



# HOUSE BILL 568: 2025 Omnibus Labor Amendments.

2025-2026 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 28, 2025
<b>Introduced by:</b>	Reps. K. Hall, Huneycutt, Gable, Schietzelt	<b>Prepared by:</b>	Debbie Griffiths
<b>Analysis of:</b>	Second Edition		Staff Attorney

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## **OVERVIEW:** *House Bill 568 would do the following:*

- *Prohibit issuance of a subpoena to the Commissioner of Labor of North Carolina (the Commissioner) and employees or former employees of the North Carolina Department of Labor (the Department) for appearance for the purpose of inquiry into any occupational safety and health inspection except in certain circumstances. The provision would not apply to a subpoena requesting documents.*
- *Eliminate the requirement of publication and public hearing when the Occupational Safety and Health Division (the Division) of the Department of Labor 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 would be required to file the rule with the Rules Review Commission for the purpose of receiving written objections.*
- *Require the North Carolina Occupational Safety and Health Review Commission (the Commission) to require prehearing discovery, order that testimony be taken by deposition, compel production of documents, and compel persons to appear upon respondent's motion.*
- *Require the Chief Medical Examiner to provide a finalized autopsy report within five months of a written request by the Commissioner when death occurred due to an injury received in the course of the decedent's employment.*
- *Allow 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 as to legality.*
- *Change the name of the Elevator and Amusement Device Division to Elevator and Amusement Device Bureau and make conforming changes.*
- *Make various technical changes.*

## **CURRENT LAW AND BILL ANALYSIS:**

Current law is underlined in this section.

**SECTION 1.1** would add a new section to Article 16 of Chapter 95 of the General Statutes to prohibit issuance of a subpoena to the Commissioner and employees or former employees of the Department for appearance for the purpose of inquiry into any occupational safety and health inspection except in certain circumstances including:

- An enforcement proceeding brought under Article 16.

Kara McCraw  
Director



Legislative Analysis  
Division  
919-733-2578

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- An action in which the Department is a party.
- The Commissioner consents in writing to waive the exemption.
- A court finds that the information sought is essential to the underlying case, there are no reasonable alternatives to obtain the information, and a significant injustice would occur if the testimony was not available.

The provision would not apply to a subpoena requesting documents.

**SECTION 1.2** would amend G.S. 150B-21.5 by adding a provision to eliminate the requirement of publication and public hearing when the Division 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 would be required to file the rule with the Rules Review Commission for the purpose of receiving written objection

**SECTION 1.3** The Commission may order testimony by deposition in any proceeding pending before it and may compel any person, firm or corporation, and its agents of officials to appear and testify and produce documentary evidence. G.S. 95-135(d) would be amended to require the Commission to require prehearing discovery, order that testimony be taken by deposition, compel production of documents, and compel persons to appear upon a respondent's motion.

This section would apply to citations issued on or after the effective date of this act.

**SECTION 1.4** G.S. 130A-385(e) requires the Chief Medical Examiner to forward the Commissioner a copy of the medical examiner's report completed when a death occurs due to an injury received in the course of the decedent's employment within 30 days of receiving the medical examiner's report. G.S. 130A-385(e) would require the Chief Medical Examiner to provide a finalized autopsy report to the Commissioner within five months of receiving a written request from the Commissioner.

**SECTION 1.5** G.S. 95-36.3(c) provides the Commissioner with the authority to adopt, alter, amend, or repeal appropriate rules of procedure for selecting an arbitrator or panel of arbitrators and for conduct for arbitration proceedings with written approval of the Attorney General as to legality. The rules are inapplicable if they are inconsistent with the parties' arbitration agreement. Written approval of the Attorney General would be removed.

**SECTIONS 1.6, 1.7, and 1.8** would change the name of the Elevator and Amusement Device Division to the Elevator and Amusement Device Bureau and make conforming changes.

**EFFECTIVE DATE:** Unless otherwise provided, this act would become effective when it becomes law.