

Beverly Eaves Perdue, Governor
Pamela T. Young, Chair



Bernadine S. Ballance, Commissioner
Linda Cheatham, Commissioner
Danny L. McDonald, Commissioner
Staci Meyer, Commissioner
Tammy Nance, Commissioner
Christopher Scott, Commissioner

North Carolina Industrial Commission

July 13, 2012

Sent via electronic mail only

Joint Legislative Commission on Governmental Operations
North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, North Carolina 27601
govops@ncleg.net

RE: North Carolina Industrial Commission's Fee Rules

To whom it may concern:

Pursuant to N.C. Sess. Law 2011-287, the North Carolina Industrial Commission became subject to the Administrative Procedure Act's rule-making requirements in Chapter 150B of the General Statutes. As such, the Industrial Commission has re-adopted Rules in accordance with these requirements. Enclosed are the Rules that contain fees. These Rules can also be found at <http://www.ic.nc.gov/ncic/PAGES/10E%20-%20Administration%20-%20OAH.pdf>. All fees that are being adopted in these Rules have been in existence prior to the Industrial Commission being subject to the Administrative Procedure Act's rule making requirements and there have not been any increases to these fees.

Sincerely,

A handwritten signature in cursive script that reads "Pamela T. Young".

Pamela T. Young
Chair

Enclosure

4 NCAC 10E .0201 is proposed for amendment as follows:

SECTION .0200 – FEES

4 NCAC 10E .0201 DOCUMENT AND RECORD FEES

(a) The fees in this Rule apply to all subject areas within the authority of the Commission.

(b) Upon written request, to the extent permitted by Article 1 of Chapter 97, Article 31 of Chapter 143, and Chapter 132 of the North Carolina General Statutes, transcripts of Commission proceedings, copies of recordings of Commission proceedings, copies of exhibits from Commission proceedings, and copies of all other public documents are available at the “actual cost” as defined by G.S. 132.6.2(b). The Commission shall provide the “actual cost” on the Commission’s website. the actual cost.

(f) Certified copies are available upon request at a cost of one dollar (\$1.00) per certification in addition to any other applicable cost for the document. Electronic copy certification is not available.

(g) Documents shall be sent via certified mail upon request at the actual cost established by the United States Postal Service.

(h) North Carolina sales tax shall be added if applicable.

Authority G.S. 7A-305; 97-79; 97-80; 132-6.2; 143-291.1; 143-291.2; 143-300

Eff. January 1, 2013

4 NCAC 10E .0202 is proposed for amendment as follows:

4 NCAC 10E .0202 HEARING COSTS OR FEES

(a) The following hearing costs or fees apply to all subject areas within the authority of the Commission:

- (1) one hundred twenty dollars (\$120.00) for a hearing before a Deputy Commissioner;
- (2) one hundred twenty dollars (\$120.00) if a case is withdrawn after the case is calendared for a specific hearing date;
- (3) two hundred twenty dollars (\$220.00) for a hearing before the Full Commission;
- (4) one hundred twenty dollars (\$120.00) if an appeal or request for review to the Full Commission is withdrawn before the appeal or request for review is scheduled for specific hearing date;
- (5) one hundred fifty-five dollars (\$155.00) if an appeal or request for review to the Full Commission is withdrawn after the appeal or request for review is calendared for specific hearing date;
- (6) one hundred twenty dollars (\$120.00) for the dismissal of an appeal or request for review due to the failure to prosecute or perfect the appeal or request for review before the appeal or request for review is calendared for a specific hearing date; and
- (7) one hundred and fifty-five dollars (\$155.00) for the dismissal of an appeal or request for review due to the failure to prosecute or perfect the appeal or request for review after the appeal or request for review is calendared for a specific hearing date.

(b) Failure to pay fees or costs assessed by the Commission may result in further penalty, including a notice and order to show cause as to why a fee or cost assessed by the Commission has not been paid.

Authority G.S. 7A-305; 97-80; 143-291.1; 143-291.2; 143-300;

Eff. January 1, 2013

4 NCAC 10E .0203 is proposed for amendment as follows:

4 NCAC 10E .0203 FEES SET BY THE COMMISSION

(a) In workers' compensation cases, the Commission sets the following fees:

- (1) three hundred seventy-five dollars (\$375.00) for the processing of a compromise settlement agreement;
- (2) two hundred fifty dollars (\$250.00) for the processing a Form 21 *Agreement for Compensation for Disability*, Form 26 *Supplemental Agreement as to Payment of Compensation*, or Form 26A *Employer's Admission of Employee's Right to Permanent Partial Disability*;
- (3) three hundred dollars (\$300.00) for the processing of a request for a third party distribution order;
- (4) one hundred seventy-five dollars (\$175.00) for the processing of a Form 24 *Application to Stop or Suspend Payment of Compensation*; and
- (5) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 331 *Intervenor's Request that Claim be Assigned for Hearing*.

(b) In tort claims cases, the filing fee is an amount equal to the filing fee required to file a civil action in the Superior Court division of the General Court of Justice.

Authority G.S. 97-10.2; 97-17; 97-18.2; 97-26(i); 97-73; 97-80; 143-291.2; 143-300;

Eff. January 1, 2013

1 4 NCAC 10E .0204 is proposed for amendment as follows:

2 **4 NCAC 10E .0204 ACCIDENT PREVENTION AND SAFETY EDUCATIONAL PROGRAM**

3 **FEES**

4 (a) The following fees shall be assessed for accident prevention and safety educational programs:

- 5 (1) one hundred twenty-five dollars (\$125.00) per person for an Accident Prevention
6 Awareness (APCAP) Workshop;
- 7 (2) seventy-five dollars (\$75.00) per person for an Advanced APCAP Workshop;
- 8 (3) thirty dollars (\$30.00) per person for a Safety and Health Workshop;
- 9 (4) twenty dollars (\$20.00) per person for a First Aid, CPR, and AED Course , plus
10 fifteen dollars (\$15.00) per person for materials;
- 11 (5) fifteen dollars per person (\$15.00) for a First Aid Course, plus twelve dollars
12 (\$12.00) per person for materials;
- 13 (6) fifteen dollars per person (\$15.00) for a CPR and AED Course, plus twelve
14 dollars (\$12.00) per person for materials;
- 15 (7) twenty dollars (\$20.00) per person for a Defensive Driving Course, plus four
16 dollars (\$4.00) per person for materials;
- 17 (8) fifty dollars (\$50.00) per person for a HAZWOPER OPS Course or Refresher
18 Course ;
- 19 (9) thirty dollars (\$30.00) per person for a HAZWOPER Awareness Course;
- 20 (10) twenty-five dollars (\$25.00) per person for a Work Zone Flagger Course , plus
21 five dollars (\$5.00) for materials;
- 22 (11) thirty dollars (\$30.00) per person for a Trenching Competent Person Course;
- 23 (12) thirty-five dollars (\$35.00) per person for a Competent Person Scaffolding
24 Course;
- 25 (13) forty-five dollars (\$45.00) per person for an eight-hour NFPA E Arc Flash
26 Course;
- 27 (14) thirty dollars (\$30.00) per person for a four-hour NFPA E Arc Flash Course;
- 28 (15) fifty dollars (\$50.00) per person for a Safety for Supervisors Course;
- 29 (16) one hundred fifty dollars (\$150.00) per person for a Safety Leadership Course;
- 30 (17) a two hundred dollar (\$200.00) flat fee for a (five to eight-hour) Workplace
31 Training;
- 32 (18) a one hundred-fifty dollar (\$150.00) flat fee for a (three to four-hour) Workplace
33 Training (3-4 hours); and
- 34 (19) a one hundred dollar (\$100.00) flat fee for a (one to two-hour) Workplace
35 Training.

1 (b) In addition to the fees listed in Paragraph (a), each individual or group registering for a class must pay a four
2 dollar and ninety-five cent (\$4.95) registration processing fee to the Commission's third party vendor upon
3 registering for an educational program listed in Paragraph (a).

4 *Authority* G.S. 97-73(d); 97-80;

5 *Eff.* January 1, 2013