

Labor and Employment

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Align State Law with the Federal Prohibition on Conditional Employment of Applicants of Child Care Institutions Prior to Obtaining Criminal History Record Check Results – Department of Health and Human Services Revisions.

SL 2025-27 (H576), Sec. 5.2

Section 5.2 of S.L. 2025-27 (House Bill 576) aligns State law on conditional employment at a childcare institution with federal regulations by directing that a child care institution must not conditionally employ an applicant prior to receiving the results of the applicant's criminal history record check.

This section became effective June 27, 2025.

Align Dissemination of Background Check Information for Prospective Adoptive Parents and Foster Care Parents with Federal Policy, Law, and Standards – Department of Health and Human Services Revisions.

SL 2025-27 (H576), Sec. 5.3

Section 5.3 of S.L. 2025-27 (House Bill 576) does the following:

- Allows the North Carolina Department of Health and Human Services (the Department) to provide a prospective adoptive parent a copy of their criminal history for purposes of reviewing or challenging the accuracy of the criminal history.
- Allows the Department to provide a foster parent or a prospective foster parent a copy of their criminal history information for purposes of reviewing or challenging the accuracy of the criminal history. Public child placing agencies are required to have an employee on staff that is trained and certified to receive criminal history information.

This section became effective June 27, 2025.

2025 Omnibus Labor Amendments.

SL 2025-28 (H568)

S.L. 2025-28 (House Bill 568) does the following:

- Prohibits issuance of a third-party subpoena to the Commissioner of Labor of North Carolina (Commissioner), employees, and former employees of the North Carolina Department of Labor (Department) for appearance for the purpose of inquiring into any occupational safety and health inspection except in certain circumstances. This does not apply to a subpoena requesting only production of documents.

- Eliminates the requirement of publication and public hearing when the Occupational Safety and Health Division (Division) of the Department proposes to adopt a rule concerning an occupational safety and health standard identical to a federal regulation promulgated by the Secretary of the United States Department of Labor. The Division must file the rule with the Rules Review Commission for the purpose of receiving written objections.
- Requires the North Carolina Occupational Safety and Health Review Commission to permit the complainant and respondent to obtain prehearing discovery in accordance with Rule 26(a) of the Rules of Civil Procedure, including testimony taken by deposition, production of documents, and compelling persons to appear, upon a respondent's motion.
- Requires the Chief Medical Examiner to provide a finalized autopsy report within five months of a written request by the Commissioner when death occurs due to an injury received in the course of the decedent's employment.
- Allows the Commissioner to adopt, alter, amend, or repeal appropriate rules for the selection of an arbitrator or panel and for conduct of the arbitration proceedings without written approval of the Attorney General.
- Changes the name of the Elevator and Amusement Device Division to the Elevator and Amusement Device Bureau and makes conforming changes.
- Clarifies that employers with five or more employees must post notice of employment laws in a conspicuous place, not in every room.

This act became effective June 27, 2025.

State Hiring Accessibility and Modernization.

SL 2025-34 (S124)

S.L. 2025-34 (Senate Bill 124) makes the following changes to the laws governing State hiring:

- Requires the State Human Resources Commission (Commission) to examine the educational, experiential, and training requirements for jobs and determine when practical experience and training can be the appropriate qualification for a position.
- Requires the Office of State Human Resources (OSHR) to streamline the job application process for State positions by allowing applicants to upload resumes or website profiles.
- Provides that any qualifications, knowledge, skills, and abilities listed in a specific vacancy announcement that are in addition to the minimum education and experience set forth in the class specification of the vacancy being filled are to be interpreted as management preferences rather than as mandatory minimum qualifications that must be met.
- Expresses the State policy that State departments, agencies, and institutions should simplify their job postings to make it easy for applicants to read the postings and understand essential qualifications and management preferences.
- Directs the Commission to adopt rules or policies requiring the posting of a closing date for each job opening unless the employing agency, department, office, board, commission, system, or institution has approved an exception for critical classifications.

- Grants employing agencies flexibility in hiring, pay, and classification.
- Permits the Council of State, executive branch agencies, the Community College System Office, and The University of North Carolina to:
 - Directly hire temporary employees into vacant positions if certain conditions are met.
 - Directly hire, without posting, into a vacant position if certain conditions are met.
- Requires the Commission to adopt a new performance management and performance evaluation policy.
- Allows local entities to give employment preference to eligible veterans and eligible members of the National Guard for positions subject to the North Carolina Human Resources Act (HRA).
- Allows local entities to offer sign-on and retention bonuses to employees subject to the HRA.
- Limits the job classification standards, job qualifications, salaries, and policies that are exempt from the definition of the term "rule" to those that directly affect only job applicants, current employees, or the resolution of matters relating to past employment.
- Requires the OSHR to report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Fiscal Research Division on recommended changes to modernize the HRA.
- Requires the Commission to repeal or amend rules to make changes consistent with this act.

This act became effective July 1, 2025.

Fee Modifications – Elevators/Interim Code Council Appointment.

SL 2025-63 (H559), Part I

Part I of S.L. 2025-63 (House Bill 559) does the following:

- Creates new fee schedules for the various devices inspected and certified for operation by the Department of Labor, including elevators, amusement devices, and passenger tramways, with the maximum amount varying depending on the type of device or inspection.
- Provides that these maximum amounts will be adjusted annually for inflation, beginning on and after July 1, 2026, in accordance with the percent change in the annual Consumer Price Index computed by the Bureau of Labor Statistics using the most recent 12-month period. The Department of Labor must give 60 days' notice of fee increases on its website.
- Creates a new fee of up to \$1,000 for expedited inspections of elevators/escalators and amusement devices.
- Establishes a new or alteration construction permit application fee to be the greater of \$200 or 1% of the contract price for the alteration or construction of the device being permitted.
- Expressly provides that unexpended fees at the end of the fiscal year do not revert.

The act provides that the fee increases are effective beginning July 1, 2025. However, the Department of Labor did not implement the increases until July 8, 2025, because the act was not signed into law until July 7, 2025. The fee increases are not retroactive. The remainder of this Part became effective July 7, 2025.

Develop Training and Apprenticeship Program – Elevators/Interim Code Council Appointment.

SL 2025-63 (H559), Part II

Part II of S.L. 2025-63 (House Bill 559) requires the Department of Labor to consult with the North Carolina Community College System to develop an in-house training and apprenticeship program for elevator inspectors and to utilize the program to fill vacancies within the Elevator and Amusement Device Division of the Department of Labor (S.L. 2025-28 renamed the Elevator and Amusement Device Division to the Elevator and Amusement Device Bureau effective June 27, 2025).

This Part became effective July 7, 2025.

Department of Labor Modifications – Continuing Budget Operations Part II.

SL 2025-92 (H358), Sec. 4.1

Section 4.1 of S.L. 2025-92 (House Bill 358) does the following:

- Allows the Department of Labor (Department) to hire private counsel from available funds and represent itself in court, as necessary.
- Permits the Department to take action in court to enforce rules and regulations.
- Provides that upon request of the Department, the Attorney General must represent the Department in actions or proceedings. The Attorney General can designate staff to fulfill this duty.

This section became effective September 30, 2025.