

SUBCHAPTER 24D - TAX ADMINISTRATION

SECTION .0100 – REQUESTS FOR NONCHARGING OF BENEFIT PAYMENTS

04 NCAC 24D .0101 NOTICE OF CLAIM TO EMPLOYER

Upon receipt of a claim for benefits filed by a claimant, DES shall notify the claimant's last employer and all base period employers of the claim filed.

History Note: Authority G.S. 96-4; 96-11.4; 96-15;
Eff. July 1, 2015.

04 NCAC 24D .0102 NOTICE TO EMPLOYER OF POTENTIAL CHARGES

(a) DES shall notify each employer in writing of potential charges to the employer's account. The notice shall contain the:

- (1) date of the notice;
- (2) claimant's name and social security number;
- (3) date the claimant's benefit year began;
- (4) claimant's weekly benefit amount and weekly earnings allowance;
- (5) employer's reporting number used to report wages for the claimant;
- (6) base period wages reported by the employer by calendar quarter and dollar amount;
- (7) employer's percentage of total base period wages reported;
- (8) maximum potential charge amount that can be applied to the employer's experience rating account if the claimant exhausts his or her benefits;
- (9) a statement containing the employer's right to protest the notice; and
- (10) a statement containing the employer's right to notify the Division within 15 days of the mailing date of the notice if the claimant did not work for the employer or the wages are incorrect.

(b) DES shall provide notice of potential charges to the employer's account using the following forms, as applicable:

- (1) Notice of Claim and Potential Charges to Your Account;
- (2) Notice of Unemployment Claim, Wages Reported and Potential Charges;
- (3) Notice of Initial Claim and Potential Charges to Reimbursable Employer;
- (4) Notice of Initial Claim and Potential Charges for Claimants on Temporary Layoff.

History Note: Authority G.S. 96-4; 96-11.1; 96-11.2; 96-11.3; 96-11.4; 96-15;
Eff. July 1, 2015;
Amended Eff. May 1, 2021; July 1, 2018.

04 NCAC 24D .0103 REQUIREMENTS FOR REQUESTING NONCHARGING OF BENEFIT PAYMENTS

04 NCAC 24D .0104 TIME FOR FILING REQUESTS FOR NONCHARGING

04 NCAC 24D .0105 DETERMINATION ON REQUESTS FOR NONCHARGING

05 NCAC 24D .0106 APPEALING DENIAL OF REQUEST FOR NONCHARGING

History Note: Authority G.S. 96-4; 96-11.1; 96-11.3, 96-11.4;
Eff. July 1, 2015;
Recodified from 04 NCAC 24D .0201-.0203 Eff March 1, 2017;
Amended Eff. July 1, 2018; October 1, 2017;
Repealed Eff. May 1, 2021.

SECTION .0200 - ACCOUNT CHARGE PROTESTS

04 NCAC 24D .0201 NOTICE OF EMPLOYER QUARTERLY CHARGES

DES shall notify each employer in writing of the quarterly list of charges to the employer's Account using Form NC CLM 626-9 that shall contain the:

- (1) date of the notice;
- (2) charging quarter ending date;

- (3) employer's name and mailing address;
- (4) claimant's name and social security number;
- (5) date the claimant's benefit year began;
- (6) employer's reporting number used to report wages for the claimant;
- (7) benefit charges to the employer for each listed claimant; and
- (8) a statement containing the employer's right to protest the list of charges.

History Note: Authority G.S. 96-4; 96-11.2; 96-11.3; 96-11.4; 96-11.5; 96-15;
Eff. May 1, 2021.

04 NCAC 24D .0202 REQUIREMENTS FOR FILING PROTESTS TO LIST OF CHARGES

An employer who protests the benefit charges to its account shall make the protest in writing within 30 days of the mailing date of Form NC CLM 626-9 to DES's Claims Unit in accordance with 04 NCAC 24A .0104(s), and shall list all grounds for the protest as prescribed under Rule .0203 of this Section.

History Note: Authority G.S. 96-4; 96-11.3; 96-11.4;
Eff. July 1, 2015;
Recodified from 04 NCAC 24D .0103 Eff. March 1, 2017;
Amended Eff. May 1, 2021; October 1, 2017.

04 NCAC 24D .0203 GROUNDS FOR PROTESTING LIST OF CHARGES

An employer shall only file protests for:

- (1) the reasons set forth in G.S. 96-11.3;
- (2) clerical errors in the list of charges;
- (3) charges resulting from individuals who were never employed by the employer; or
- (4) the claimant has new separation from employment occurring between the date that the claimant's benefit year began and the last week ending date for which the claimant was paid benefits, and a base period employer did not have an opportunity to request noncharging on the subsequent separation.

History Note: Authority G.S. 96-4; 96-11.3; 96-11.4; 96-11.5;
Eff. July 1, 2015;
Recodified from 04 NCAC 24D .0105 Eff. March 1, 2017;
Amended Eff. May 1, 2021; October 1, 2017.

04 NCAC 24D .0204 DES'S RESPONSIBILITIES UPON RECEIPT OF PROTEST TO LIST OF CHARGES

- (a) DES shall review the employer's account charges and investigate the accuracy of the charges based on the reasons provided by the employer in the protest.
- (b) Upon completion of its review, DES shall issue a written determination of its findings based on the reasons provided by the employer in the protest.

History Note: Authority G.S. 96-4; 96-11.4;
Eff. July 1, 2015;
Recodified from 04 NCAC 24D .0106 Eff. March 1, 2017.

04 NCAC 24D .0205 DETERMINATION ON GROUNDS CONTAINED IN PROTEST

DES's determination on the employer's protest to the list of benefit charges to its account shall contain:

- (1) notice of whether the relief sought by the employer in the protest was granted or denied;
- (2) any adjustments that have been made to the list of charges if the relief sought in the protest was granted, or the reasons for denial if the relief sought in the protest was denied;
- (3) the date the determination was mailed or sent to the employer by electronic transmission;
- (4) the employer's right to appeal the determination consistent with 04 NCAC 24C .0203;
- (5) the time period within which an appeal shall be filed; and
- (6) instructions for filing an appeal with DES's Claims Unit pursuant to 04 NCAC 24A .0104(s).

*History Note: Authority G.S. 96-4; 96-11.3; 96-15;
Eff. July 1, 2015;
Recodified from 04 NCAC 24D .0107 Eff. March 1, 2017;
Amended Eff. July 1, 2018; October 1, 2017.*

SECTION .0300 - ADEQUACY

04 NCAC 24D .0301 ADEQUACY THRESHOLD

- (a) An employer who establishes a pattern of failing to provide a timely response or adequate response to the Request for Separation Information (Form NCUI 500AB) under 04 NCAC 24B .0107, shall not be relieved of charges for resulting erroneous unemployment insurance benefit payments.
- (b) In determining the timeliness of an employer response, DES shall consider the following:
- (1) whether the response was received within 14 days pursuant to G.S. 96-15; and
 - (2) whether the employer had good cause for failing to respond within the 14 day period.
- (c) In determining the adequacy of an employer response, DES shall consider the following:
- (1) what information was requested;
 - (2) whether the response to the request is sufficient to satisfy the request;
 - (3) whether an employer should have provided DES with copies of relevant handbooks, policies, warnings, recordings, documents, or other information related to the claim; and
 - (4) whether the employer's responses provide enough facts to enable an authorized DES representative to make a correct legal determination without having to contact the employer to obtain additional information.
- (d) An employer who fails to submit timely or adequate responses to two or two-percent, whichever is greater, of the total requests for separation information (Form NCUI 500AB) under G.S. 96-11.4 during the reporting cycle, shall not be relieved of erroneous payments in the following charging cycle as defined under 04 NCAC 24A .0105.
- (e) DES shall review each employer's account every reporting cycle to determine whether the employer has a pattern of failing to respond timely or adequately to requests for separation information under G.S. 96-11.4, and shall issue an Adequacy Threshold Determination at the conclusion of the reporting year cycle if the employer has met the criteria defined under Paragraph (d) of this Rule.

*History Note: Authority G.S. 96-4; 96-11.3; 96-11.4; 96-15; 23 U.S.C. 3303;
Eff. July 1, 2015.*

04 NCAC 24D .0302 ADEQUACY THRESHOLD DETERMINATION

- (a) The Adequacy Threshold Determination shall include:
- (1) the effect of the determination on the employer's account;
 - (2) the reasons for the determination;
 - (3) the date the determination was mailed or sent by electronic transmission to the employer;
 - (4) instructions for protesting the determination; and
 - (5) the time period within which a protest shall be filed.
- (b) An employer may protest its Adequacy Threshold Determination and shall file its written request with DES's Claims Unit pursuant to 04 NCAC 24A .0104(m).
- (1) The request shall include the following:
 - (A) the name of the employing unit;
 - (B) the address of the employing unit;
 - (C) the account number of the employing unit;
 - (D) a statement of the question involved and reasons for the request; and
 - (E) the name, address, and official position of the individual making the request.
 - (2) The written request shall be filed within 15 days after the date that the Adequacy Threshold Determination notice was sent to the employer, and the timeliness requirements of 04 NCAC 24A .0106 shall apply.
- (c) Following receipt of the written request, the Claims Unit shall review the employer's request for review and issue a written determination. The determination shall notify the employing unit of whether its application was granted or denied, and explain the reasons for the ruling and what information was considered.

(d) No further right of appeal from an unfavorable written determination of a protest of an Adequacy Threshold Determination shall exist unless and until an Adequacy Penalty Determination, as defined under Rule .0303 of this Section is issued at the conclusion of each corresponding charging cycle.

*History Note: Authority G.S. 96-4; 96-11.3; 96-11.4; 96-15; 26 U.S.C. 3303;
Eff. July 1, 2015;
Amended Eff. October 1, 2017.*

04 NCAC 24D .0303 ADEQUACY PENALTY DETERMINATION

(a) DES shall issue a written Adequacy Penalty Determination at the end of each charging cycle to notify the employer of charges to its account for erroneous unemployment benefit payments identified during the charging cycle if the payments resulted from untimely or inadequate responses as set forth in 04 NCAC 24D .0301 to requests for information regarding a claimant's separation from employment or status, if the employer met or exceeded the adequacy threshold in the prior reporting cycle.

(b) The Adequacy Penalty Determination shall include the following:

- (1) a listing containing the specific claims that would have resulted in a relief from charges as a result of erroneous unemployment insurance payments that were later reversed on appeal;
- (2) instructions for protesting the Adequacy Penalty Determination; and
- (3) the date that the Adequacy Penalty Determination is mailed or sent to the employer by electronic transmission.

(c) An employer may protest its Adequacy Penalty Determination and shall file its written request with DES's Claims Unit pursuant to 04 NCAC 24A .0104(m).

(1) The request shall include:

- (A) the name of the employing unit;
- (B) the address of the employing unit;
- (C) the account number of the employing unit;
- (D) a statement of the question involved and reasons for the request; and
- (E) the name, address, and official position of the individual making the request.

(2) The written request shall be filed within 15 days after the date that the Adequacy Penalty Determination was mailed or provided to the employer by electronic transmission, and the timeliness requirements of 04 NCAC 24A .0106 shall apply.

(3) Following receipt of the written request, the Claims Unit shall review the employer's request and issue a written determination. The determination shall notify the employing unit of whether its application was granted or denied, explain the reasons for the ruling and identify the information considered, and contain instructions for appealing a denial to DES's Appeals Section pursuant to 04 NCAC 24A .0104(m).

*History Note: Authority G.S. 96-11.3; 96-11.4; 96-15; 26 U.S.C. 3303;
Eff. July 1, 2015;
Amended Eff. October 1, 2017.*

04 NCAC 24D .0304 APPEALING ADEQUACY PENALTY DETERMINATIONS

(a) An employer may file an appeal of its Adequacy Penalty Determination and request a hearing. The appeal shall be filed with DES's Claims Unit pursuant to 04 NCAC 24A .0104(m).

(b) The appeal shall be filed within 15 days after the date that the Adequacy Penalty Protest Determination was sent to the employer, and the timeliness requirements of 04 NCAC 24A .0106 shall apply.

(c) Appeal hearings from Adequacy Penalty Determinations shall be conducted as set forth in Section .0200 of Subchapter 24C.

*History Note: Authority G.S. 96-11.3; 96-11.4; 96-15; 26 U.S.C. 3303;
Eff. July 1, 2015;
Amended Eff. October 1, 2017.*

SECTION .0400 - VOLUNTARY ELECTION AND PAYMENTS

04 NCAC 24D .0401 VOLUNTARY ELECTION BY EMPLOYERS

- (a) Any employer electing coverage under G.S. 96-9.8 of the Employment Security Law shall make the election by completing the Employer Status Report (Form NCUI 604), available on DES's website.
- (b) The information provided in the Employer Status Report (Form NCUI 604) shall be provided in the same manner as required under Rule .0602 of this Subchapter.
- (c) Voluntary election shall not be granted if DES determines that potential benefit payments would exceed the taxes received from the employer.
- (d) Employers who satisfy the criteria for voluntary election of coverage pursuant to G.S. 96-9.8 shall have a contributory unemployment tax account, and shall not have a reimbursable account.

History Note: Authority G.S. 96-4; 96-9.8; 26 U.S.C. 3306;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.

04 NCAC 24D .0402 ELECTION TO REIMBURSE IN LIEU OF CONTRIBUTIONS

- (a) A new qualifying employer under G.S. 96-9.6 electing to pay reimbursements for benefits, rather than contributions, shall make the election by writing a letter stating their election to DES's Tax Administration Section as provided in 04 NCAC 24A .0104(x) within 30 days after the employer receives written notification from the Division that it is eligible to make an election as defined under G.S. 96-9.6.
- (b) A qualifying employer under G.S. 96-9.6 electing to pay reimbursements for benefits, rather than contributions, shall within 30 days before the January 1 effective date, make the election by sending a letter stating their election to DES's Tax Administration Section pursuant to 04 NCAC 24A .0104(x).

History Note: Authority G.S. 96-4; 96-9.6; 96-9.8; 26 U.S.C. 3309;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.

04 NCAC 24D .0403 PAYMENT OF EMPLOYER TAXES

- (a) Taxes shall be due and payable to the Division of Employment Security and sent to DES's administrative office in Raleigh, North Carolina, or delivered to an agent of DES designated to accept payments as provided in 04 NCAC 24A .0104(y).
- (b) Timeliness of payments shall be determined pursuant to 04 NCAC 24A .0106.

History Note: Authority G.S. 96-4; 96-9.15;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.

SECTION .0500 - RECORDS

04 NCAC 24D .0501 RECORDS OF EMPLOYERS

- (a) Each employer shall keep accurate employment and payroll records. These records shall be maintained for five years after the calendar year in which wages for services are paid and shall include the following:
 - (1) the name and correct address of the employer;
 - (2) the name and address of each division, branch, or establishment operated, owned, or maintained by the employer at different locations in North Carolina; and
 - (3) the following information for each individual performing services for the employer:
 - (A) the individual's name;
 - (B) the individual's address;
 - (C) the individual's social security number;
 - (i) if an individual performing services for an employer does not have a social security number, the employer shall request that the individual produce a receipt issued by the Social Security Administration, showing that the individual has filed an application for a social security number;
 - (ii) the employer shall copy and retain a copy of the receipt, and the individual must retain the receipt;
 - (D) the dates on which the individual performed services for the employer;

- (E) the actual number of hours worked each day and total number of hours worked each week;
 - (F) daily attendance record, including times that the individual did not work for reasons other than lack of work;
 - (G) the state or states in which the individual performed services;
 - (i) the base of operations if any of the services are performed outside North Carolina, and are not incidental to the services performed in North Carolina; or
 - (ii) if there is no base of operations, then the place from which services are directed or controlled; and
 - (iii) the individual's state of residence;
 - (H) the amount of wages paid to the individual for each separate payroll period, if paid weekly, or if not paid weekly, by calendar weeks;
 - (i) date of payment of the wages; and
 - (ii) amounts or remuneration paid to each individual for each separate payroll period other than "wages," as defined in G.S. 96-1(b)(28);
 - (I) amounts paid to individuals as allowances or reimbursements for travel or other business expenses, dates of payments, and the amounts of expenditures actually incurred and documented by the individual;
 - (J) whether, during any payroll period the individual worked less than full time, and if so, the hours and dates worked;
 - (K) reasons for an individual's separation from work;
 - (L) any contract between the employer and the worker;
 - (M) where the employer considers the worker to be an independent contractor or otherwise not an "employee" under the Employment Security Law, all records, documentation and evidence which supports that classification; and
 - (N) federal and state tax returns for the periods when the worker was employed.
- (b) In addition to the records required in Paragraph (a) of this Rule, each employer shall keep the following:
- (1) the records that establish and reflect ownership and any changes of ownership of the employer;
 - (2) the address where the headquarters of the employer is located;
 - (3) the mailing address of the employer; and
 - (4) the address at which the records are available for inspection or audit by representatives of DES.
- (c) Each employer's records shall reflect:
- (1) the addresses of owners; or
 - (2) in the event the employer is a corporation or an unincorporated organization, the records shall show the addresses of directors, officers, and any individuals on whom subpoenas, legal processes, or citations may be served in North Carolina.

History Note: Authority G.S. 96-4; 96-9.15; 96-10; 26 U.S.C. 3306; Eff. July 1, 2015.

04 NCAC 24D .0502 WAGE RECORDS

- (a) Wages paid for services excluded from the definition of "employment" as defined in G.S. 96-1(b)(12) shall be separately reflected in the employer's records to indicate the following:
- (1) the time of service; and
 - (2) remuneration for services that is separate from taxable wages.
- (b) Where there are pay periods in which an individual performs services excluded from the term "employment," and any service which is "employment," the employer's record shall reflect the hours spent in the excluded service and the hours spent in "employment."
- (c) If any remuneration other than monetary wages is paid to or is received by an individual related to services performed by the individual, the records shall show the total amount of cash wages and the cash value of any other remuneration paid by the employer.
- (d) If any part of an individual's wages is not paid in cash, the reasonable cash value of the remuneration other than cash shall be deemed for all relevant purposes as follows:
- (1) the amount that is agreed upon between the employer and the individual if:
 - (A) the terms of the agreement are reported to DES; and

- (B) DES determines that the agreed value or amount is reasonable pursuant to IRS Publication 15-B; or
 - (2) the amount DES determines if:
 - (A) the amount agreed upon is unreasonable; or
 - (B) the employer and the individual fail to agree upon an amount; or
 - (C) the employer fails to report the terms of an agreement to DES; and
 - (D) the employer fails to show the cash value of the noncash remuneration prior to the due date of contributions with respect to the wages.
 - (3) DES shall determine an amount by reviewing documents, tax values, internet sites and other available information that reflects the market value.
- (e) This Rule incorporates material found in the IRS Publication 15-B by reference and includes subsequent amendments and editions of the referenced material in accordance with G.S. 150B-21.6. Copies of the incorporated material found in IRS Publication 15-B are located at 700 Wade Avenue, in Raleigh, North Carolina and may be obtained at no cost to the public by request by contacting DES as specified under 04 NCAC 24A .0201.

History Note: Authority G.S. 96-1(b)(28); 96-4; 26 U.S.C. 3306; IRS Pub. 15-B;
Eff. July 1, 2015.

04 NCAC 24D .0503 ALLOWANCES AND REIMBURSEMENT ADVANCES

- (a) Allowances, advances of reimbursements paid to an individual in employment for traveling, and other bona fide expenses incurred or reasonably expected to be incurred in the business of the individual's employer shall not be treated as wages, provided:
- (1) a separate payment is made for the expenses; or
 - (2) itemized accounting records are kept indicating the separate amounts where a single payment covers both wages and expenses combined; and
 - (3) the amount of payments for expenses excluded from wages shall not exceed the amounts allowable as deductible expenses by income tax regulations under the United States Internal Revenue Code, 26 U.S.C. 62(2) and 26 U.S.C. 162(a)(2). Where the United States Internal Revenue Service (IRS) has not made a determination, DES shall make an independent determination.
- (b) Where an employee must pay traveling and other expenses out of commissions or salary and these amounts are not accounted for separately, the entire amount of commissions or salary shall be considered wages, unless the employer submits itemized records which show that a certain percentage of commissions or salary is expenses.
- (1) The money value for room and board shall not be included in wages if the room and board is provided to the employee for the convenience of the employer.
 - (A) If the room and board has been excluded from wages by the IRS for income tax withholdings, FICA and FUTA, it shall be considered to be for the convenience of the employer and excluded from wages.
- (c) This rule incorporates 26 U.S.C. 62(2) "Adjusted Gross Income Defined" and 26 U.S.C. 162(a)(2) "Traveling Expenses" by reference and includes subsequent amendments and editions of the referenced material in accordance with G.S. 150B-21.6. Copies of the incorporated material found in 26 U.S.C. 62(2) and 26 U.S.C. 162(a)(2) are located at 700 Wade Avenue, in Raleigh, North Carolina, and may be obtained by request at no cost to the public by contacting DES as specified under 04 NCAC 24A .0201.

History Note: Authority G.S. 96-4; 150B-21.6; 26 U.S.C. 62(2); U.S.C. 162(a)(2).
Eff. July 1, 2015.

04 NCAC 24D .0504 MANNER OF RECORDKEEPING

- (a) Each employer shall maintain records as prescribed in this Section.
- (b) All records shall be kept and maintained in a manner that preserves the integrity of all reports that the employing unit is required to file with DES.
- (1) Records shall be accessible to authorized representatives of DES within the geographical boundaries of the State of North Carolina.
 - (2) When records are not maintained, or are not available within North Carolina, the employing unit shall pay to DES the expenses and costs incurred when a representative of DES is required to travel outside the State of North Carolina to inspect or audit the employing unit's records or

provide for delivery of the required records for inspection or audit to DES via mail or electronic transmission.

- (3) Where records are delivered via electronic transmission, the employer shall provide DES with all necessary information to access the content of the electronic transmission.
- (c) Where any part of an employing unit's accounting records are maintained by an automated data processing system, the employing unit shall provide the following:
 - (1) audit trails with all supporting documentation;
 - (2) general accounting books with any ledgers containing source references that coincide with financial reports for reporting periods; and
 - (3) a description of the automatic data processing portion of the employing unit's accounting system.
- (d) Each employing unit, when requested by DES, shall furnish a job description of duties performed by any individual or group of individuals who are performing or have performed services for the employing unit.
- (e) Records prescribed by this Subchapter shall be preserved for five years after the calendar year in which wages for services are paid.

History Note: Authority G.S. 96-4; 96-10; 26 U.S.C. 3306;
Eff. July 1, 2015.

SECTION .0600 - REPORTS

04 NCAC 24D .0601 GENERAL FORMAT OF REPORTS AND FORMS AND METHODS OF SUBMISSION

- (a) The following shall file the Employer's Quarterly Tax and Wage Report (NCUI 101) using compact disks, or electronic transmission via the internet at des.nc.gov, or paper returns.
 - (1) employers with 10 or more employees in any one calendar quarter; and
 - (2) other entities, including agents reporting on behalf of employers, who file reports for a client employer with a total of 10 or more employees in any one calendar quarter.
- (b) The Employer's Quarterly Tax and Wage Reports shall contain the:
 - (1) quarter for which the wages are being reported;
 - (2) employer's account number;
 - (3) tax rate assigned by DES;
 - (4) date that the NCUI 101 was due to DES;
 - (5) total amount of taxable wages paid to employees in accordance with G.S. 96-9.3;
 - (6) total amount of wages that exceed the taxable wages;
 - (7) total amount of tax due for the quarter;
 - (8) total amount of interest due for the quarter;
 - (9) amount of late filing penalty in accordance with G.S. 96-10, if applicable;
 - (10) amount of late payment penalty in accordance with G.S. 96-10, if applicable;
 - (11) name, social security number, and gross wages of each employee;
 - (12) name, title, telephone number, and signature of the individual submitting the NCUI 101 on behalf of the employer; and
 - (13) date that form is submitted to DES.
- (c) Employers, including agents, who file an Employer's Quarterly Tax and Wage Report for a client employer with less than 10 total employees in any one calendar quarter shall use compact disks, electronic transmissions via DES's website, or paper returns.
- (d) Agents reporting on behalf of employers with less than 10 employees may submit compact disks, electronic transmissions via DES's website, or paper returns that contain information from multiple employers.

History Note: Authority G.S. 96-4; 96-9.15;
Eff. July 1, 2015;
Amended Eff. August 1, 2020.

04 NCAC 24D .0602 STATUS REPORTS

- (a) Each employing unit shall complete and file an Employer Status Report (Form NCUI 604) with DES within 10 days of becoming subject to the Employment Security Law. The Employer Status Report is located on DES's website, and shall include the following:

- (1) the employing unit's federal identification number, if any;
- (2) the employing unit's North Carolina Department of Revenue's withholding identification number, if any;
- (3) all previously assigned unemployment insurance tax identification or account numbers;
- (4) the employing unit's legal name;
- (5) the employing unit's trade name;
- (6) the employing unit's mailing address, telephone, and fax numbers;
- (7) the physical address and county for each of the employing unit's North Carolina locations;
- (8) if the employing unit has no locations in this State, the primary employee's home address;
- (9) the principal activity or service performed by the employing unit in North Carolina;
- (10) the name and address of each of the employing unit's owners;
- (11) the name, telephone number, and email address of an individual authorized to act on behalf of the employing unit;
- (12) the type of business ownership;
- (13) the number of employees expected within 12 months of the date that Form NCUI 604 is submitted to DES;
- (14) the date the employing unit first hired one or more workers in North Carolina;
- (15) whether the employing unit in this State is part of a larger organization and is primarily engaged in providing support services to that organization;
- (16) whether the employing unit is an employment service company as defined in G.S. 96-1(14);
- (17) for general employers:
 - (A) whether the employing unit has or expects to have a quarterly payroll of one thousand five hundred dollars (\$1,500) or more and if so, the date that this occurred or is expected to occur; and
 - (B) whether the employing unit has or expects to employ at least one worker in 20 different calendar weeks during a calendar year and if so, the date that this occurred or is expected to occur;
- (18) for agricultural employers:
 - (A) whether the employing unit has or expects to have a quarterly payroll of twenty thousand dollars (\$20,000) or more, and if so, the date that this occurred or is expected to occur; and
 - (B) whether the employing unit has or will employ 10 or more workers in 20 different weeks during a calendar year, and if so, the date that this occurred or is expected to occur;
- (19) for domestic employers, whether the employing unit has or will pay one thousand dollars (\$1,000) or more in a calendar quarter for domestic services in a private home, college club, fraternity, or sorority, and if so, the date that this occurred or is expected to occur;
- (20) for non-profit organizations, whether the employing unit has or will employ 4 or more workers in 20 different weeks during a calendar year, and if so, the date that this occurred or is expected to occur;
- (21) for employing units of government, whether the entity is local, state, or federal;
- (22) whether the employing unit wants to voluntarily cover its workers for unemployment insurance even if it is not subject to the Employment Security Law;
- (23) whether the employing unit has ever paid taxes pursuant to the Federal Unemployment Tax Act, and if so for which years the taxes were paid;
- (24) whether the employing unit has acquired, transferred assets, or merged with another business, or made any other change in the ownership of the business, and if so:
 - (A) the former entity's legal name;
 - (B) the former entity's trade name;
 - (C) the former entity's address;
 - (D) the former entity's North Carolina Unemployment Insurance Tax Identification number;
 - (E) the date on which the employing unit acquired the former entity, or changed its business;
 - (F) whether the employing unit acquired all or a portion of the former entity, and if a portion, the percent acquired;
 - (G) whether the former entity was operating when it was acquired by the employing unit, and if not, the date that the former entity closed;

- (H) whether the former entity was in bankruptcy when it was acquired by the employing unit; and
 - (I) whether the former entity continues to have employees in North Carolina.
 - (25) whether there are workers who perform services for the employing unit, and who the employing unit considers to be self-employed or independent contractors;
 - (26) the name, signature, and official position of the individual filing the Form NCUI 604 on behalf of the employing unit; and
 - (27) the date that the individual completed Form NCUI 604 and submitted it to DES.
- (b) An employing unit that ceases business, continues operations without employees, transfers, leases, or sells all or any part of the assets of its business, or changes the business name, business entity, business location, telephone number, or mailing address of the business shall give notice to DES within 10 days by completing and filing a Change in Status Report (Form NCUI 101A), which is available on DES's website. Form NCUI 101A shall state:
- (1) the employing unit's name;
 - (2) the employing unit's mailing address;
 - (3) the employing unit's trade name;
 - (4) the employing unit's North Carolina Unemployment Insurance Tax Identification number;
 - (5) whether the employing unit sold or otherwise transferred part or all of the business, and if so:
 - (A) the name, mailing address, and telephone number of the entity to which the business was sold or otherwise transferred;
 - (B) the trade name of the entity to which the business was sold or otherwise transferred;
 - (C) whether the entire business operations, including equipment, merchandise, raw materials, and employees were sold, transferred, or leased to a new owner, and if so, the date of the sale, transfer or lease;
 - (6) whether a partnership was formed or changed, including the effective date of the formation or change, and an explanation of what occurred;
 - (7) whether the business was incorporated, including the effective date of incorporation;
 - (8) whether the business ceased all operations in North Carolina, including the date that all operations ceased;
 - (9) whether the business is operating without employees, including the last date on which the business had any employees;
 - (10) whether the business name changed, and if so, the new name of the business and a copy of the corporate minutes or amended charter on file with the North Carolina Department of the Secretary of State;
 - (11) whether there was a change in the address or telephone number, and if so, the changes to the address or telephone number;
 - (12) whether there was a change in the employing unit's contact for tax matters, and if so, the new agent's name, address, and telephone number, if applicable; and
 - (13) the name and signature of the individual submitting the Change in Status Report to DES on behalf of the employing unit.
- (c) An employing unit that acquires all or any part of the assets of another business shall complete and file an Employer Status Report (Form NCUI 604) within 10 days of the acquisition.

History Note: Authority G.S. 96-4; 96-10; 96-11.7;
 Eff. July 1, 2015;
 Amended Eff. July 1, 2018.

04 NCAC 24D .0603 QUARTERLY REPORTS FROM TAXED EMPLOYERS

- (a) Each employer, other than a domestic employer who has elected to report and pay annually under G.S. 96-9.15(f), shall file with DES, within the month during which contributions for any period become due, an Employer's Quarterly Tax and Wage Report (Form NCUI 101) for the preceding calendar quarter that shall indicate the following:
- (1) the total amount of remuneration paid for employment, or proof that no remuneration was paid during the quarter;
 - (2) the total amount of wages paid for employment;
 - (3) the amount of wages paid to each individual employee; and

- (4) the name and social security number of each individual to whom the wages were paid and the federal identification number, if one exists.

History Note: Authority G.S. 96-4; 96-9.6; 96-9.15; 96-10;
Eff. July 1, 2015.

04 NCAC 24D .0604 ANNUAL REPORTS FROM DOMESTIC EMPLOYERS

(a) A request by a domestic employer to report wages paid, and pay contributions on an annual basis shall be made in writing and delivered to DES pursuant to 04 NCAC 24A .0104. There is no special form or format required for the written request.

(b) Each qualified domestic employer who has made an election as referenced in Paragraph (a) of this Rule shall file with DES, a domestic Employer's Annual Tax and Wage Report (Form NCUI 101-C), that shall include all information specified under Rule .0603 of this Section and subtotaled for each quarter during the calendar year in which wages were paid.

History Note: Authority G.S. 96-4; 96-9.15; 96-10;
Eff. July 1, 2015.

SECTION .0700 - TRANSFER OF EXPERIENCE RATING TO RELATED ENTITY SUCCESSOR ACCOUNT

04 NCAC 24D .0701 TRANSFER OF EXPERIENCE

History Note: Authority G.S. 96-4; 96-10; 96-11.7;
Eff. July 1, 2015;
Repealed Eff. July 1, 2018.

04 NCAC 24D .0702 REQUIREMENTS FOR TRANSFER OF EXPERIENCE

(a) A successor employer shall use the following information when requesting a partial transfer of experience rating:

- (1) the total three-year taxable payroll ending June 30th prior to the last computation date for the transferring employer; and
- (2) the total three-year taxable payroll ending June 30th prior to the last computation date for the transferring employer, relating to the severable portion acquired.

(b) Notwithstanding Paragraph (a) of this Rule, an alternate three-year payroll may be used when the severed or retained unit was not operated by the transferring employer during the three-year period ending June 30th prior to the last computation date.

(c) A successor employer that acquires the experience rating account, either total or partial, shall be liable for accrued benefits and acquire related rights based on the transferring employer's employment prior to the acquisition. Benefit charges to the transferring or successor employer shall be made in accordance with the percentage used to transfer the experience rating account, based on wages paid prior to the transfer.

(d) The requirements of this Section shall apply to transfers mandated by law, and those requiring DES's approval pursuant to G.S. 96-11.7.

(e) DES shall issue a written determination of whether there was a partial or total transfer of an experience rating account when a request for a transfer of experience rating account is made by a successor employer.

(f) A successor employer's completion and submission of an Application for Partial Transfer of Experience Rating Account (Form NCUI 603) for a transfer pursuant to G.S. 96-11.7(b) within two years of the date that part of the organization, trade, or business was transferred, with the information described in Paragraph (a) of this Rule and by any means set forth in 04 NCAC 24A .0104(o) shall satisfy the requirements of this Rule.

(g) The successor employer's completion and submission of Form NCUI 603 for a transfer pursuant to G.S. 96-11.7(c) within 30 days of the mailing date of the written determination that part of the organization, trade, or business was transferred, with the information described in Paragraph (a) of this Rule, and by any means set forth in 04 NCAC 24A .0104(o) shall satisfy the requirements of this Rule.

(h) Form NCUI 603 shall contain:

- (1) the date that part of the organization, trade, or business was transferred;
- (2) the percent of the payroll transferred to the successor;

- (3) the percent of the payroll retained by the predecessor;
 - (4) whether the successor employer is related to the predecessor employer;
 - (5) the predecessor employer's name and account or federal ID number;
 - (6) the name, title, and signature of individual signing the form on behalf of the predecessor employer;
 - (7) the date that individual signed the form on behalf of the predecessor employer;
 - (8) the successor employer's name and account number;
 - (9) the name, title, and signature of individual signing the form on behalf of the successor employer; and
 - (10) the date that individual signed the form on behalf of the successor employer.
- (i) A successor employer that disagrees with a determination that there was a partial or total transfer of an experience rating account, or with the tax rate set forth in the determination, may file a written protest of the determination and request a hearing.
- (1) The protest shall be filed with DES's Tax Administration Section within 30 days from the date that the determination is mailed pursuant to 04 NCAC 24A .0104(o), as for protests of a Tax Rate Assignment.
 - (2) Hearings requested pursuant to this Section shall be conducted as set forth in 04 NCAC 24F .0303.

History Note: Authority G.S. 96-4; 96-10; 96-11.7;
 Eff. July 1, 2015;
 Amended Eff. August 1, 2020.

04 NCAC 24D .0703 LATE NOTICE OF TRANSFER

- (a) The following definitions shall apply in this Rule:
- (1) A related transfer is an acquisition by related party as defined in G.S. 96-11.7(c).
 - (2) An "unrelated transfer" is any business transfer recognized in G.S. 96-11.7 except that of G.S. 96-11.7(c).
- (b) A successor employer shall notify DES of an unrelated transfer within two years of the date that part of the organization, trade, or business was transferred in accordance with G.S. 96-11.7(b) and 04 NCAC 24D .0702. If a successor employer does not notify DES within two years of the date that part of the organization, trade, or business was transferred, and later requests a redetermination of its tax rate, DES shall not approve the transfer, and shall notify the employer in writing.
- (c) A successor employer shall notify DES of a related transfer within 10 days of the date that part of the organization, trade, or business was transferred in accordance with G.S. 96-11.7(c) and pursuant to 04 NCAC 24D .0702. If a successor employer does not notify DES of a related transfer within 10 days of the date that part of the organization, trade, or business was transferred, and later requests a redetermination of its tax rate, DES shall recalculate the tax rate back to the date of acquisition, or January 1 of the year in which it received notice of the transfer, whichever is later.

History Note: Authority G.S. 96-4; 96-11.7;
 Eff. August 1, 2020.

SECTION .0800 - AGREEMENTS TO COMPROMISE

04 NCAC 24D .0801 APPLICATION FOR COMPROMISE

- (a) An employing unit may file a request for compromise of its tax debt with DES.
- (b) A request for compromise shall include the following:
- (1) the name and address of the employing unit;
 - (2) the date the request to compromise is made;
 - (3) the date the requested compromise is requested to be effective;
 - (4) stated reasons for the request to compromise;
 - (5) evidence to support the claim or reasons for the request;
 - (6) the amount and terms offered by the employer to settle the debt; and
 - (7) the signature of a duly authorized representative of the employer.
- (c) The employer shall provide all information requested by the Department pursuant to Section .0500 of this Subchapter for the determination of the compromise.

(d) The request for compromise shall be filed with DES's Tax Administration Section pursuant to 04 NCAC 24A .0104(w).

*History Note: Authority G.S. 96-4; 96-10; 96-10.1;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.*

SECTION .0900 - SPECIAL TAX INVESTIGATIONS

04 NCAC 24D .0901 SPECIAL TAX INVESTIGATIONS

(a) When it is discovered by a representative of DES that a claimant is alleging that he or she was an employee and the employer is alleging that the claimant was not an employee, the matter shall be referred to DES's Assistant Secretary in writing.

(b) The Assistant Secretary, on behalf of DES, shall refer the matter to the Tax Administration Section for an investigation. Upon receipt of the findings of the investigation, the Assistant Secretary shall issue a Result of Investigation by the Tax Administration Section. The Result of Investigation shall be in writing and mailed to each party to the controversy pursuant to 04 NCAC 24A .0103.

(c) The Result of Investigation shall provide notice of each party's rights for filing an appeal to obtain a hearing before the Board of Review, and the 10-day time period from the date of mailing within which an appeal shall be filed pursuant to 04 NCAC 24A .0104(bb) and G.S. 96-15(c).

(d) Appeal hearings pursuant to this Section shall be upon order of the Board of Review and conducted pursuant to 04 NCAC 24F .0303.

*History Note: Authority G.S. 96-4;
Eff. July 1, 2015;
Amended Eff. August 1, 2020; July 1, 2018.*

SECTION .1000 - REQUESTS AND HEARINGS TO REVIEW AND REDETERMINE TAX RATE

04 NCAC 24D .1001 REQUEST FOR REDETERMINATION OF TAX RATE

(a) An employer may request a review and redetermination of its tax rate after receiving notice of the tax rate.

(b) An employer requesting a review and redetermination of its tax rate shall file its written request with DES's Tax Administration Section as set forth in 04 NCAC 24A .0104(o).

(c) The request for a review and redetermination shall be filed prior to May 1 following the effective date of the contribution rate pursuant to G.S. 96-9.2(d).

*History Note: Authority G.S. 96-4; 96-9.2;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.*

04 NCAC 24D .1002 DIVISION'S OBLIGATIONS

(a) DES shall review the employing unit's request to review and redetermine its tax rate and all available facts, and shall issue a written ruling. The ruling shall be mailed to the employing unit's address as set forth in 04 NCAC 24A .0103 and include the following:

- (1) whether the application was granted or denied;
- (2) the applicable legal authority, with specific citations, for the ruling;
- (3) the mailing date of the notice;
- (4) a statement containing the employer's right to appeal the notice; and
- (5) the time period within which an appeal may be filed.

(b) The employing unit may file a written appeal of the ruling and request a hearing.

- (1) The appeal shall be filed with DES's Tax Administration Section within 30 days of the mailing date of the redetermination ruling pursuant to 04 NCAC 24A .0104(o).
- (2) Hearings requested pursuant to this Section shall be conducted as set forth in 04 NCAC 24F .0303.

*History Note: Authority G.S. 96-4; 96-9.2;
Eff. July 1, 2015;*

Amended Eff. August 1, 2020; July 1, 2018.

04 NCAC 24D .1003 CONTINUED PAYMENTS REQUIRED

The employer shall continue to pay contributions at the rate assigned pending any hearing on an application for review and redetermination of tax rate until finally adjudicated. If the rate assigned is subsequently changed by a ruling of the Board of Review or the courts, the employer shall be entitled to a refund, or be liable for additional contributions.

*History Note: Authority G.S. 96-4; 96-9.2; 96-10;
Eff. July 1, 2015.*

SECTION .1100 - TAX LIABILITY HEARINGS

Codifier's Note: Rules codified as 04 NCAC 24D .1101-.1104 were transferred to 04 NCAC 24F .0301-.0304. Rules codified in 04 NCAC 24D .1105-.1107 were transferred to 04 NCAC 24F .0306-.0308 effective October 1, 2017.

SECTION .1100 –TREASURY OFFSET PROGRAM AND EMPLOYER SETOFF DEBT COLLECTION

04 NCAC 24D .1101 NOTICE TO EMPLOYER OF REFERRAL TO TOP

(a) Consistent with 31 U.S.C. 3716, DES shall notify the employer by mail of its intent to refer the debt to the Treasury Offset Program (TOP) at least 60 days before submitting the debt to TOP.

(b) The notice shall include:

- (1) the employer's name;
- (2) the type of debt;
- (3) the total amount of the referred debt;
- (4) the total amount of the employer's debt owed to DES;
- (5) the total amount of fees, as applicable;
- (6) the amount of assessed penalties, as applicable;
- (7) a citation to the legal authority that permits collection of the debt through TOP;
- (8) a statement of DES's intention to collect the debt through administrative offset;
- (9) a statement that the employer may request a copy of DES's records that support the debt;
- (10) a statement of the employer's right to request that DES reevaluate the debt;
- (11) the time period and procedure for requesting a reevaluation pursuant to 04 NCAC 24A .0104(k);
- (12) a statement that failure to request a reevaluation within the required time shall result in referral of the debt;
- (13) a statement of the employer's right to request to enter into a written repayment agreement with DES;
- (14) instructions for paying the debt;
- (15) a mailing address where payments shall be sent;
- (16) a mailing address and facsimile number to request a reevaluation of the debt;
- (17) a telephone number for the employer to seek information regarding the notice; and
- (18) the date that the notice was mailed to the employer.

(c) Employers choosing to repay the debt after receiving notice shall make payment to DES in accordance with 04 NCAC 24A .0104(y).

*History Note: Authority G.S. 96-4; 96-9.15; 96-18; 31 CFR 285; 31 U.S.C. 3716;
Eff. July 1, 2018.*

04 NCAC 24D .1102 EMPLOYER REEVALUATION OF DEBT

(a) An employer requesting a reevaluation of its debt shall submit a written request to DES's Tax Administration Section pursuant to 04 NCAC 24A .0104(k).

- (1) The written request shall explain why the debt should not be referred to the Treasury Offset Program (TOP) for collection.
- (2) The written request shall be accompanied by documents or other clear and convincing evidence that shows:

- (A) the identity of the employer to whom the debt is assigned is incorrect; or
- (B) the amount of the debt is inaccurate.
- (b) The Assistant Secretary or designee shall consider the evidence submitted by the employer.
- (c) The Assistant Secretary or designee shall issue a written decision on the request for reevaluation. The written decision shall be mailed or sent by electronic transmission to the employer and include the following:
 - (1) whether the debt shall be referred to TOP; and
 - (2) reasons for the decision.

History Note: Authority G.S. 96-4; 96-18; 31 CFR 285; 31 U.S.C. 3716;
Eff. July 1, 2018.

04 NCAC 24D .1103 SETOFF DEBT COLLECTION ACT NOTICE TO EMPLOYER

- (a) Consistent with G.S. 105A-8, DES shall provide written notice of receipt to the debtor employer within 10 days after receiving the debtor's refund.
- (b) The notice shall include:
 - (1) the employer's name;
 - (2) the type of debt;
 - (3) the amount of the refund received by DES;
 - (4) the total amount of the employer's debt owed to DES;
 - (5) the total amount of fees, as applicable;
 - (6) the amount of assessed penalties, as applicable;
 - (7) a citation to the legal authority that permits collection of the debt through setoff;
 - (8) a statement of DES's intention to apply the refund against the debt;
 - (9) an explanation that the debt is the basis for the agency's claim to the debtor's refund;
 - (10) a statement of the employer's right to contest the debt by filing a written request for a hearing;
 - (11) the time period and procedure for requesting a hearing pursuant to 04 NCAC 24A .0104(i);
 - (12) a statement that failure to request a hearing within the required time shall result in setoff of the debt;
 - (13) a statement of the employer's right to enter into a written repayment agreement with DES;
 - (14) instructions for paying the debt;
 - (15) a mailing address where payments shall be sent;
 - (16) the date that the notice was mailed to the employer; and
 - (17) a telephone number for the employer to seek information regarding the notice.
- (c) Employers choosing to repay the debt after receiving notice shall make payment to DES in accordance with 04 NCAC 24A .0104(y).

History Note: Authority G.S. 96-4; 105A-8;
Eff. July 1, 2018.

04 NCAC 24D .1104 EMPLOYER SETOFF DEBT COLLECTION ACT HEARINGS

- (a) An employer debtor may file an appeal from a notice to claim its State income tax refund pursuant to a North Carolina Department of Revenue Offset Letter in accordance with 04 NCAC 24A .0104(i).
- (b) Rule 04 NCAC 24A .0106 shall apply in determining timeliness of an appeal.
- (c) Hearings pursuant to G.S. 105A-8(b) shall be conducted consistent with the procedures prescribed in 04 NCAC 24F .0303.

History Note: Authority G.S. 96-4; 105A-8;
Eff. July 1, 2018.

SECTION .1200 - SEASONAL PURSUITS

04 NCAC 24D .1201 REQUEST FOR SEASONAL DETERMINATION

- (a) Each employer desiring a seasonal determination shall request an Application for Seasonal Determination (Form NCUI 611) from DES's Tax Administration Section by telephone, mail, facsimile, or email as provided in 04 NCAC 24A .0104(t).

(b) Each employer shall complete and submit the Application for Seasonal Determination (Form NCUI 611) to the Tax Administration Section as provided in 04 NCAC 24A .0104(t).

(c) A request submitted on Form NCUI 611 shall contain the following:

- (1) the employing unit's name and physical address;
- (2) years of operation in North Carolina;
- (3) location of each seasonal pursuit;
- (4) description of each seasonal pursuit;
- (5) an explanation of why the seasonal pursuit being requested cannot be conducted throughout the year;
- (6) beginning and ending dates of each seasonal pursuit for the last four years;
- (7) the name of the individual requesting the determination;
- (8) the official position of the individual requesting the determination on behalf of the employing unit; and
- (9) a telephone number.

(d) The completed Application for Seasonal Determination shall be filed at least 20 days before the beginning date of the period of production operations for which the determination is requested.

*History Note: Authority G.S. 96-4; 96-16;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.*

04 NCAC 24D .1202 WRITTEN DETERMINATION

(a) DES shall issue a written determination granting or denying the request upon making its determination pursuant to G.S. 96-16(c). The determination shall notify the employer of the following:

- (1) the specific seasonal period assigned by DES;
- (2) the effective date of the determination; and
- (3) the specific filing requirements for seasonal employers.

(b) A determination that denies the request for a seasonal designation shall state the reasons for the denial.

(c) The determination shall contain notice of each party's right to appeal the determination and request a hearing, the date the determination was mailed, and the time period within which an appeal shall be filed.

(d) The employer may file its appeal of a denial of a request for seasonal pursuit designation with DES's Tax Administration Section as prescribed in 04 NCAC 24A .0104(t).

(e) Hearings shall be conducted as set forth in 04 NCAC 24F .0303.

*History Note: Authority G.S. 96-4; 96-16;
Eff. July 1, 2015;
Amended Eff. July 1, 2018.*

04 NCAC 24D .1203 DISPLAY REQUIRED

(a) Each employer shall display no less than two Notice to Workers of a Seasonal Determination forms in separate locations (Form NCUI 543) on its premises. Form NCUI 543 shall be sent to employers when approved for Seasonal Pursuit status by mail and shall contain:

- (1) notice that a seasonal determination was requested by the employer and issued by DES; and
- (2) instructions for workers employed by the employer to protest the determination within 10 days.

(b) The Notice to Workers of a Seasonal Determination (Form NCUI 543) shall be provided by DES and shall be displayed on the employer's premises in such places as:

- (1) entry ways used by workers to enter and exit the employer's premises;
- (2) in or near an area where a record of time worked is required to be used or frequented by workers;
- (3) a bulletin board in places where workers gather; or
- (4) other locations within the place of employment visible to employees.

*History Note: Authority G.S. 96-4; 96-16;
Eff. July 1, 2015.*

04 NCAC 24D .1204 WAGE RECORDS AND REPORTS REQUIREMENT

- (a) Any pursuit that DES determines to be seasonal shall maintain payroll records such that the seasonal wages paid to workers during the active periods of the seasonal pursuit may be distinguished from any non-seasonal wages that are paid to those workers.
- (b) Any employer engaged in a seasonal pursuit shall submit quarterly wage reports pursuant to Rule .0603 of this Subchapter, showing the seasonal wages paid to workers during the active periods assigned by DES.
- (c) Within 15 days of the date that DES mails notice of a seasonal period, the employer shall complete and submit to DES a Breakdown of Wages Previously Reported for Workers to Show Seasonal and Non-Seasonal Wages (Form NCUI 542) with seasonal wages in the current base period and in intervening quarters between the base period and completed calendar quarters preceding the first day of the active period, which shall include the following:
 - (1) each worker's social security number, and name; and
 - (2) each worker's seasonal wages, non-seasonal wages and total wages for each calendar quarter.
- (d) Any wages earned by seasonal workers outside the seasonal period assigned by DES shall be reported as non-seasonal wages, even though they may have been earned for seasonal work.

History Note: Authority G.S. 96-4; 96-16;
Eff. July 1, 2015.

SECTION .1300 – COLLECTION METHODS OF EMPLOYER DEBT

04 NCAC 24D .1301 NOTICE TO EMPLOYER

- (a) DES shall serve notice and execution of levy on employer to collect past due unemployment insurance taxes, penalties, interest, and costs.
- (b) Notice shall be written and provided to the employer by U.S. mail.
- (c) The notice shall state the following:
 - (1) that DES is in possession of judgments and executions that were properly docketed and indexed by the clerks of the superior court;
 - (2) the county of the superior court where the judgments and executions are docketed;
 - (3) that DES mailed previous notice of the debt and the date DES mailed notice to the employer;
 - (4) the amount owed by the employer;
 - (5) the name of any other individual or entity that will receive notice of the debt;
 - (6) the statutory authority for service of execution of levy by DES;
 - (7) the relief sought by DES; and
 - (8) the name, address and telephone number of an authorized representative of DES who may be contacted regarding the debt.

History Note: Authority G.S. 1-359; 96-4; 96-10; 96-18;
Eff. July 1, 2015.

04 NCAC 24D .1302 NOTICE TO GARNISHEE

- (a) DES shall serve notice and execution of levy on third parties in order to collect past due unemployment insurance taxes, penalties, interest, and costs.
- (b) Notice shall be written and provided to the garnishee by U.S. mail.
- (c) The notice shall state the following:
 - (1) the name of the indebted employer;
 - (2) that DES is in possession of judgments and executions that were properly docketed and indexed by the clerks of the superior court;
 - (3) the county of the superior court where the judgments and executions are docketed;
 - (4) that the employer has received previous notice of the debt;
 - (5) the amount owed by the employer;
 - (6) statutory authority for service of execution of levy;
 - (7) relief sought and how to remit payment; and
 - (8) the name, address and telephone number of an authorized representative of DES who may be contacted regarding the debt.

History Note: Authority G.S. 1-359; 96-4; 96-10;
Eff. July 1, 2015.

SECTION .1400 - RECORDS

04 NCAC 24D .1401 OFFICIAL FORMS (RECODIFIED TO 04 NCAC 24A .0601 EFF. AUGUST 1, 2020)