



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: April 4, 2022

SUBJECT: Rulemaking

N.B.: this topic was tabled at the April 12, 2022 meeting and was added to the June 21, 2022 meeting agenda.

At its April 12, 2022 meeting, the board will consider whether to propose a rule amendment. This memo explains the rulemaking action and what steps the board needs to take.

Civil penalties for unsupervised apprentices

The board received a request from a member of the public, who asked that the board consider a rulemaking action to offer protection for barber shop owners and managers who are deployed in the military. Specifically, the managers would be protected if there were unsupervised apprentices practicing in the barber shop during the deployment. The attached comments from the member of the public will explain why he believes the board should amend the rule.

If the board agrees with this request, the board could propose the attached amendment to 21 NCAC 06O .0104. Under this amendment, if the barber shop owner and manager were both deployed, the board would be prevented from assessing civil penalties and related fines for allowing an unsupervised apprentice. The owner and manager would need to present documentation that they meet the same requirements in another rule for extensions for members of the Armed Forces.

Upcoming steps

- The board must decide whether to propose the amendment.
- If proposed by the board, I will file the rule for publication in the *North Carolina Register*.
- There would be a 60-day public-comment period after publication.
- After the comment period, the board would consider any comments and decide whether to file the amendments.

- The rules would be considered by the Rules Review Commission.
- If approved, the amendments would go into effect on the first day of the month after the Commission's approval.

Seavers, Dennis

From: R. Green
Sent: Wednesday, December 29, 2021 11:44 AM
To: Seavers, Dennis
Subject: Re: [External] Barber Board Rules and Solutions

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Good Morning - I hope you had a great Christmas!

I appreciate the military licensing rules that are being applied. I believe it's a step forward in the right direction.

Mr Seavers - Are there any rules that protect a military barbershop owner/manager while on military duty ? If not, the solution I will propose could be possibly implemented as a "Proposed Temporary Rule" **G.S. 150B-21.1**

For example...

(Subject A) Is a barbershop owner/manager and a member of the U.S. Military.

(Subject A) has been called for an unexpected deployment.

(Subject A) barbershop has apprentice barbers and would potentially have inadequate supervision at all times.

(Subject A) fears that If at any time there's an inspection, while deployed, and an apprentice is seen working alone, the owner/manager would be subject to the penalties under rule **86A**.

(Subject A) must make a challenging decision whether to shut down the establishment until *his/her* return or take the risk of continuing to grow the business without sacrificing *his/her* barbers as employees.

Navy Reserves, Army Reserves, Air Force Reserves, and National Guard are ALL based in North Carolina. (This is excluding Active duty Marines - Camp Lej. and Army - Ft. Brg.) We know for a fact, but without supporting data that military member(s) own and/or manage barbershops. Deployments are happening at this very moment.

Perhaps, certain barber rules (as an owner/manager) should **NOT** apply if the member is subject to military assignment. Rule **86A-14** could provide exemptions to the service member.

My next email will provide some issues and solutions, if there are no rules that protect the Service Member | Barbershop Owner|Manager during military assignment. I look forward to your response!

V/R,
Reginald

1 **21 NCAC 06O .0104 UNSUPERVISED APPRENTICE**

2 (a) The presumptive civil penalty for a registered barber allowing an apprentice or student barber with a temporary
3 permit to engage in barbering without supervision as required by G.S 86A-24(b):

4 (1) 1st offense \$300.00

5 (2) 2nd offense \$400.00

6 (b) The presumptive civil penalty for an apprentice or student barber with a temporary permit engaging in barbering
7 without supervision as required by G.S. 86A-24(b):

8 (1) 1st offense \$200.00

9 (2) 2nd offense \$300.00

10 (3) 3rd offense \$500.00

11 (c) The board shall waive the penalties in Paragraph (a) of this Rule if the barber shop owner and manager present
12 evidence that they qualify for an extension for members of the Armed Forces of the United States as specified in 21
13 NCAC 06N .0114(a).

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15 *Authority G.S. 86A-5(a)(6); 86A-24; 86A-27; 93B-15*