

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01C .0405

DEADLINE FOR RECEIPT: Thursday, April 8, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The rule reviewing Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Overall, what type of temporary employee is this applicable to? I note that Paragraph (c) says that this Rule is applicable to "all temporaries." Does this include both full-time and part-time? I note that 25 NCAC 01C .0407 addresses part-time temporaries and is different than this rule. As such, these rules appear to conflict with each other. Please review and clarify.

In Paragraph (a), what is meant by "authorized levels"? Is there a cross-reference available?

Please end Sub-Paragraphs (a)(1) through (4) with semi-colons, rather than periods, and add an "and" at the end of (a)(4).

In Sub-Paragraphs (a)(4) and (5), please put a comma before and after "regardless of the number of credit hours enrolled"

In (a)(5), please capitalize "state"

Please retype the rule accordingly and resubmit it to our office at 1701 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Wednesday, March 24, 2021

Permanent Amendment for Publication in the NCAC

25 NCAC 01C .0405 is amended as published in 35:04 NCR 499 as follows:

25 NCAC 01C .0405 TEMPORARY APPOINTMENT

(a) A temporary appointment is an appointment ~~for a limited term to a permanent or temporary position, to fill a~~
workforce need for a limited period of time. Temporary employees may not be used to permanently expand the
workforce beyond authorized levels. Temporary appointments shall not to exceed 12-11 consecutive months, subject
to the following exemptions:

- (1) ~~Full-time Students, students shall be exempt from the 12-months maximum limit. "Students"~~
~~include those defined as those undergraduate students taking at least 12 semester-credit hours or~~
~~graduate students taking at least nine semester-9 credit hours.~~
- (2) ~~Retired employees, employees defined as those individuals drawing a retirement income or Social~~
~~Security benefits may have temporary appointments for more than 12 months if and he or she~~
~~signs having signed a statement that he or she is they are not available for, nor seeking permanent~~
~~employment. "Retired employees" include those drawing a retirement income or social security~~
~~benefits.~~
- (3) Inmates that are on a work-release program.
- (4) Interns defined as those students who regardless of the number of credit hours enrolled work to
gain occupational experience for a short period of time, not to exceed three months.
- (5) Externs defined as those students who regardless of the number of credit hours enrolled are
employed as part of a written agreement between the state and an academic institution by which
the student is paid and earns course credit.

(b) Employees with a temporary appointment shall not earn or accrue leave, leave or receive total state service credit, retirement credit, severance pay, or priority reemployment consideration.

(c) This Rule applies to all temporaries employed by the state.

History Note: Authority G.S. 126-4;

Eff. February 1, 1976;

Amended Eff. August 1, 1995; November 1, 1991; December 1, 1978;

Readopted Eff. April 1, 2016-2016;

Amended Eff. May 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .0908

DEADLINE FOR RECEIPT: Thursday, April 8, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please consider revising this rule to take the language out of the parenthesis. Perhaps something like "Full-time employees and part-time employees working half-time or more with a permanent..." on line 4, "Part-time employees working half-time or more..." on line 5, and "Temporary employees and part-time employees working less than half-time are not eligible..." on line 6.

Please add a comma after "probationary"

On line 5, what is meant by "are eligible"? Do you mean "shall receive paid holidays in accordance with the Rules of this Section"?

On line 5, please change "receive" to "shall receive"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Wednesday, March 24, 2021

Permanent Amendment for Publication in the NCAC

25 NCAC 01E .0908 is amended as published in 35:04 NCR 499 as follows:

25 NCAC 01E .0908 ELIGIBILITY

Full-time and part-time (half-time or more) employees with a permanent, ~~probationary, trainee-probationary~~ or time-limited appointment, are eligible for the paid holidays. Part-time (half-time or more) employees receive holidays on a pro rata basis. Temporary and part-time (less than half-time) employees are not eligible for paid holidays.

History Note: Authority G.S. 126-4;

Eff. February 1, 1976;

Amended Eff. February 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.

October 4, ~~2006~~, 2016;

Amended Eff. May 1, 2021.