIMITS**

*History Note:*    Authority G.S. 143B-461;  
                         Eff. February 1, 1976;  
                         Readopted Eff. June 18, 1979;  
                         Repealed Eff. July 1, 1998.

**04 NCAC 13E .0602      VEHICLES WITH LUGS RESTRICTED**



*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

**04 NCAC 13E .0603 ERECTION OF TRAFFIC CONTROL SIGNS**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

**SECTION .0700 - CONTROL OF FIRE ARMS AND SMOKING**

**04 NCAC 13E .0701 SMOKING RESTRICTIONS**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

**04 NCAC 13E .0702 FIRE ARMS PROHIBITED**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

**04 NCAC 13E .0703 PENALTY UPON CONVICTION**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. March 1, 1989.

**SECTION .0800 - PENALTIES AND PROCEDURE**

**04 NCAC 13E .0801 PENALTIES UPON CONVICTION**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. July 1, 1998.

**04 NCAC 13E .0802 PENALTY: PARKING VIOLATIONS**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. March 1, 1989.

**04 NCAC 13E .0803 REGISTRATION OF VEHICLES AND GATE PROCEDURE**

*History Note:* Authority G.S. 143B-461;  
Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

## **SECTION .0900 - SCHEDULES**

### **04 NCAC 13E .0901 WILMINGTON ORDINANCE SCHEDULES**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1994; January 1, 1994; March 1, 1989;  
Repealed Eff. July 1, 1998.

### **04 NCAC 13E .0902 MOREHEAD CITY ORDINANCE SCHEDULES**

*History Note:* Authority G.S. 143B-461;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Amended Eff. March 1, 1989;  
Repealed Eff. July 1, 1998.

## **SUBCHAPTER 13F - PERSONNEL**

### **SECTION .0100 - AFFIRMATIVE ACTION POLICY**

<b>04 NCAC 13F .0101</b>	<b>GENERAL</b>
<b>04 NCAC 13F .0102</b>	<b>ASSIGNMENT OF RESPONSIBILITIES</b>
<b>04 NCAC 13F .0103</b>	<b>UTILIZATION ANALYSIS</b>
<b>04 NCAC 13F .0104</b>	<b>GOALS AND TIMETABLES</b>
<b>04 NCAC 13F .0105</b>	<b>INTERNAL EVALUATION</b>
<b>04 NCAC 13F .0106</b>	<b>REPORTING PROCEDURES</b>
<b>04 NCAC 13F .0107</b>	<b>JOB STRUCTURING</b>
<b>04 NCAC 13F .0108</b>	<b>SELECTION AND PLACEMENT</b>
<b>04 NCAC 13F .0109</b>	<b>RECRUITMENT</b>
<b>04 NCAC 13F .0110</b>	<b>SOURCES OF RECRUITMENT</b>
<b>04 NCAC 13F .0111</b>	<b>EMPLOYMENT APPLICATIONS ON FILE</b>
<b>04 NCAC 13F .0112</b>	<b>RECORDS AND REPORTS</b>

*History Note:* Authority G.S. 143B-454(5);  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. March 1, 1989.

<b>04 NCAC 13F .0113</b>	<b>PROMOTIONS AND TRANSFER POLICIES AND PROCEDURES</b>
<b>04 NCAC 13F .0114</b>	<b>EMPLOYMENT TERMINATION POLICIES AND PROCEDURES</b>

*History Note:* Authority G.S. 143B-454(5);  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.

<b>04 NCAC 13F .0115</b>	<b>GRIEVANCE PROCEDURES</b>
<b>04 NCAC 13F .0116</b>	<b>IMPLEMENTATION PROGRAM</b>
<b>04 NCAC 13F .0117</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY GOALS</b>
<b>04 NCAC 13F .0118</b>	<b>UTILIZATION OF SKILLS OF PRESENT EMPLOYEES</b>
<b>04 NCAC 13F .0119</b>	<b>WAGE AND SALARY STRUCTURE</b>
<b>04 NCAC 13F .0120</b>	<b>BENEFITS AND CONDITIONS OF EMPLOYMENT</b>
<b>04 NCAC 13F .0121</b>	<b>LABOR UNIONS</b>
<b>04 NCAC 13F .0122</b>	<b>OUTSIDE CONTRACTORS</b>

*History Note:* Authority G.S. 143B-454(5);  
 Eff. February 1, 1976;  
 Readopted Eff. June 18, 1979;  
 Repealed Eff. March 1, 1989.

**SECTION .0200 - EQUAL EMPLOYMENT OPPORTUNITY**

<b>04 NCAC 13F .0201</b>	<b>POLICY STATEMENT</b>
<b>04 NCAC 13F .0202</b>	<b>APPEAL PROCEDURE</b>

*History Note:* Authority G.S. 143B-454(5);  
 Eff. February 1, 1976;  
 Readopted Eff. June 18, 1979;  
 Amended Eff. November 1, 1982;  
 Repealed Eff. March 1, 1989.

**SECTION .0300 - GENERAL EMPLOYMENT POLICIES**

<b>04 NCAC 13F .0301</b>	<b>GENERAL</b>
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*History Note:* Authority G.S. 143B-454(5); 150B-14;  
 Eff. February 1, 1976;  
 Readopted Eff. June 18, 1979;  
 Amended Eff. March 1, 1989;  
 Repealed Eff. July 1, 1998.

<b>04 NCAC 13F .0302</b>	<b>PERSONNEL QUESTIONS</b>
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*History Note:* Authority G.S. 143B-454(5);  
 Eff. February 1, 1976;  
 Readopted Eff. June 18, 1979;  
 Amended Eff. March 1, 1989;  
 Repealed Eff. July 1, 1998.

<b>04 NCAC 13F .0303</b>	<b>RECRUITMENT: EVALUATION: AND REFERRAL</b>
<b>04 NCAC 13F .0304</b>	<b>GRIEVANCES</b>
<b>04 NCAC 13F .0305</b>	<b>POSTING OF POLICY</b>

*History Note:* Authority G.S. 143B-454(5);  
 Eff. February 1, 1976;  
 Readopted Eff. June 18, 1979;  
 Repealed Eff. November 1, 1982.

<b>04 NCAC 13F .0306</b>	<b>QUALIFICATIONS</b>
<b>04 NCAC 13F .0307</b>	<b>EMPLOYMENT OF RELATIVES</b>
<b>04 NCAC 13F .0308</b>	<b>COMMITMENTS</b>

<b>04 NCAC 13F .0309</b>	<b>AGE LIMITATIONS AND RETIREMENT</b>
<b>04 NCAC 13F .0310</b>	<b>MEDICAL EXAMINATION PROCEDURE</b>
<b>04 NCAC 13F .0311</b>	<b>RE-EMPLOYMENT</b>
<b>04 NCAC 13F .0312</b>	<b>MINIMUM AGE</b>
<b>04 NCAC 13F .0313</b>	<b>WORK SCHEDULE</b>
<b>04 NCAC 13F .0314</b>	<b>LIMITATIONS</b>
<b>04 NCAC 13F .0315</b>	<b>EMPLOYMENT OF THE MENTALLY RETARDED</b>

*History Note: Authority G.S. 143B-454(5); 143-218(5),(12);  
Eff. February 1, 1976;  
Repealed Eff. June 18, 1979.*

#### **SECTION .0400 - GENERAL PAY POLICIES**

<b>04 NCAC 13F .0401</b>	<b>PAY STATUS</b>
<b>04 NCAC 13F .0402</b>	<b>TOTAL COMPENSATION AND TOTAL EMPLOYMENT</b>
<b>04 NCAC 13F .0403</b>	<b>OVERTIME PAY</b>
<b>04 NCAC 13F .0404</b>	<b>AVAILABILITY OF FUNDS</b>
<b>04 NCAC 13F .0405</b>	<b>NEW APPOINTMENTS: SALARY RATE</b>
<b>04 NCAC 13F .0406</b>	<b>NEW APPOINTMENTS: DATE TO BEGIN WORK</b>
<b>04 NCAC 13F .0407</b>	<b>NEW APPOINTMENTS: INCREMENT ANNIVERSARY DATE</b>
<b>04 NCAC 13F .0408</b>	<b>NEW APPOINTMENTS: QUALIFICATIONS</b>
<b>04 NCAC 13F .0409</b>	<b>NEW APPOINTMENTS: TRAINEE APPOINTMENTS</b>
<b>04 NCAC 13F .0410</b>	<b>APPLICATION FOR EMPLOYMENT: FORM P-105</b>
<b>04 NCAC 13F .0411</b>	<b>APPLICATION: COMPLETENESS AND SIGNATURE</b>
<b>04 NCAC 13F .0412</b>	<b>PROMOTION: GENERAL</b>
<b>04 NCAC 13F .0413</b>	<b>PROMOTION: SALARY RATE</b>
<b>04 NCAC 13F .0414</b>	<b>PROMOTION: EFFECTIVE DATE</b>
<b>04 NCAC 13F .0415</b>	<b>PROMOTION: INCREMENT ANNIVERSARY DATE</b>
<b>04 NCAC 13F .0416</b>	<b>PROMOTION: QUALIFICATIONS</b>
<b>04 NCAC 13F .0417</b>	<b>DEMOTION: GENERAL</b>
<b>04 NCAC 13F .0418</b>	<b>DEMOTION: EFFECTIVE DATE</b>
<b>04 NCAC 13F .0419</b>	<b>DEMOTION: QUALIFICATIONS</b>
<b>04 NCAC 13F .0420</b>	<b>REALLOCATION</b>
<b>04 NCAC 13F .0421</b>	<b>SALARY RANGE REVISION</b>
<b>04 NCAC 13F .0422</b>	<b>OVERTIME PAYMENT</b>
<b>04 NCAC 13F .0423</b>	<b>TRANSFER</b>
<b>04 NCAC 13F .0424</b>	<b>REINSTATEMENT</b>
<b>04 NCAC 13F .0425</b>	<b>ANNUAL SALARY INCREASES</b>
<b>04 NCAC 13F .0426</b>	<b>OUTSIDE EMPLOYMENT</b>
<b>04 NCAC 13F .0427</b>	<b>LONGEVITY PAY</b>
<b>04 NCAC 13F .0428</b>	<b>EMERGENCY CALL-BACK PAY</b>
<b>04 NCAC 13F .0429</b>	<b>OTHER TYPES OF EMPLOYMENT</b>

*History Note: Authority G.S. 143B-454(5); 143-218(5),(12);  
Eff. February 1, 1976;  
Repealed Eff. June 18, 1979.*

#### **SECTION .0500 - LEAVE AND SEPARATION**

<b>04 NCAC 13F .0501</b>	<b>GENERALLY</b>
<b>04 NCAC 13F .0502</b>	<b>ANNUAL LEAVE</b>
<b>04 NCAC 13F .0503</b>	<b>SICK LEAVE</b>
<b>04 NCAC 13F .0504</b>	<b>FUNERAL LEAVE</b>
<b>04 NCAC 13F .0505</b>	<b>PETTY LEAVE</b>

<b>04 NCAC 13F .0506</b>	<b>LEAVE-ADVERSE WEATHER CONDITIONS</b>
<b>04 NCAC 13F .0507</b>	<b>EDUCATION LEAVE</b>
<b>04 NCAC 13F .0508</b>	<b>CIVIL LEAVE</b>
<b>04 NCAC 13F .0509</b>	<b>WORKMEN'S COMPENSATION LEAVE</b>
<b>04 NCAC 13F .0510</b>	<b>HOLIDAYS</b>
<b>04 NCAC 13F .0511</b>	<b>MILITARY LEAVE</b>
<b>04 NCAC 13F .0512</b>	<b>MATERNITY LEAVE</b>
<b>04 NCAC 13F .0513</b>	<b>OTHER TYPES OF LEAVE WITHOUT PAY</b>
<b>04 NCAC 13F .0514</b>	<b>SEPARATION</b>
<b>04 NCAC 13F .0515</b>	<b>LEAVE WITHOUT PAY</b>

*History Note:* Authority G.S. 143B-454(5); 143-218(5), (12);  
 Eff. February 1, 1976;  
 Repealed Eff. June 18, 1979.

#### **SECTION .0600 - GRIEVANCES**

<b>04 NCAC 13F .0601</b>	<b>POLICY</b>
<b>04 NCAC 13F .0602</b>	<b>POSTING OF POLICY</b>
<b>04 NCAC 13F .0603</b>	<b>PROCEDURE</b>
<b>04 NCAC 13F .0604</b>	<b>DISCIPLINARY ACTION: SUSPENSION: AND DISMISSAL</b>

*History Note:* Authority G.S. 143B-454(5); 143-218(5),(12);  
 Eff. February 1, 1976;  
 Repealed Eff. June 18, 1979.

#### **SUBCHAPTER 13G - RULE MAKING PROCEDURE**

##### **SECTION .0100 - RULE MAKING GENERALLY**

<b>04 NCAC 13G .0101</b>	<b>PROCEDURAL REQUIREMENTS</b>
<b>04 NCAC 13G .0102</b>	<b>STATUTORY PROVISIONS</b>

*History Note:* Authority G.S. 143B-454; 150B-9; 150B-10;  
 Eff. February 1, 1976;  
 Readopted Eff. June 18, 1979;  
 Repealed Eff. November 1, 1982.

<b>04 NCAC 13G .0103</b>	<b>RULE MAKING AND ADMINISTRATIVE HEARING PROCEDURES</b>
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*History Note:* Authority G.S. 143B-454; 150B-9; 150B-14;  
 Eff. November 1, 1982;  
 Repealed Eff. July 1, 1988.

##### **SECTION .0200 - PETITIONING FOR RULE MAKING**

<b>04 NCAC 13G .0201</b>	<b>FILING PETITION</b>
<b>04 NCAC 13G .0202</b>	<b>CONTENTS OF PETITION</b>
<b>04 NCAC 13G .0203</b>	<b>TRANSMITTAL OF PETITION</b>
<b>04 NCAC 13G .0204</b>	<b>CONSIDERATION OF PETITION</b>
<b>04 NCAC 13G .0205</b>	<b>DECISION ON PETITION</b>

*History Note:* Authority G.S. 143B-454; 150B-16;

*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. November 1, 1982.*

#### **SECTION .0300 - NOTICE**

**04 NCAC 13G .0301 NOTICE REQUIRED**  
**04 NCAC 13G .0302 REQUEST FOR NOTICE**  
**04 NCAC 13G .0303 FURTHER INFORMATION**

*History Note: Authority G.S. 143B-454; 150B-12;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. November 1, 1982.*

#### **SECTION .0400 - RULE MAKING HEARING**

**04 NCAC 13G .0401 RULEMAKING HEARING GENERALLY**  
**04 NCAC 13G .0402 REQUEST TO MAKE ORAL PRESENTATION**  
**04 NCAC 13G .0403 CONTENTS OF REQUEST**  
**04 NCAC 13G .0404 ACKNOWLEDGEMENT OF RECEIPT**  
**04 NCAC 13G .0405 WAIVER OF NOTICE**  
**04 NCAC 13G .0406 DURATION OF ORAL PRESENTATION**  
**04 NCAC 13G .0407 WRITTEN PRESENTATIONS**  
**04 NCAC 13G .0408 CONDUCT OF HEARING**  
**04 NCAC 13G .0409 HEARING OFFICER**  
**04 NCAC 13G .0410 REPORT OF HEARING OFFICER OR BOARD**  
**04 NCAC 13G .0411 ADOPTION OF RULE**  
**04 NCAC 13G .0412 RECORD OF PROCEEDINGS**

*History Note: Authority G.S. 143B-454; 150B-9; 150B-12;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. November 1, 1982.*

#### **SECTION .0500 - DECLARATORY RULINGS**

**04 NCAC 13G .0501 REQUEST FOR DECLARATORY RULING**  
**04 NCAC 13G .0502 CONTENTS OF REQUEST**  
**04 NCAC 13G .0503 TRANSMITTAL OF REQUEST**  
**04 NCAC 13G .0504 DENIAL OR GRANTING OF REQUEST**  
**04 NCAC 13G .0505 BASIS FOR DENIAL OF REQUEST**  
**04 NCAC 13G .0506 PROCEDURE**

*History Note: Authority G.S. 143B-454; 150B-17;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. November 1, 1982.*

#### **SECTION .0600 - PUBLIC INSPECTION**

**04 NCAC 13G .0601 RULES**  
**04 NCAC 13G .0602 ORDERS: DECISIONS: OPINIONS AND DECLARATORY RULINGS**  
**04 NCAC 13G .0603 MATTER ADOPTED BY REFERENCE**

*History Note:* Authority G.S. 143B-454; 150B-11; 150B-14;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.

## **SUBCHAPTER 13H - ADMINISTRATIVE HEARING PROCEDURE**

### **SECTION .0100 - GENERAL PROVISIONS**

**04 NCAC 13H .0101      APPLICABILITY OF THIS SUBCHAPTER**  
**04 NCAC 13H .0102      STATUTORY PROVISIONS**

*History Note:* Authority G.S. 143B-454; 150B-23;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.

### **SECTION .0200 - INITIATING ADMINISTRATIVE HEARING**

**04 NCAC 13H .0201      INFORMAL NEGOTIATIONS**  
**04 NCAC 13H .0202      REQUEST FOR ADMINISTRATIVE HEARING**  
**04 NCAC 13H .0203      CONTENTS OF REQUEST**  
**04 NCAC 13H .0204      CONSIDERATION OF AND DECISION ON REQUEST**  
**04 NCAC 13H .0205      DENIAL OF REQUEST**

*History Note:* Authority G.S. 143B-454; 150B-23;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.

### **SECTION .0300 - NOTICE**

**04 NCAC 13H .0301      REASONABLE NOTICE**  
**04 NCAC 13H .0302      CONTENTS OF NOTICE**

*History Note:* Authority G.S. 143B-454; 150B-23;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.

### **SECTION .0400 - INTERVENTION**

**04 NCAC 13H .0401      TYPES OF INTERVENTION**  
**04 NCAC 13H .0402      PETITION TO INTERVENE**  
**04 NCAC 13H .0403      CONTENTS OF PETITION**  
**04 NCAC 13H .0404      TIMELY PETITION**  
**04 NCAC 13H .0405      DECISION ON PETITION**

*History Note:* Authority G.S. 143B-454; 150B-23;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.

**SECTION .0500 - HEARING OFFICER OR BOARD**

<b>04 NCAC 13H .0501</b>	<b>APPOINTMENT</b>
<b>04 NCAC 13H .0502</b>	<b>AFFIDAVIT TO DISQUALIFY HEARING OFFICER</b>
<b>04 NCAC 13H .0503</b>	<b>CONTENTS OF AFFIDAVIT</b>
<b>04 NCAC 13H .0504</b>	<b>TIME OF FILING</b>
<b>04 NCAC 13H .0505</b>	<b>DECISION ON AFFIDAVIT</b>
<b>04 NCAC 13H .0506</b>	<b>WITHDRAWAL OF HEARING OFFICER</b>

*History Note: Authority G.S. 143B-454; 150B-32;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.*

**SECTION .0600 - SUBPOENA**

<b>04 NCAC 13H .0601</b>	<b>POWER TO SUBPOENA</b>
<b>04 NCAC 13H .0602</b>	<b>REQUEST FOR SUBPOENA</b>
<b>04 NCAC 13H .0603</b>	<b>CONTENTS OF REQUEST FOR SUBPOENA</b>
<b>04 NCAC 13H .0604</b>	<b>ISSUANCE OF SUBPOENA</b>
<b>04 NCAC 13H .0605</b>	<b>SERVICE OF SUBPOENA</b>
<b>04 NCAC 13H .0606</b>	<b>REQUEST TO REVOKE SUBPOENA</b>
<b>04 NCAC 13H .0607</b>	<b>CONTENTS OF REQUEST TO REVOKE</b>
<b>04 NCAC 13H .0608</b>	<b>SERVICE OF REQUEST TO REVOKE</b>
<b>04 NCAC 13H .0609</b>	<b>RESPONSE TO REQUEST TO REVOKE</b>
<b>04 NCAC 13H .0610</b>	<b>HEARING ON SUBPOENA</b>
<b>04 NCAC 13H .0611</b>	<b>DECISION ON REQUEST TO REVOKE SUBPOENA</b>
<b>04 NCAC 13H .0612</b>	<b>GROUND FOR REVOCATION OF SUBPOENA</b>
<b>04 NCAC 13H .0613</b>	<b>ENFORCEMENT OF SUBPOENA</b>

*History Note: Authority G.S. 143B-454; 150B-27;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.*

**SECTION .0700 - CONDUCT OF HEARING**

<b>04 NCAC 13H .0701</b>	<b>PRE-HEARING CONFERENCE</b>
<b>04 NCAC 13H .0702</b>	<b>WRITTEN ANSWER TO NOTICE</b>
<b>04 NCAC 13H .0703</b>	<b>FAILURE TO APPEAR</b>
<b>04 NCAC 13H .0704</b>	<b>REOPENING A HEARING</b>
<b>04 NCAC 13H .0705</b>	<b>CONTINUANCES</b>

*History Note: Authority G.S. 143B-454; 150B-23; 150B-25;  
Eff. February 1, 1976;  
Readopted Eff. June 18, 1979;  
Repealed Eff. November 1, 1982.*

**SECTION .0800 - DECISIONS IN CONTESTED CASES**

<b>04 NCAC 13H .0801</b>	<b>TIME FOR DECISION</b>
<b>04 NCAC 13H .0802</b>	<b>PROPOSAL FOR DECISION</b>
<b>04 NCAC 13H .0803</b>	<b>EXCEPTIONS TO PROPOSAL FOR DECISION</b>
<b>04 NCAC 13H .0804</b>	<b>REQUEST FOR ORAL HEARING ON PROPOSAL FOR DECISION</b>
<b>04 NCAC 13H .0805</b>	<b>NOTICE OF ORAL HEARING</b>



**04 NCAC 13H .0806      CONDUCT OF ORAL HEARING**  
**04 NCAC 13H .0807      DECISION FOLLOWING PROPOSAL FOR DECISION**  
**04 NCAC 13H .0808      OFFICIAL RECORD**

*History Note:      Authority G.S. 143B-454; 150B-34; 150B-37;*  
*Eff. February 1, 1976;*  
*Readopted Eff. June 18, 1979;*  
*Repealed Eff. November 1, 1982.*