

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: October 9, 2020

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 the following technical changes be made:

Please confirm the Governor approved these rules as required by G.S. 126-4.

Throughout these rules, please do not capitalize words simply because they are defined terms. Please only capitalize proper nouns and titles.

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

Ashley Snyder
Commission Counsel
Date submitted to agency: September 25, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1601

DEADLINE FOR RECEIPT: October 9, 2020

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 the following technical changes be made:

Throughout this Rule, why is "School" capitalized?

In (a)(1), consider whether it would be helpful to put "school" in quotations to show that is the defined term you are referring to.

At lines 6-7, do you mean "Rule .1602 of this Section?"

In (a)(3), please capitalize "State" if you are referring to North Carolina and do not capitalize "state" if you are referring to any state. Based on the definition of "state agency," I take it you mean any state.

In (b), line 17, please add a comma after "mentor."

In (b), what term are you referring to as being "defined in Rule .1602 of this Subchapter?" Are you referring to "literacy program" or "school?" Consider whether you need to refer to .1602 since the definitions already apply to this Rule. If you want to keep the reference, consider using quotation marks to identify the defined term.

At lines 17-18, do you mean "Rule .1602 of this Section?"

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

Ashley Snyder
Commission Counsel
Date submitted to agency: September 25, 2020

Permanent Amendment for Publication in the NCAC

1 25 NCAC 01E .1601 is amended as published in 34:23 NCR as follows:

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3 25 NCAC 01E .1601 ~~COMMUNITY SERVICE LEAVE PURPOSE~~

4 (a) A supervisor may approve ~~Community Volunteer Service and Child Involvement Leave~~ for employees as
5 follows:

6 (1) for parents for involvement with their child in ~~the schools~~ a School as defined in in Rule .1602 in
7 this Subchapter;

8 (2) for any employee to volunteer in ~~the schools~~ a School or in a ~~Community Volunteer Service~~
9 Organization as defined ~~in~~ in Rule .1602 in this Subchapter; or

10 (3) for any employee to volunteer in a ~~Public University, Community College, School~~ or State agency as
11 defined in Rule .1602 of this Subchapter provided that the service is outside of the employee's
12 normal scope of duties and responsibilities and that the employee is not receiving any form of
13 compensation for the services rendered.

14 (b) A supervisor may approve special provisions for volunteer work as follows:

15 (1) ~~tutoring and mentoring in public or non-public school as defined in Rule .1602 in this Subchapter; or~~

16 (2) ~~volunteering in a literacy program in a public school as defined in Rule .1602 in this Subchapter.~~

17 for serving as a tutor, mentor or volunteer in a literacy program in a School as defined in Rule .1602 of this
18 Subchapter.

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

21 *Eff. April 1, 2001;*

22 *Amended Eff. April 1, 2015; August 1, 2010; October 1, 2004;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
24 *~~2016;2016;~~*

25 *Amended Eff. November 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1602

DEADLINE FOR RECEIPT: October 9, 2020

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 the following technical changes be made:

Please consider alphabetizing the definitions.

For consistency with other definitions rules in the Code, please consider formatting definitions as follows:

(1) "School" means an elementary school, a middle school ...

At line 11, if you are referring to any state, please do not capitalize "state."

In (4), why are "Child" and "School" capitalized?

In (4), please use "his or her."

In (5), please add a comma after "charitable."

*In (6), please consider punctuation part of the word when using strikethroughs and underlines:
"Community Volunteer Service"*

In (8), please add a comma after "middle."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: September 25, 2020

Permanent Amendment for Publication in the NCAC

1 25 NCAC 01E .1602 is amended as published in 34:23 NCR as follows:

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25 NCAC 01E .1602 DEFINITIONS

When used in this Section, these terms have the following meaning:

- (1) "School" - An elementary school, a middle school, a high school, an accredited community college, university, vocational or trade school, or a child care program that is authorized to operate under the laws of the State of North Carolina, state in which it is located.
- ~~(2) "Public University" - A constituent institution of the University of North Carolina.~~
- ~~(3) "Community College" - An educational institution that is a member of the North Carolina Community College System.~~
- ~~(4)~~(2) "State Agency" - A State government agency that is authorized to operate under the laws of the ~~State of North Carolina, state in which it is located.~~
- ~~(5)~~(3) "Child"- A dependent son or daughter who is a biological child, an adopted child, a foster child, a step-child, a legal ward, or a child of an employee standing in loco parentis.
- ~~(4)~~ "Child Involvement" – The act of supporting one’s Child through attendance or participation in activities related to the Child’s education at his/her School.
- ~~(6)~~(5) "Community Service Organization"~~"Volunteer Service Organization"~~ - A non-profit, non-partisan community organization that is designated as an IRS Code 501(c)(3) civic, charitable or humanitarian agency, or a human service organization licensed or accredited by the ~~State of North Carolina~~ state in which it is located to serve citizens with special needs including children, youth, and the elderly.
- ~~(7)~~(6) "~~Community~~Volunteer Service" - The act of ~~supporting~~servicing citizens of North Carolina ~~and the broader community without expectation of compensation for services through volunteer service.~~
- ~~(8)~~(7) "Volunteer" - A person who willingly chooses to perform hours of service for civic, charitable, or humanitarian reasons without promise or expectation of compensation for services provided.
- ~~(8)~~ "Tutoring and Mentoring" - The act of volunteering in an elementary, middle or high school to support a student who is more likely than other students to struggle academically.
- ~~(9)~~ "Literacy Program" - The act of volunteering in an elementary, middle or high school to assist students with reading or writing skills in accordance with established academic standards.

*History Note: Authority G.S. 126-4;
Eff. April 1, 2001;
Amended Eff. April 1, 2015; August 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016, 2016;
Amended Eff. November 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1603

DEADLINE FOR RECEIPT: October 9, 2020

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 the following technical changes be made:

At line 4, please add a comma after "trainee."

In (b)(2), where is your statutory authority to limit alternative leave for literacy programs to 45 hours? See G.S. 126-4(5b).

At line 13, please delete or define "immediately."

At line 17, please change "tutoring/mentoring" to either "tutoring and mentoring" or "tutoring or mentoring."

In (d), what does "Part-time (half time or more)" mean? Is the language in parentheses necessary? Is part-time defined?

At line 21, please add a comma after "mentoring."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: September 25, 2020

Permanent Amendment for Publication in the NCAC

1 25 NCAC 01E .1603 is amended as published in 34:23 NCR as follows:

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3 25 NCAC 01E .1603 COVERED EMPLOYEES AND LEAVE CREDITS

4 (a) A full-time employee with a permanent, probationary, trainee or time-limited appointment may be granted 24
5 hours of ~~community service leave~~ Volunteer Service and Child Involvement Leave each calendar year, ~~or in lieu~~
6 ~~of the 24 hours award, with the approval of the supervisor, an employee may be eligible to choose one of the~~
7 ~~following leave options:~~

8 (b) As an alternative leave option, with the approval of the supervisor, an employee may be eligible to choose one of
9 the following:

10 (1) Tutoring and Mentoring - up to one hour per week, not to exceed 36 hours in a calendar year; or

11 (2) Literacy Program - up to five hours per ~~month~~ month, not to exceed 45 hours in a calendar year.

12 ~~(b)(c)~~ (c) The 24 hours of paid leave shall be credited to employees on January 1 of each year, ~~unless they choose the~~
13 ~~tutoring/mentoring option year.~~ New employees shall be credited with leave immediately upon their employment,
14 prorated at two hours per month for the remainder of the calendar year. Separated employees who are reemployed
15 within the same calendar year shall be credited leave the same as a newly hired employee; however, the combination
16 of reemployment credit and total hours used prior to separation in the same calendar year shall not exceed the annual
17 24 hour maximum leave ~~benefit~~ benefit, or the additional benefit for tutoring/mentoring or literacy programs.

18 ~~(e)(d)~~ Part-time (half time or more) employees with a permanent, probationary, trainee or time-limited appointment
19 may be granted leave prorated proportionately to the percentage awarded to full-time employees.

20 ~~(d)(e)~~ If an employee chooses to change leave options from regular Community Volunteer Service and Child
21 Involvement Leave to the ~~special~~ alternative leave provisions for ~~volunteering for the tutoring tutoring, or mentoring~~
22 ~~program or the literacy program or vice versa, during the calendar year, the maximum hours allowed under the new~~
23 ~~option shall be reduced~~ adjusted by the amount already used in the prior leave option.

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

26 *Eff. April 1, 2001;*

27 *Amended Eff. May 1, 2015;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
29 *2016-2016;*

30 *Amended Eff. November 1, 2020.*

31

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1604

DEADLINE FOR RECEIPT: October 9, 2020

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 the following technical changes be made:

In (2), line 8, please consider deleting the word "provision."

In (4), consider "Service shall not include attendance or participation..."

In (8), please do not capitalize "State" if you are referring to any state.

In (8), please replace "his/her" with "his or her."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: September 25, 2020

Permanent Amendment for Publication in the NCAC

1 25 NCAC 01E .1604 is amended as published in 34:23 NCR as follows:

2

3 25 NCAC 01E .1604 **USES OF COMMUNITY-VOLUNTEER SERVICE AND CHILD**
4 **INVOLVEMENT LEAVE**

5 ~~Community Volunteer Service and Child Involvement Leave~~ leave may be used for:

- 6 (1) meeting with a teacher or administrator concerning the employee's child;
- 7 (2) attending any function sponsored by the school in which the employee's child is participating. This
8 provision shall only be utilized in conjunction with nonathletic programs that are a part or
9 supplement to the school's academic or artistic program;
- 10 (3) ~~donating time to perform~~ performing school-approved volunteer work approved by a teacher, school
11 administrator, or program administrator;
- 12 (4) ~~donating time to perform~~ performing a service for a ~~community service organization~~. Volunteer
13 Service Organization. It does not include attendance or participation in an event in which no service
14 is performed;
- 15 (5) performing volunteer work for a ~~public~~ university that is approved by a university administrator or
16 other university official;
- 17 (6) performing volunteer work for a community college that is approved by a community college
18 administrator or other community college official; ~~or~~
- 19 (7) performing volunteer work for a non-profit vocational or trade school that is approved by a school
20 administrator or other school official; or
- 21 (8) performing volunteer work for a State agency that is approved by the agency head or his/her
22 designee.

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24 *History Note: Authority G.S. 126-4;*
25 *Eff. April 1, 2001;*
26 *Amended Eff. August 1, 2010;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
28 *~~2016~~ 2016;*
29 *Amended Eff. November 1, 2020.*

30

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1605

DEADLINE FOR RECEIPT: October 9, 2020

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 the following technical changes be made:

In (1), please change "must" to "shall."

At line 9, do you mean "Section" instead of "Subchapter?" Section refers to 25 NCAC 01E .1600. Subchapter refers to 25 NCAC 01E.

At line 15, please delete or define "normal." Is the "normal sleep period" scheduled for shift employees?

At line 16, please delete or define "sufficient."

In (3), what is considered "reasonable travel time?" Is this in the discretion of the employee's supervisor?

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

Ashley Snyder
Commission Counsel
Date submitted to agency: September 25, 2020

Permanent Amendment for Publication in the NCAC

1 25 NCAC 01E .1605 is amended as published in 34:23 NCR as follows:

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25 NCAC 01E .1605 COMMUNITY SERVICE LEAVE ADMINISTRATION

Each agency shall administer the ~~Community Service leave~~Volunteer Service and Child Involvement Leave program as follows:

- (1) Employees must receive approval from their supervisor to use ~~community service leave~~Volunteer Service and Child Involvement Leave. The agency may require that the leave be taken at a time other than the one requested, based on the needs of the agency. The agency may require proof that community service leave taken is being utilized within the purpose of this Subchapter.
- (2) Leave shall only be requested and approved for ~~community service~~Volunteer Service that occurs during the employee's regularly scheduled hours of work. Agencies with shift employees regularly scheduled to work evening or night shift ~~with a shift schedule in excess of eight hours~~ may allow the use of ~~community service leave~~Volunteer Service and Child Involvement Leave in situations where the employee's participation in ~~community service~~Volunteer Service and Child Involvement Leave outside of the normal work schedule ~~significantly impacts the employee's normal sleep period.~~ period, and if the agency can maintain sufficient coverage at the workplace.
- (3) Reasonable travel time may be included in approved time for ~~community service~~Volunteer Service and Child Involvement Leave, but only for the time that intersects the employee's regular work schedule.
- (4) If an employee transfers to another State agency, any balance of the ~~community service leave~~Volunteer Service and Child Involvement Leave not used shall be transferred to the new agency. Under the tutoring and mentoring or literacy leave option, the employee shall secure approval from the new supervisor to continue with that option prior to the transfer.
- (5) Leave not taken in a calendar year is forfeited; it shall not be carried over into the next calendar year.
- (6) Employees shall not be paid for this leave upon separation from State government.
- (7) The use of ~~community service leave~~Volunteer Service and Child Involvement Leave shall be reported separately from all other paid leave. Employees and supervisors are responsible for accurate reporting of the use of ~~community service leave~~Volunteer Service and Child Involvement Leave on the employee's time record.

*History Note: Authority G.S. 126-4;
Eff. July 18, 2002;
Amended Eff. April 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016-2016;
Amended Eff. November 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1607

DEADLINE FOR RECEIPT: October 9, 2020

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 the following technical changes be made:

At line 7, is the new language a requirement? If so, please change "should" to "shall."

At line 10, please delete or define "unreasonably."

In (c), line 12, please add a comma after "Bone Marrow."

At line 12, I take it the supervisor determines what constitutes "reasonable time off?"

At line 13, please add a comma after "procedure."

At line 14, please change "subparagraph" to "Paragraph."

At line 14, by "should" do you mean "may" or "shall?"

If an employee donates blood, could that be recorded as Volunteer Service and Child Involvement Leave instead of Other Management Approved Leave?

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

Ashley Snyder
Commission Counsel
Date submitted to agency: September 25, 2020

Permanent Amendment for Publication in the NCAC

1 25 NCAC 01E .1607 is amended as published in 34:23 NCR as follows:

2

3 25 NCAC 01E .1607 SPECIAL LEAVE PROVISIONS

4 (a) Agency heads may establish a policy providing time off with pay to employees participating in volunteer
5 emergency and rescue services. Each agency head shall determine that a ~~bonafide~~ bona fide need for such services
6 exists within a given area. A ~~bonafide~~ bona fide need is defined as real or eminent danger to life or property.

7 Volunteer emergency and rescue services leave shall not exceed 15 work days in any 12-month period, and should
8 be entered as Other Management Approved Leave for timekeeping purposes.

9 (b) Each policy shall require proof of the employee's membership in an emergency volunteer organization and that
10 the performance of such emergency services will not unreasonably hinder agency activity for which the employee is
11 responsible.

12 (c) Blood, Bone Marrow and Organ Donorship - Employees may be given reasonable time off with pay for whole
13 blood donation, pheresis procedure and bone marrow transplant. Employees may be given up to 30 days with pay
14 for organ donation. Leave granted under this subparagraph should be entered as Other Management Approved
15 Leave for timekeeping purposes.

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

18 *Temporary Adoption Eff. March 18, 2002 (This temporary adoption replaces a permanent*
19 *rulemaking originally proposed to be eff. July 1, 2002);*

20 *Eff. August 1, 2004;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
22 *2016-2016;*

23 *Amended Eff. November 1, 2020.*

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