



HOUSE BILL 568: 2025 Omnibus Labor Amendments.

2025-2026 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 5, 2025
Introduced by:	Reps. K. Hall, Huneycutt, Gable, Schietzelt	Prepared by:	Amy Darden
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: House Bill 568 would do the following:

- *Prohibit issuance of a third-party 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 inquiring into any occupational safety and health inspection except in certain circumstances. The provision would not apply to a subpoena requesting only production of 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 permit the complainant and respondent to obtain prehearing discovery, including but not limited to, testimony be taken by deposition, production of documents, and compelling persons to appear, upon the 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 the Elevator and Amusement Device Bureau and make conforming changes.*
- *Clarify that notice of laws must be posted by every employer who has five or more employees.*
- *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 third-party subpoena to the Commissioner, employees, or former employees of the Department to be appear or testify for an inquiry into any occupational safety and health inspection, except under one of the following circumstances:

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- An enforcement proceeding brought under Article 16.
- An action in which the Department is a party.
- The Commissioner consents in writing to waive the exemption.
- A court finds all of the following:
 - The information sought is essential to the underlying case.
 - There are no reasonable alternatives to obtain the information.
 - A significant injustice would occur if the testimony was not available.

Any written report, citation, or investigative finding issued by the Department pursuant to an occupational safety and health inspection would be made admissible in any judicial or administrative civil proceeding to the same extent as if the author were available to testify, unless the court finds the document clearly lacks indicia of reliability or would result in manifest injustice. The provision would not apply to a subpoena requesting only production of 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 or officials to appear and testify and produce documentary evidence. This section would amend G.S. 95-135(d) to require the Commission to permit the complainant and respondent to obtain prehearing discovery in accordance with the methods provided in Rule 26(a) of the Rules of Civil Procedure, including but not limited to, testimony taken by deposition, production of documents, and compelling 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. This section would amend G.S. 130A-385(e) to 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. This section would remove the requirement of written approval of the Attorney General.

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.

SECTION 2.1 would amend G.S. 95-9 to clarify that employers with five or more employees must post notice of laws in a conspicuous place, not in every room.

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

***Debbie Griffiths, Legislative Analysis, substantially contributed to this summary.*