



State of North Carolina

ROY COOPER
GOVERNOR

May 21, 2021

EXECUTIVE ORDER NO. 216

REINSTATING WORK SEARCH REQUIREMENTS FOR UNEMPLOYMENT INSURANCE BENEFITS

WHEREAS, on March 10, 2020, the undersigned issued Exec. Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, 209-212, and 215; and

WHEREAS, on March 17, 2020, with the concurrence of Council of State, the undersigned issued Exec. Order No. 118, 34 N.C. Reg. 1834-1838 (April 15, 2020), Sections 2 and 3 of which streamlined unemployment insurance requirements to ensure availability to the maximum extent allowed by federal law in response to COVID-19; and

WHEREAS, Executive Order No. 118 authorized the North Carolina Department of Commerce ("Department") to waive, or interpret flexibly, as appropriate, Work Search Requirements (as defined in Executive Order No. 200) under N.C. Gen. Stat. § 96-14.9(b); and

WHEREAS, in recent weeks North Carolina has seen improvement in key COVID-19 metrics, including COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, the number of emergency department visits that are due to COVID-like illnesses, and the number of COVID-19 associated hospitalizations; and

WHEREAS, North Carolina is taking measured, evidence-based approaches to pandemic recovery, including promoting COVID-19 safety precautions, expediting vaccine rollout, and developing workplace safety measures; and

WHEREAS, due to the measures taken to date by the undersigned and the resilience and persistence of all North Carolinians, the state's key COVID-19 metrics continue to improve; and

WHEREAS, on May 14, 2021, the undersigned, as a result of improving COVID-19 trends, signed Executive Order No. 215 lifting most COVID-19 restrictions related to social distancing, face covering requirements, and capacity limits; and

WHEREAS, the undersigned is committed to supporting North Carolina businesses as they recover from the COVID-19 pandemic; and

WHEREAS, North Carolina employers are actively seeking to hire workers as businesses across sectors return to operating at full capacity; and

WHEREAS, unemployment benefits provide a family-sustaining lifeline to many North Carolinians, covering food, shelter, and other living expenses that remain throughout periods of unemployment; and

WHEREAS, without federal assistance, the unemployment benefit amount and benefit duration period in North Carolina remains one of the lowest and shortest in the country, respectively; and

WHEREAS, since March 2020, NCWorks, North Carolina's workforce development system, has helped hundreds of thousands of jobseekers through job search, training, and networking services; and

WHEREAS, North Carolina's eighty-nine (89) NCWorks Career Centers provide workforce services to jobseekers and businesses in all 100 counties, such as virtual and drive-through career fairs, networking opportunities, and online and telephonic job search support; and

WHEREAS, Work Search Requirements encourage job seekers to diligently explore job opportunities, increasing the chance for job seekers to locate stable employment income before their unemployment benefits are exhausted; and

WHEREAS, on March 1, 2021, the undersigned signed Exec. Order No. 200, 35 N.C. Reg. 2116-2119 (April 1, 2021), to establish flexible Work Search Requirements and direct the Department to increase efforts to help North Carolinians who file for unemployment benefits return to work; and

WHEREAS, the undersigned is committed to helping North Carolinians receiving unemployment benefits find work before benefits expire; and

WHEREAS, the undersigned recognizes the need to balance facilitating jobseekers' return to the workplace with reducing barriers to life-sustaining benefits; and

WHEREAS, in an effort to incentivize North Carolinians to return to work, the undersigned directs the Department, in communication with the United States Department of Labor, to explore reemployment incentives for eligible North Carolinians; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281 (2020) ("CARES Act"), affords states flexibility to modify or suspend Work Search Requirements in response to the COVID-19 pandemic; and

WHEREAS, on December 27, 2020, the President signed the Consolidated Appropriations Act, Pub. L. No. 116-260, 134 Stat. 1182 (2020), extending the provisions of the CARES Act listed above; and

WHEREAS, on March 11, 2021, the President signed the American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4 (2021), extending and modifying many of the provisions of the CARES Act listed above; and

WHEREAS, the undersigned has therefore determined that to cooperate and coordinate with the President’s extension of benefits into 2021 and to balance the need to facilitate reemployment of North Carolinians while also reducing barriers to our most vulnerable communities, Work Search Requirements shall be reinstated for all claimants who are receiving unemployment insurance benefits; and

Statutory Determinations and Authority

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned 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, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(4), the undersigned is authorized to “cooperate and coordinate” with the President of the United States and the heads of department and other agencies of the federal government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article”; and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the authority set forth above and in Executive Order Nos. 118 and 200, **IT IS ORDERED**:

Section 1. Introduction.

1.1. Definitions.

- a. “Existing Claimants” are those individuals who filed for state unemployment insurance prior to March 14, 2021.
- b. “New Claimants” are those individuals who filed for state unemployment insurance on or after March 14, 2021.

1.2. Impact of this Executive Order.

For the reasons above and pursuant to the authority herein, this Executive Order reinstates certain work search and work registration requirements, as well as the requirement that the applicant be actively seeking work, for all state unemployment insurance claimants. These requirements were temporarily suspended under Executive Order No. 118. Under Executive Order No. 200, the undersigned directed the Department to reimpose certain work search and work registration requirements on New Claimants, as defined herein, with flexibility given to the Department as to how these requirements could be achieved by the claimant. This Executive Order has the effect of directing the Department to reimpose work search, work registration, and “actively seeking work” requirements on all claimants, effective as of the date specified herein. In addition, the flexibilities authorized for the Department with regard to interpreting the work search and work registration requirements are rescinded by this Executive Order.

The specific provisions of Sections 2 through 7 of this Executive Order take precedence over the general summary in this Section 1.2.

Section 2. Amending Executive Order No. 200.

2.1. Rescinding Sections 1-2.

Effective June 6, 2021, for the reasons and pursuant to the authority above, the undersigned rescinds Sections (1)-(2) of Executive Order No. 200.

2.2. Amendment to Section 3 of Executive Order No. 200: Mandatory NCWorks Registration.

As of the date of this Executive Order, for the reasons and pursuant to the authority above, Section 3 of Executive Order No. 200 is amended as follows:

As part of the Work Search Requirement process, the Department shall assist and ensure that all New Claimants are registered with a jobseeker account in www.ncworks.gov, North Carolina's information technology portal for employment and training services. Jobseekers with an account are provided access to labor market information, opportunities for training scholarships, and can apply for jobs online.

The Department shall create a registration process to assist Existing Claimants with registering with a jobseeker account in NCWorks. The Department is directed to enhance staff training to assist all claimants in creating a jobseeker account in NCWorks. Existing Claimants' registration in NCWorks by the time period required by the Department shall constitute compliance with the terms of this Executive Order and with N.C. Gen. Stat. § 96-14.9(e)(1).

Section 3. Amendments to Executive Order No. 118.

Effective June 6, 2021, the undersigned rescinds Sections 3(a)ii.-v. of Executive Order No. 118. As of June 6, 2021, all Existing Claimants and New Claimants must meet the requirements established in this Executive Order, and any other requirements established by law, to obtain weekly benefits.

Notwithstanding the foregoing, all other waivers or flexibilities permitted under Executive Order No. 118, other than those rescinded or terminated herein, remain in effect for Existing Claimants and New Claimants.

Section 4. Directive to Explore Opportunities for Reemployment Incentives.

The undersigned directs the Department's Division of Employment Security to communicate with the United States Department of Labor and any other relevant federal government entities to explore opportunities to establish a reemployment incentive program, through the use of federal funds, for jobless workers who find and maintain employment.

Section 5. 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 emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 6. Distribution.

The undersigned hereby orders that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the State of North Carolina; and (3) distributed to others as necessary, including within the Department and the Division of Employment Security to ensure proper implementation of this Executive Order.

Section 7. Effective Date.

This Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of 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 21st date of May in the year of our Lord two thousand and twenty-one.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

