

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 25 – STATE HUMAN RESOURCES COMMISSION

Notice is hereby given in accordance with G.S. 150B-21-12(c) that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01I .2103.

Codifier of Rules received for publication the following notice and proposed temporary rule on: August 21, 2024.

Public Hearing:

Date: September 6, 2024

Time: 10:00 a.m.

Location: Webex: <https://ncgov.webex.com/ncgov/j.php?MTID-m8f31c8fb8ID96013a1d786a499401eb0>

Reason for Agency Action: Section 7 of Session Law 2024-23 instructed the State Human Resources Commission to adopt temporary rules, followed by permanent rules, concerning the hiring and compensation of trainees for local government positions that are subject to the State Human Resources Act and to submit those rules and notice of public hearing to the Codifier of Rules no later than 60 days from the effective date of that act.

The revised temporary rule was submitted to the SHRC at a special meeting held under N.C.G.S. § 126-2(h) meeting on August 15, 2024, approved unanimously by the commissioners on the same date and by the Governor's Office on August 20, 2024.

Comment Procedures: Comments from the public shall be directed to: Denise H. Mazza, 333 Fayetteville Street, Raleigh, NC 27603; phone (984) 236-0823; email Denise.Mazza@nc.gov. The comment period begins September 4, 2024 and ends September 25, 2024.

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01I - SERVICE TO LOCAL GOVERNMENT

SECTION .2100 - COMPENSATION

25 NCAC 01I .2103 SALARY RATES

(a) New Appointments. The entrance salary rate for an employee in a non-trainee appointment shall be at the minimum of the range or at a salary rate within the salary range assigned to the class. ~~The entrance salary rate for an employee class unless an employee is hired in a trainee appointment shall be set pursuant to Paragraph (e) of this Rule. Discretion should be exercised by boards~~ Boards of county commissioners or their designees should exercise judgment, when setting on new appointments salaries above the minimum of the ~~range~~ range, to avoid creating salary inequities within the jurisdiction. "Salary inequities," for purposes of this Rule, means comparing the salaries of employees in the same job classification or in closely related job classifications at the same local government employer who have comparable levels of education and experience; duties and responsibilities; productivity; funding availability; and knowledge, skills, and abilities. Employees in trainee appointments are not comparable for purposes of this salary inequity analysis.

(b) Promotion. When a promotion occurs, the employee's salary shall be increased, if it is below the new minimum, to at least the minimum rate of the salary range assigned to the class to which the employee is promoted. If an employee's current salary is already above the new minimum salary rate, ~~his~~ the employee's salary may be adjusted upward or left unchanged at the discretion of local management, provided that the adjusted salary does not exceed the maximum of the assigned salary range. If the salary falls between steps in the salary range, it may be adjusted to the next higher step in the range.

(c) Demotion. When an employee's current salary falls above the maximum of the range for the lower class, ~~his~~ the employee's salary may remain the same until general schedule adjustments or range revisions bring it back within the lower range or may the salary be reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. If the employee's current salary falls between steps in the lower range, it may be reduced to the next lower step.

(d) Salary Adjustments; Salary Plan Revisions. When the salary rates in the salary plan are changed or a class is moved to a higher or lower salary grade, the following adjustments shall be made in incumbents' salary rates:

- (1) When it is an upward revision and the employee's current salary is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to at least the minimum of the range. If the employee's salary is already at or above the new minimum of the range, management may elect to increase the salary to another step within the range. An employee's salary may not, however, exceed the maximum of the range.
- (2) If there is a downward revision, management may elect to reduce each employee's salary rate by a corresponding amount or allow the salary rates to remain the same.

(e) Trainee Adjustments. During a trainee ~~appointment~~ appointment, an evaluation of the individual's performance and progress on the job is to be made at frequent intervals. As a general guide, salary increases are provided at specified intervals. These increases are not automatic, and are not necessarily limited to the full elapse of specified intervals. Salary adjustments may be either advanced or delayed depending upon the progress of the employee. ~~In cases where salary adjustments have been advanced, the trainee's salary will not be adjusted to the minimum of the range for the regular classification until the employee meets all education and experience requirements for the appointment.~~ The salary rate for a trainee shall be no lower than 10% below the minimum of the position's salary range (for

example, \$90,000 if the salary range is \$100,000 to \$140,000), and no higher than the 25th percentile of the position's salary range (for example, \$110,000 if the salary range is \$100,000 to \$140,000). Adjustments are to be given upon recommendations by the appointing authority and the supervisor that the employee has earned an increase. Trainee salary adjustments shall not be awarded if an employee has unsatisfactory job performance as defined in 25 NCAC 01I .2302(a). The trainee's salary must not exceed that of any existing non-trainee employee in the same classification at the same local government, unless the employee possesses sufficient additional education or experience to qualify for a higher rate. When the employee with a trainee appointment has successfully completed the training and experience requirements for the classification, ~~he~~ the employee must be given a ~~regular~~ permanent appointment to that ~~classification~~ classification, and ~~his~~ the employee's salary must be set pursuant to Paragraph (a) of this Rule. Pursuant to Paragraph (a) of this Rule, the former trainee's salary must be set increased at least to the minimum of the salary range.

(f) An employee's salary cannot be raised by merit increases to exceed the maximum salary rate of the salary range assignment to ~~his~~ the employee's class.

History Note: Authority G.S. 126-4; 126-4(2), (3), (6); S.L. 2024-23, s. 7;
Eff. August 3, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016; 2016;
Temporary Amendment Eff. December 1, 2024.