

G.S. 150B-21.3A Report for 25 NCAC Subchapter 1J, EMPLOYEE RELATIONS

Agency - State Human Resources Office of

Comment Period - 12/21/15 - 2/19/16

Date Submitted to APO - June 20, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0600 - DISCIPLINARY ACTION: SUSPENSION AND DISMISSAL	25 NCAC 01J .0603	APPEALS	Amended Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0604	JUST CAUSE FOR DISCIPLINARY ACTION	Amended Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0605	DISMISSAL FOR UNSATISFACTORY PERFORMANCE OF DUTIES	Amended Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0606	DISMISSAL FOR GROSSLY INEFFICIENT JOB PERFORMANCE	Amended Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0608	DISMISSAL FOR PERSONAL CONDUCT	Amended Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0610	WRITTEN WARNING	Amended Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0611	DISCIPLINARY SUSPENSION WITHOUT PAY	Amended Eff. October 1, 1995	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	Fair Labor Standards Act, P.L. 75-718	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0612	DEMOTION	Amended Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0613	PROCEDURAL REQUIREMENTS	Amended Eff. February 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0614	DEFINITIONS	Amended Eff. January 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0615	INVESTIGATORY LEAVE	Amended Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .0617	DISCRIMINATION AND RETALIATION	Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0900 - INTERNAL PERFORMANCE PAY DISPUTE RESOLUTION PROCEDURES	25 NCAC 01J .0901	A PROCEDURE SPECIFICALLY DESIGNED ONLY FOR PERFORMANCE PAY DISPUTES	Amended Eff. November 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		25 NCAC 01J .0902	REVIEW/PERFORMANCE PAY DISPUTES USING THE GRIEVANCE PROCEDURE	Eff. January 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		25 NCAC 01J .0903	DEFINITIONS	Eff. January 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .1000 - STATE EMPLOYEES' ASSISTANCE PROGRAM	25 NCAC 01J .1012	PURPOSE	Eff. August 1, 2004	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .1100 - UNLAWFUL WORKPLACE HARASSMENT	25 NCAC 01J .1101	UNLAWFUL WORKPLACE HARASSMENT AND RETALIATION	Amended Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .1302	GENERAL AGENCY GRIEVANCE PROCEDURE REQUIREMENTS	Eff. April 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1303	AGENCY AND UNIVERSITY GRIEVANCE REPORTS AND DATA ENTRY	Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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		25 NCAC 01J .1304	SETTLEMENTS/CONSENT AGREEMENTS IN GRIEVANCES, CONTESTED CASES	Eff. May 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .1305	OFFICE OF STATE HUMAN RESOURCES REVIEW AND APPROVAL OF FINAL AGENCY DECISION (FAD)	Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .1306	BACK PAY	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1307	FRONT PAY	Eff. April 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1308	LEAVE	Eff. April 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1309	HEALTH INSURANCE	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1310	INTEREST	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1311	REINSTATEMENT	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1312	CAUSES FOR REINSTATEMENT	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1313	SUSPENSION WITHOUT PAY	Eff. April 1, 2015.	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .1314	DISCRIMINATION, HARASSMENT, OR RETALIATION	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1315	VOLUNTARY PROGRAMS OR BENEFITS	Eff. April 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1316	REMEDIES FOR PROCEDURAL VIOLATIONS	Eff. April 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1317	REMEDIES: SALARY ADJUSTMENTS	Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		25 NCAC 01J .1318	CERTAIN REMEDIES NOT AVAILABLE	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1319	SITUATIONS IN WHICH ATTORNEY'S FEES MAY BE AWARDED	Eff. April 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		25 NCAC 01J .1320	ATTORNEY'S FEES MAY BE AWARDED AS A RESULT OF A SETTLEMENT	Eff. April 1, 2015.	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt