

15A NCAC 02S .0103 CALCULATION OF FULL TIME EQUIVALENT EMPLOYMENT

(a) This Rule governs the calculation of the number of full-time equivalent employees employed by a person who owns a dry-cleaning facility. For the purposes of this Rule, the person who owns the dry-cleaning facility shall be referred to as the "facility owner." If the dry-cleaning facility is jointly owned by more than one person, the full-time equivalent employment associated with the dry-cleaning facility shall be the number of full-time equivalent employees employed in activities related to dry-cleaning by all persons with an ownership interest in the dry-cleaning facility.

(b) The number of full-time employees employed by a facility owner in activities related to dry-cleaning operations shall be the sum of the following:

- (1) The number of salaried employees employed by the facility owner in activities related to dry-cleaning operations;
- (2) The total number of hours worked in the previous calendar year by non-salaried employees employed by the facility owner in activities related to dry-cleaning operations divided by 2080; and
- (3) The lesser of:
 - (A) the number of persons who hold ownership interests in the dry-cleaning facility, but are not included in Subparagraphs (1) or (2) of this Rule, and who perform activities related to dry-cleaning operations at a dry-cleaning facility in which the persons have ownership interests; or
 - (B) the total number of hours worked by such persons divided by 2080.

(c) If a facility owner was not engaged in the operation of dry-cleaning facilities during the entire calendar year for which full-time equivalent employment is being calculated, then the number in Subparagraph (b)(2) of this Rule shall be prorated according to the number of weeks, or partial weeks, during the previous calendar year that the facility owner was engaged in the operation of such dry-cleaning facilities.

(d) For the purposes of this Section, an employee shall be considered to be employed in activities related to dry-cleaning operations if the employee's duties include any of the following activities:

- (1) The provision of dry-cleaning or laundry services, including collecting, cleaning, pressing, altering, repairing, packaging, handling, or delivering of items of apparel or household fabrics for which dry-cleaning or laundry services are provided;
- (2) The supervision of employees involved in the provision of dry-cleaning or laundry services as described in Subparagraph (d)(1) of this Rule;
- (3) The maintenance or operation of physical facilities used to provide dry-cleaning or laundry services as described in Subparagraph (d)(1) of this Rule; or
- (4) The management, including accounting, financial, human resource, or other support functions, of the business providing dry-cleaning or laundry services as described in Subparagraph (d)(1) of this Rule.

History Note: Authority G.S. 143-215.104D(b); 150B-21.2; Temporary Adoption Eff. June 1, 2001; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015.