

SUBCHAPTER 04A - DIVISION RULES

SECTION .0100 - PURPOSE: DEFINITIONS

13 NCAC 04A .0101 NAME: ADDRESS

The Arbitration, Conciliation and Mediation Division is located in the Raleigh office of the department. The mailing address for the division is as follows:

Arbitration, Conciliation and Mediation Division
North Carolina Department of Labor
4 West Edenton Street
Raleigh, North Carolina 27601.

*History Note: Authority G.S. 95-4; 95-35; 95-36.3;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988; December 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

13 NCAC 04A .0102 PURPOSE: RESPONSIBILITIES

(a) The division works to promote permanent labor-management peace and to protect the interests and rights of labor, management, and the people of the state by the prevention or prompt settlement of labor disputes.

(b) The division offers:

- (1) voluntary arbitration services of labor disputes,
- (2) conciliation and mediation services in labor disputes,
- (3) educational services in labor relations,
- (4) technical services in labor relations.

*History Note: Authority G.S. 95-32; 95-35; 95-36; 95-36.1; 95-36.3;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

13 NCAC 04A .0103 DEFINITIONS

The following definitions shall apply throughout this Chapter:

- (1) "division" -- those employees of the department who are responsible for promoting permanent labor-management peace and protecting the rights and interests of the people of this state by the prevention or prompt settlement of labor disputes;
- (2) "director" -- that individual responsible for planning, directing, controlling, and implementing division services;
- (3) "conciliation" -- a process whereby parties in controversy seek to reconcile their differences by using a third party as an intermediary; The conciliator in the conciliation process acts as a catalytic agent, by being available, but does not take an active part in the settlement process;
- (4) "mediation" -- a form of conflict resolution, requested by either or both parties in controversy, which serves as a vehicle for continued negotiations and ultimate settlement; The mediator in the mediation process takes an active part in the settlement process by listening, reviewing, analyzing, suggesting, advising, and reasoning with the parties in controversy;
- (5) "voluntary arbitration" -- a procedure whereby parties, unable to agree on a solution to a problem, indicate their willingness to be bound by the decision of a neutral third party;
- (6) "arbitrator" -- one who intervenes, upon request by the parties, in a labor dispute and renders a binding decision in an unreconcilable controversy;
- (7) "bench decision" -- a decision rendered by an arbitrator immediately upon conclusion of the hearing;

- (8) "collective bargaining agreement" -- a contract or mutual understanding between a union and company or their representatives setting forth the terms and conditions of employment for a specific period of time;
- (9) "party" -- any company, union, or individual employee responsible under the terms of a collective bargaining agreement, or any employer or employee in a non-union employer/employee relationship.

History Note: Authority G.S. 95-36; 95-36.3;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

SECTION .0200 - ORGANIZATION

13 NCAC 04A .0201 DIVISION: GENERAL

The Director of the Arbitration, Conciliation and Mediation Division, appointed by the commissioner and under the supervision of the chief deputy commissioner, is in charge of the everyday operations of the division. The director and his division staff administers conciliation and mediation, educational, and technical services.

History Note: Authority G.S. 95-35; 95-36.3;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. December 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

13 NCAC 04A .0202 ARBITRATION PANEL

The North Carolina Voluntary Arbitration Panel consists of a number of private North Carolina citizens qualified in the general field of labor relations. Their function is to intervene, upon request by the parties, in labor disputes, and to render prompt and just decisions and awards concerning the issue or issues in controversy.

History Note: Authority G.S. 95-36.4;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.