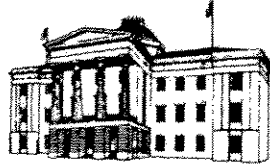


State of North Carolina



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NO. 95

ORGANIZATION OF THE EMPLOYMENT SECURITY COMMISSION WITHIN THE DEPARTMENT OF COMMERCE

WHEREAS, in the Appropriations Act of 2011, Session Law 2011-145, section 14.5, the North Carolina General Assembly transferred the Employment Security Commission to the Department of Commerce via a Type I transfer as defined by N.C. Gen. Stat. 143A-6, effective November 1, 2011; and

WHEREAS, as part of a Type I transfer, all statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Employment Security Commission are transferred to the Department of Commerce; and

WHEREAS, the Secretary of Commerce is now authorized to oversee the responsibilities and management of the Employment Security Commission; and

WHEREAS, to protect the interests of the state's workers, I believe it is important to maintain a separation between those policymaking and adjudicative functions of the Employment Security Commission that are related to unemployment insurance; and

WHEREAS, the North Carolina Constitution gives the Governor the power to make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as deemed necessary for efficient administration.

NOW, THEREFORE, pursuant to the powers conferred on me as Governor by Article III, Section 5(10) of the Constitution and the laws of North Carolina, **IT IS ORDERED**:

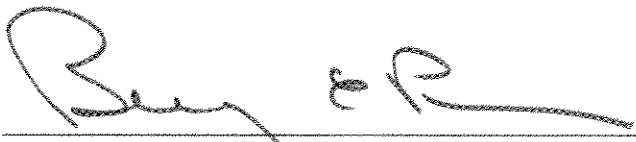
1. The Secretary of Commerce shall organize the functions of the Employment Security Commission as follows:
 - a. The Employment Security Commission, as established by N.C. Gen. Stat. § 96-3, shall exercise its policymaking and adjudicative functions related to unemployment insurance independent of the Secretary of Commerce. The Office

of Chief Counsel, including all attorneys and support staff housed under that office, shall remain with and shall be considered a part of the Employment Security Commission. Provided, however, that the planning, organizing, staffing, directing, coordinating, reporting and budgeting functions of the Employment Security Commission shall be performed under the direction and supervision of the Secretary of Commerce. Additionally, the Secretary of Commerce shall incorporate into the Department of Commerce all other statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Employment Security Commission that are not included in the Commission's policymaking and adjudicative functions related to unemployment insurance.

- b. Except as otherwise provided herein, the Secretary of Commerce shall incorporate into the Department of Commerce all statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds related to the Unemployment Insurance Division, the Employment Service Division, the Labor Market Information Division, and all other divisions or subunits of the Employment Security Commission as established by or operated pursuant to N.C. Gen. Stat. Chapter 96.
2. The Secretary of Commerce shall ensure that the state's employment security program is operated consistent with the requirements of N.C. Gen. Stat. Chapter 96
3. The Employment Security Commission shall review its regulations and shall make changes in the text of any regulations to reflect changes in the organizational structure of the Employment Security Commission as provided in this Executive Order.
4. This Executive Order shall be effective November 1, 2011 and shall remain in effect until rescinded.

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 thirtieth day of June in the year of our Lord two thousand and eleven, 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