

SUBCHAPTER 24E - UNEMPLOYMENT INSURANCE DOCUMENTS AND RECORDS

04 NCAC 24E .0101 CONFIDENTIALITY OF UNEMPLOYMENT INSURANCE INFORMATION

Information obtained by the North Carolina Department of Commerce, Division of Employment Security ("DES") from claimants, employers, applicants, or other persons, or groups of persons in the course of administering the State Public Employment Service Program will be disclosed only pursuant to law, including by confidentiality waiver as provided in Rule .0102 of this Section.

*History Note: Authority G.S. 96-4(d); 96-4(x);
Eff. May 1, 2013.*

04 NCAC 24E .0102 REQUEST FOR DOCUMENTS AND RECORDS

(a) Any person who desires to inspect or copy any record containing confidential unemployment insurance information shall submit a written request to the Legal Services Section of DES. The person may use request form(s) created by DES and made available to the public via DES's website (<https://www.ncesc.com/default.aspx>).

(b) Each request should reasonably describe the record or records sought; providing sufficient detail to permit identification and location of the record(s). The request shall specify, when possible, the subject matter of the record, the date or approximate date when the record was made, the place where the record was made, the person or office that made the record, and any other pertinent identifying details about the record, such as a form number.

(c) If the description is insufficient so that an employee who is familiar with the subject area of the request cannot locate the record, the Certified Paralegal to the Chief Counsel of the Legal Services Section shall notify the requester and, to the extent possible, indicate the additional information required.

(d) The Certified Paralegal shall review the request and determine if the federal regulatory and state statutory provisions that govern disclosure of confidential unemployment insurance information permit the requested information to be disclosed. The Certified Paralegal shall initiate a search for the records within two business days after the request is received. If the request is denied, the requester shall be notified in writing, with a brief statement including the reasons for the denial.

(e) To the extent required to comply with applicable law prohibiting disclosure of specific information, the Certified Paralegal shall delete this specific information when the requested record is made available. Justification for the deletion will be explained in writing upon request.

(f) DES may release information or records obtained from a claimant, employer, applicant or other person to said claimant, employer, applicant or other person upon a written request. Upon written request, the claimant, employer, applicant or other person may also authorize that information or record be released to a third party or person clearly identified by name and address in the request that must contain a statement that the claimant, employer, applicant or other person waives confidentiality as to the information directed to be released. Upon the written request of a third party or person, DES may disclose to a third party or person confidential information or records regarding a claimant, employer, applicant or other persons upon written request and on a reimbursement basis only if the request meets all applicable requirements as set forth in 20 CFR 603.5(d), including informed consent or signed release, whichever is applicable.

(g) When DES requests an individual or employing entity to supply information about that individual or employing entity, it will provide a form that the individual or employing entity shall use to submit the requested information. The form will include notice of the following:

- (1) How the information will be used;
- (2) The information may be disclosed to federal agencies, state agencies and public officials as required by federal or state laws and regulations;
- (3) Which parts of the requested information are required and which are optional;
- (4) The consequences of failure to provide the requested information; and
- (5) DES will take all precaution precautions to keep all the information confidential and privileged pursuant to G.S. 96-4(x), but it cannot guarantee the confidentiality or privilege of any information transmitted to it by the way of the Internet or other electronic means.

(h) An individual may request DES release or disclose to a third party or person the individual's quarterly wage records, including the amount of such wages and names and addresses of the employer(s) reporting wages for the individual. The request must clearly identify the third party or person by name and address, and contain a statement that the individual waives confidentiality as to the information authorized to be released or disclosed and does so on the basis of informed consent as mandated by 20 CFR 603 and any other applicable federal regulation that may be

promulgated by the U.S. Department of Labor and the employing entity from whom such information was collected has been properly provided notice. DES may disclose to a third party or person an individual's quarterly wage records upon written request only if the request meets all applicable requirements as set forth in 20 CFR 603.5, including informed consent or signed release, whichever is applicable.

*History Note: Authority G.S. 96-4(d); 96-4(x); 20 CFR 603;
Eff. June 1, 2013.*

04 NCAC 24E .0103 FEES FOR COPIES AND SERVICES

(a) Search Fees:

- (1) Search of the records by DES custodial or clerical personnel carries a fee of four dollars and forty cents (\$4.40) for each one-quarter hour or fraction thereof of employee worktime required to reach or obtain the records to be searched or make the necessary search.
- (2) If the search for the requested record requires transportation of the searcher to the location of the records or transportation of the records to the searcher, at a cost in excess of five dollars (\$5.00), actual transportation costs will be added to the search time cost.
- (3) If the search for requested records requires batch processing by computer, the Certified Paralegal shall provide an estimate of DES's cost of producing the information to the requester. The estimate will be provided because of the computer programming and other actions necessary for the batch processing. The requester will be billed for the actual cost of producing the requested information.

(b) Reproduction Fees: Notwithstanding Rule .0104 of this Section, the fees payable for obtaining requested copies of records shall be computed on the following basis subject to the following conditions:

- (1) Copying Fee: one cent (\$0.01) per page;
- (2) Transcription of Hearing Fee: three dollars and seventy-five cents (\$3.75) per quarter hour or fraction thereof;
- (3) Not more than 10 copies of any document will be furnished; and
- (4) Recording of Hearing Fee: three dollars and seventy-five cents (\$3.75) per tape.

(c) Administrative and Overhead Fees: The Certified Paralegal's request review and determination carries a fee of five dollars and eighty-four cents (\$5.84) for each one-quarter hour or fraction thereof of the worktime required to perform such task. The overhead cost for processing and invoicing is four dollars and fifty cents (\$4.50) per invoice.

*History Note: Authority G.S. 96-4(d); 96-4(x)(4);
Eff. May 1, 2013.*

04 NCAC 24E .0104 PAYMENT OF FEES

(a) Payment of fees as set forth in Rule .0103 of this Section shall be made by cash, money order or certified check. An agency of state or federal government, a county or municipality may pay by its draft.

(b) If payment did not accompany the request, the Certified Paralegal shall send to the requester an invoice for all fees due. Payment of all fees shall be received prior to the Certified Paralegal furnishing the information or record to the requester. Under exigent circumstances requiring immediate release of information to local or federal law enforcement personnel, the Certified Paralegal shall release the information upon a written assurance of future payment.

(c) Except for the transcript fee mandated by G.S. 96-15(f), no fees shall be charged for those records or documents furnished to the parties to proceedings before DES to the extent such records or documents are necessary for a proper case presentation or defense connected with a contested claim for unemployment insurance benefits or a contested determination of tax (contributions) liability.

(d) No fees shall be charged to the North Carolina State Bureau of Investigation for searching and copying records when requested in writing by the Bureau if it asserts that such records are necessary for an official investigation in progress.

(e) The Certified Paralegal shall send an invoice. The invoice will instruct the requester to submit the fee to the North Carolina Department of Commerce, Division of Employment Security, ATTN: Finance and Budget, Post Office Box 25903, Raleigh, North Carolina 27611.

*History Note: Authority G.S. 96-4(d); 96-4(x); 20 CFR 603;
Eff. June 1, 2013.*