

REQUEST FOR TECHNICAL CHANGE

AGENCY: Sherriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0405

DEADLINE FOR RECEIPT: Thursday, March 10, 2022

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:

Please correct the introductory statement in accordance with 26 NCAC 02C .0404. Specifically, please add the information regarding the Register publication.

In (a), are the substantive requirements of the Report of Separation set forth elsewhere in rule or statute? If not, please do so here. Please see G.S. 150B-2(8a)d.

What is the overall intent of (b)? Is this just intended to provide a "may" standard to the employing agency?

In (c), please change "will" to "shall"

Paragraph (a) references an F-5. Paragraph (c) references an F-5 and an F-5T. Please clarify (and also ensure that the substantive requirements of both are provided.)

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

12NCAC 10B .0405 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0405 REPORT OF SEPARATION

(a) An agency separating a person from employment or appointment as a justice officer shall, not later than 10 days after separation, forward to the Division a completed Report of Separation (F-5).

(b) Although not presently required by these Rules, it is recommended by the Commission that the employing agency cancel the oath of office of a justice officer who has separated.

(c) The employing agency will notify the justice officer of the effective date of separation as reported to the Division, and provide documentation of such notification at the time Report of Separation (~~Form F-5~~) (Form F-5 or Form F-5T) is submitted to the Division. ~~Where no such documentation is provided, the Division will mail a copy of the Report of Separation (Form F-5) to the justice officer's last known address.~~

History Note: Authority G.S. 17E-4;

Eff. January 1, 1989;

Amended Eff. January 1, 2005; January 1, 1996; January 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

Amended Eff. April 1, 2022