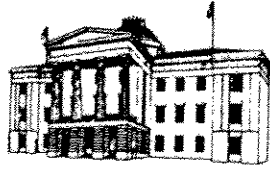


State of North Carolina



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NO. 113

FURTHER EXTEND UNEMPLOYMENT BENEFITS TO PROTECT THE SAFETY, HEALTH, AND WELFARE OF NORTH CAROLINA'S LONG-TERM UNEMPLOYED

WHEREAS, the United States Congress previously passed the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) (hereinafter "Tax Relief Act"), to provide a temporary mechanism for states to amend the criteria used to determine whether the State may pay extended benefits to its unemployed citizens; and

WHEREAS, to ensure that 47,000 unemployed North Carolinians had access to these extended benefits, I issued Executive Order No. 93 on June 3, 2011, which authorized the former Employment Security Commission to provide extended benefits under the temporary federal mechanism and to take actions necessary to comply with the federal requirements for paying extended benefits; and

WHEREAS, the North Carolina General Assembly subsequently passed legislation in Session Law 2011-145, section 6.16, which codified the provisions of Executive Order No. 93, with the stated intent of the legislature to allow extended benefits to be paid under the Tax Relief Act so long as it did not hinder the State's ability to reduce its debt owed to the federal government for unemployment benefits; and

WHEREAS, Executive Order No. 93 expired upon passage of Session Law 2011-145, and Section 6.16 of Session Law 2011-145 expired on January 1, 2012; and

WHEREAS, on December 23, 2011, Congress passed an extension of the Tax Relief Act to grant a longer time period to use the aforementioned temporary mechanism for paying extended benefits; and

WHEREAS, to be able to continue to provide such extended benefits for our State's long-term unemployed, North Carolina needs to modify the criteria to meet the applicable federal requirements under which extended benefits are payable; and

WHEREAS, it is important for the State of North Carolina to have access to all tools that will help the State and its citizens during these difficult economic times; and

WHEREAS, providing such extended benefits will not create a cost to the unemployment

fund of the State of North Carolina; and

WHEREAS, it is vital to the welfare and economic security of North Carolinians that they be eligible to receive extended benefits, and it is in the best interests of the State of North Carolina that these benefits be paid in a timely manner; and

WHEREAS, it is in the best interests of North Carolina that unemployed citizens of our State be permitted to benefit from all existing unemployment programs; and

WHEREAS, Article III, Section 1 of the State Constitution invests the executive power of the State in the Governor; and

WHEREAS, North Carolina General Statute § 143B-4 provides that the Governor, in accordance with Article III of the Constitution of North Carolina, is the Chief Executive Officer of the State and is responsible for formulating and administering the policies of the executive branch of the State government; and

WHEREAS, the Governor is the sole official liaison between the government of this State and the government of the United States; and

WHEREAS, the Governor is the sole signatory for the State on agreements and contracts with the United States Department of Labor; and

WHEREAS, the North Carolina Department of Commerce Division of Employment Security (hereinafter, the "Division of Employment Security") is an agency of the executive branch of North Carolina state government and subject to the policies formulated and administered by the Governor, and is authorized by N.C. Gen. Stat. Chapter 96 to administer the extended benefits program in the State of North Carolina; and

WHEREAS, based upon the aforementioned provisions of the North Carolina Constitution and the North Carolina General Statutes, I hereby choose to exercise my authority because the extended benefits addressed by this Executive Order are federal funds that are being made available to the State of North Carolina by the United States Department of Labor without the need for any appropriation of state funds by the North Carolina General Assembly.

NOW, THEREFORE, by the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:


1. The Division of Employment Security shall use the following criteria to provide extended benefits to unemployed North Carolina citizens, pursuant to the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), as amended, for weeks of unemployment beginning after December 17, 2010, and ending on or before the earlier of the latest date permitted under federal law or the end of the fourth week prior to the last week for which federal sharing is provided as authorized by Section 2005(a) of Public Law 111-5 without regard to Section 2005(c) of Public Law 111-5:
 - a. The state has an "on indicator" provided that:
 - 1) The average rate of insured unemployment, not seasonally adjusted, equaled

or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding three calendar years and equaled or exceeded five percent (5%); or

- 2) The average rate of total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent (6.5%) and equals or exceeds one hundred ten percent (110%) of such average rate for any (or all) of the corresponding three-month periods ending in the three preceding calendar years.
 - b. The state is in a high unemployment period provided that the average rate of total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent (8%) and equals or exceeds one hundred ten percent (110%) of such average rate for any (or all) of the corresponding three-month periods ending in the three preceding calendar years.
2. The Division of Employment Security is hereby granted the authority to take any necessary actions to comply with the federal requirements for paying extended benefits.
 3. Notwithstanding any other provision of this Executive Order, the Division of Employment Security shall not use the criteria outlined above unless it ensures that any payment of extended benefits provided under this Executive Order does not hinder the State's ability to reduce the debt it owes to the federal government for unemployment benefits.
 4. This Executive Order is effective immediately and shall remain in effect until rescinded or until legislation has been enacted and signed into law that would achieve the results set out herein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this eleventh day of January in the year of our Lord two thousand and twelve, and of the Independence of the United States of America the two hundred and thirty-fifth.




Beverly Eaves Perdue
Governor

ATTEST:


Elaine F. Marshall
Secretary of State