

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: All rules submitted

DEADLINE FOR RECEIPT: Wednesday, November 10, 2021

NOTE: This request when viewed on computer extends 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 the following technical changes be made:

Pursuant to G.S. 126-4, please confirm that the Governor approved these rule changes.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01C .0405

DEADLINE FOR RECEIPT: Wednesday, November 10, 2021

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 the following technical changes be made:

In (a), line 6, what are "authorized levels"? Authorized by whom? Is this term known?

I take it the change to 11 months is to reflect G.S. 126-6.3?

In (a)(1), line 8, please insert a comma after "students" and before "defined as"

In (a)(2), line 11, please insert a comma after "employees" before "defined as"

On line 13, please insert a comma after "seeking"

In (a)(4), line 17, please insert a comma after "Interns"

Also on line 17, please delete the comma after "hours" and on line 18, insert a comma after "enrolled" to mirror the language in (a)(5). Thus, "... regardless of the number of credit hours enrolled, work to gain..."

On line 18, do you need "short" here when you specify that this will not exceed three months?

In (a)(5), line 20, please insert a comma after "Externs"

Also on line 20, please delete the comma after "hours" And on line 21, insert a comma after "enrolled"

On line 22, consider replacing "by" with "through"

In (b), line 23, please capitalize "State" if you mean NC.

In (c), line 25, what are "temporaries"? Do you mean "temporary appointments"?

Also on line 25, please capitalize "State" if you mean NC.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: October 27, 2021

In the History Note, so that I'm clear – what part of G.S. 126-4 are you relying upon for authority for this Rule? Is it Sections (1) and (19)?

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

25 NCAC 01C .0405 is amended **with changes** as published in 36:02 NCR 119 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-month 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; 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; employment; "Retired employees" include those drawing a retirement income or
~~social security benefits.~~
- (3) Inmates that are on a work-release ~~[program-]program;~~
- (4) Interns defined as those students ~~[who]who,~~ regardless of the number of credit ~~[hours]hours,~~
enrolled work to gain occupational experience for a short period of time, not to exceed three
[months]months; and
- (5) Externs defined as those students ~~[who]who,~~ regardless of the number of credit ~~[hours]hours,~~
enrolled are employed as part of a written agreement between the [state]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 01C .0407

DEADLINE FOR RECEIPT: Wednesday, November 10, 2021

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 the following technical changes be made:

In the Introductory Statement, please insert the publication information – 25 NCAC 01C .0407 is repealed as published in 36:0 NCR 120 as follows:

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

1 **25 NCAC 01C .0407 is proposed for repeal as follows:**

2
3 **25 NCAC 01C .0407 TEMPORARY PART-TIME APPOINTMENT**

4
5 *Authority G.S. 126-4;*

6 *Eff. February 1, 1976;*

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

8 *Readopted Eff. April 1, 2016-2016;*

9 *Repealed Eff. November 1, 2021.*