

26 NCAC 04 .0108 CONTESTED CASE HEARING

(a) Any determination of probable cause that has not resulted in conciliation may be heard by an Administrative Law Judge. The charging party shall commence the proceedings by filing a petition for a contested case hearing.

(b) The Administrative Law Judge shall enter a stay in contested cases where there is a companion employment discrimination charge under investigation by the Civil Rights Division. The Civil Rights Division director shall notify the judge's assistant when the companion case is closed.

(c) The Civil Rights Division's investigative file, shall be made available to all parties, upon request, as provided in Section 83 of the EEOC Compliance Manual, Volume 1 (October, 1987) incorporated herein by reference as well as subsequent amendments thereto. Copies of Section 83 are available upon request from the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714 at no charge.

*History Note: Authority G.S. 7A-759; 150B-21.6; 150B-26; 150B-33;
 Temporary Rule Eff. October 15, 1986 for a Period of 120 Days to Expire on February 11, 1987;
 Eff. February 1, 1987;
 Amended Eff. November 1, 2012; December 1, 1999; August 2, 1993; July 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*