



# State of North Carolina

**ROY COOPER**  
GOVERNOR

**OCTOBER 16, 2024**

**EXECUTIVE ORDER NO. 322**

## **PROVIDING UNEMPLOYMENT INSURANCE RELIEF FOR NORTH CAROLINIANS IMPACTED BY HURRICANE HELENE**

**WHEREAS**, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

**WHEREAS**, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

**WHEREAS**, on September 25, 2024, the undersigned issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

**WHEREAS**, Executive Order No. 315 invokes the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

**WHEREAS**, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

**WHEREAS**, many jobs in western North Carolina have been lost due to the unprecedented damage from Helene; and

**WHEREAS**, many western North Carolinians have had their work hours reduced following the storm and others are prevented from working or searching for work due to the impacts of Helene to their homes or families; and

**WHEREAS**, the State has seen a marked increase in unemployment claims from residents of impacted counties since Helene; and

**WHEREAS**, data from the North Carolina Department of Commerce’s Division of Employment Security (“DES”) indicate that, as of October 13<sup>th</sup>, unemployment claims originating from claimants in counties impacted by Helene make up nearly eighty percent (80%) of total new claims in the state; and

**WHEREAS**, North Carolina's current weekly unemployment benefit amount has been capped at three hundred and fifty dollars (\$350) a week, and DES data indicate that approximately half of claimants in disaster-impacted counties stand to receive less than this amount, due to previously reported income; and

**WHEREAS**, North Carolina's current maximum benefit of \$350 a week has not been increased or adjusted for inflation since 2013 despite substantial wage growth in the state and ranks 42<sup>nd</sup> in the country for maximum weekly benefit amounts, according to the United States Department of Labor's most recent publication of "Significant Provisions of State UI Laws" found at <https://oui.doleta.gov/unemploy/statelaws.asp>; and

**WHEREAS**, North Carolina currently ranks 49<sup>th</sup> of the states for the minimum weekly benefit paid according to the same study; and

**WHEREAS**, temporarily increasing the weekly benefit amount would enable those individuals out of work due to the impacts of Helene to continue to provide for themselves and their families while western North Carolina recovers from the catastrophic damage sustained by Helene; and

**WHEREAS**, a temporary increase in the weekly benefit amount to claimants can be paid fully by North Carolina's Unemployment Trust Fund, with no additional cost to the claimant's employer, state, or taxpayer; and

**WHEREAS**, the United States Department of Labor approved North Carolina for federal Disaster Unemployment Assistance ("DUA") benefits for weeks of unemployment beginning September 29, 2024, for individuals unemployed directly as a result of the disaster, which may also include business owners and self-employed individuals not otherwise eligible for state benefits; and

**WHEREAS**, an increase in the state's weekly benefit amount will also result, in most circumstances, in an increased benefit amount to eligible claimants in federal DUA benefits, which is available to claimants for an additional fourteen (14) weeks if the claimant receives twelve (12) weeks of state benefits following the disaster and up to twenty-six (26) weeks for otherwise eligible claimants who do not qualify for state unemployment benefits; and

**WHEREAS**, DUA benefits are provided by the federal government at no cost to the state; and

**WHEREAS**, the undersigned desires to minimize the tax burden on employers from temporarily increasing the weekly benefit amount; and

**WHEREAS**, therefore, the undersigned delegates the authority to the Secretary of the North Carolina Department of Commerce ("Secretary") to waive, and the Secretary shall waive, any legal or regulatory constraints to ensure that employers do not experience an increase in their unemployment insurance tax rate due to an increase in unemployment claims following the disaster or from an increased weekly benefit amount paid out by the state; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the undersigned to make and amend orders, rules, and regulations within the limits of the authority conferred upon him in the North Carolina Emergency Management Act; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned is authorized and empowered to make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred through the Emergency Management Act with due consideration of the policies of the federal government; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(b)(4) authorizes the undersigned, with the concurrence of the Council of State, to waive provisions of any regulation or ordinance of a State agency or a political subdivision which restricts the immediate relief of human suffering; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(b)(5), authorizes the undersigned, with the concurrence of the Council of State, to perform and exercise other such functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(b)(2), authorizes the Governor, with concurrence of the Council of State, to establish a system of economic controls over all resources, materials, and services, including administration and enforcement; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3), the undersigned may delegate any authority vested in him under the Emergency Management Act and provide for the subdelegation of that authority.

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

**Section 1. Unemployment Insurance Policy Related to Hurricane Helene**

The North Carolina Department of Commerce (“Commerce”), through the Secretary and Assistant Secretary of DES, is directed to ensure that individuals who, as a result of the disaster covered by the federal disaster declaration concerning Helene, are separated from employment, have had their hours of employment reduced, or are prevented from working or searching for work due to the impacts caused by Helene and its effects and aftereffects, shall be eligible for unemployment benefits to the maximum extent permitted by federal law.

**Section 2. Unemployment Insurance Changes**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. To provide necessary unemployment benefits the Secretary and Assistant Secretary of DES are authorized, to the maximum extent permitted under federal law, and for so long as this Executive Order remains in place, to interpret flexibly or waive, as appropriate, the following:
  1. The minimum and maximum weekly benefit amount as imposed by N.C. Gen. Stat. § 96-14.2(a) by increasing all weekly benefits amounts by up to two hundred fifty dollars (\$250), provided that in setting weekly benefit amounts Commerce shall ensure that monies in the State’s Unemployment Insurance Fund created under N.C. Gen. Stat. § 96-6 remain sufficient to meet the anticipated needs of the State and no weekly benefit amount may exceed six hundred dollars (\$600). However, this waiver shall not modify the calculation of a weekly benefit amount for purposes of determining a valid claim as defined by N.C. Gen. Stat. § 96-14.1(b).
  2. The total benefit amount as calculated by N.C. Gen. Stat. § 96-14.3(b)
  3. The allocation of charges to employers imposed by N.C. Gen. Stat. § 96-11.2 for benefits paid to individuals.
- B. To provide the necessary unemployment benefits to those in the counties and the Eastern Band of Cherokee Indians designated by the federal disaster declaration concerning Helene on September 28, 2024, or subsequently added, the Secretary and Assistant Secretary of DES are authorized, to the maximum extent permitted under federal law, and for so long as this Executive Order remains in place, to interpret flexibly or waive, as appropriate, the work search requirements as set forth in N.C. Gen. Stat. §§ 96-14.9(a)(3)

to work, be available to work, and be actively seeking work until such time as work search requirements are required by Commerce in accordance with N.C. Gen. Stat § 96-14.9(1).

**Section 3. No Private Right of Action**

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable to law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.


**Section 4. Effective Date and Duration**

This Executive Order is effective for weeks of unemployment beginning on or after September 29, 2024, and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**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 16<sup>th</sup> day of October in the year of our Lord two thousand and twenty-four.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State

