

# State of North Carolina



**BEVERLY EAVES PERDUE**  
GOVERNOR

## **EXECUTIVE ORDER NO. 93**

### **EXTEND UNEMPLOYMENT BENEFITS TO PROTECT THE SAFETY, HEALTH, AND WELFARE OF NORTH CAROLINA'S LONG-TERM UNEMPLOYED**

**WHEREAS**, North Carolina continues to experience an economic crisis due to the economic recession experienced by our nation; and

**WHEREAS**, as a result of the recession and the economic crisis, approximately 400,000 North Carolinians are currently unemployed; and

**WHEREAS**, the State of North Carolina no longer qualifies to be in an extended benefit period in order to pay extended benefits to unemployed North Carolinians due to the state's unemployment rate; and

**WHEREAS**, many North Carolina citizens no longer have the safety net of unemployment benefits, thereby increasing the state's economic crisis; and

**WHEREAS**, through passage of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), the federal government provided a temporary mechanism for states to amend the criteria used to determine whether the State may pay extended benefits to its unemployed citizens; and

**WHEREAS**, to be able to continue to provide such extended benefits for our state's long-term unemployed, North Carolina needs to modify its extended benefit trigger criteria to meet the applicable federal requirements; and

**WHEREAS**, providing such extended benefits will not create a cost to the unemployment fund of the State of North Carolina; and

**WHEREAS**, approximately 47,000 unemployed North Carolinians who would be eligible to receive extended benefits have not received such benefits since the week ending April 16, 2011; and

**WHEREAS**, these 47,000 citizens and their families are suffering great and undue harm,

including the loss of homes, health insurance, and property, as well as an inability to provide basic necessities for themselves and their families; and

**WHEREAS**, these families must depend on extended benefits to survive this historic economic downturn, and the extension of these benefits could provide immediate relief to these struggling families; and

**WHEREAS**, the availability of these extended benefit payments is critical to the State's economy, which is still recovering from a severe economic recession; and

**WHEREAS**, it is vital to the welfare and economic security of North Carolinians that they be eligible to receive extended benefits, and it is in the best interests of the State of North Carolina that these benefits be paid in a timely manner; and

**WHEREAS**, it is in the best interests of North Carolinians that unemployed citizens of our State be permitted to benefit from all existing unemployment programs; and

**WHEREAS**, as Governor of the State, I am responsible for ensuring the general health, safety, and welfare of the citizens of the State and for taking measures to adequately protect the lives of our citizens; and

**WHEREAS**, Article III, Section 1 of the State Constitution invests the executive power of the State in the Governor; and

**WHEREAS**, Article III, Section 5(4) of the State Constitution requires that the Governor take care that the laws be faithfully executed; and

**WHEREAS**, North Carolina General Statute § 143B-4 provides that the Governor, in accordance with Article III of the Constitution of North Carolina, is the Chief Executive Officer of the State and is responsible for formulating and administering the policies of the executive branch of the State government; and

**WHEREAS**, the Governor is the sole official liaison between the government of this State and the government of the United States; and

**WHEREAS**, the Governor is the sole signatory for the State on agreements and contracts with the United States Department of Labor; and

**WHEREAS**, the North Carolina Employment Security Commission is an agency of the executive branch of North Carolina state government and subject to the policies formulated and administered by the Governor, and is authorized by N.C. Gen. Stat. Chapter 96 to administer the extended benefits program in the State of North Carolina; and

**WHEREAS**, based upon the aforementioned provisions of the North Carolina Constitution and the North Carolina General Statutes, I hereby choose to exercise my authority to respond to the current economic crisis because of the unique nature of the issues addressed within this Executive Order and, in particular, that (1) absent this Executive Order, there will be

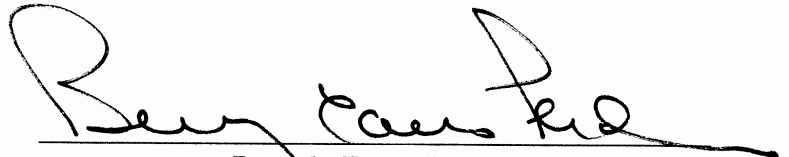
irreparable harm and substantial injury to thousands of North Carolinians who are in dire need of the benefits being provided by the federal government; and (2) the extended benefits addressed by this Executive Order are federal funds that are being made available to the State of North Carolina by the United States Department of Labor without the need for any appropriation of state funds by the North Carolina General Assembly.

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

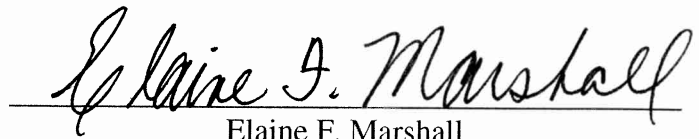
1. The Employment Security Commission shall use the following criteria to provide extended benefits to unemployed North Carolina citizens, pursuant to the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) as it existed on December 17, 2010, for weeks of unemployment beginning after December 17, 2010 and ending on or before December 31, 2011:
  - a. The state has an “on indicator” provided that:
    - 1) The average rate of insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding three calendar years and equaled or exceeded five percent (5%); or
    - 2) The average rate of total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent (6.5%) and equals or exceeds one hundred ten percent (110%) of such average rate for any (or all) of the corresponding three-month periods ending in the three preceding calendar years.
  - b. The state is in a high unemployment period provided that the average rate of total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent (8%) and equals or exceeds one hundred ten percent (110%) of such average rate for any (or all) of the corresponding three-month periods ending in the three preceding calendar years.
2. The Employment Security Commission is hereby granted the authority to take any necessary actions to comply with the federal requirements for paying extended benefits.
3. This Executive Order is effective immediately and shall remain in effect until rescinded or until legislation has been enacted and signed into law that would achieve the results set out herein.

**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 third 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.



  
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Beverly Eaves Perdue  
Governor

**ATTEST:**

  
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Elaine F. Marshall  
Secretary of State