

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, January 10, 2014

NOTE WELL: This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

On the Submission for Permanent Rule Forms, you must include the name of the Rules in Item 2.

Also on the form, Item 5, OSBM did not certify these rules pursuant to G.S. 150B-19.1. RRC is the sole body responsible for this certification.

Where you indicated "OSBM certification," I believe you meant OSBM approval of the fiscal note, which was done on September 11, 2013. Please make sure that on Item 8, you check that the fiscal note was approved by OSBM. Remove the reference in Item 5 to certification from OSBM.

All Rules are required to have 1.5 line spacing per Rule 26 NCAC 02C .0108(1)(g). Reformat the Rules using the correct line spacing.

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0301

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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In Subparagraph (a)(5), you are referring to a medical examination as set out in Rule 12 NCAC 10B .0204, but I don't see any such requirement in that Rule. Did you intend to refer to Rule 10B .0304?

It appears you have an extra space on line 11 before "have produced." Please note the same concern on Page 3, lines 22 and 27.

In Subparagraph (a)(6)(A), delete "from time to time" on line 16.

Does DHHS mandate the use of certain drug tests? Or does it authorize?

Additionally in that Subparagraph, how will someone know what those approved tests are? If they are listed on the SAMSHA website, I think that is where you should place the url.

Remove the "and" at the end of lines 17, 19, 21, 27 on Page 1 and line 3 on Page 2.

Delete "at least" on Page 1, line 20.

Delete "automatically" on Page 1, line 24.

Subparagraph (a)(6)(E) appears to be missing some verbiage. As proposed, it reads, "the test results must be no more than 60 days old before employment or certification, whichever is earlier." Do you mean "must be taken no more than..."? Or something to that effect? Also, state "shall" rather than "must."

If I understand the intention of the language in (a)(6)(F) (Page 2, lines 6-8) correctly, you are saying that the employing agency may request additional testing? If so, that language should be in Subparagraph (a)(6)(C). Also, note that the agency's rulemaking authority to set the minimum qualifications, so I'm not sure you need the language to govern additional requirements by an employer, since that would be between those parties.

In Subparagraph (a)(6)(G), why do you state “(MRO)” on line 10, Page 2? You don’t use it again in the Rule. Is this because your regulated public commonly refers to the individual as an “MRO”?

In Subparagraph (a)(7)(A), to be consistent with the rest of the Rule, end each Subparagraph with a semicolon, not a period.

Page 2, line 13, I’d prefer “business” days to “working” days. Also, insert a comma after “days”

In (a)(7)(A), Page 2, the rule language covers criminal offenses, civil orders and then back to criminal offenses. I think the language on lines 17 through 21 should be moved to line 14. End the sentence on line 14 after “charged.” Then insert the new language. Then state “within five business days, notify the Standards Division... of Domestic Violence Orders (G.S. 50B)...”

Insert a “G.S.” before 50B and 50C throughout Subparagraph (a)(7).

On Page 2, line 22, insert a comma after “disposed”

In Subparagraph (a)(7)(B), line 26, switch the order of the civil orders (put 50B first) and insert a comma after the second order. Thus:

The department head, provided he or she has knowledge of the officer’s charge(s),

G.S. 50B or 50C orders, shall also notify the Division...

Insert a comma after “disposed” on Page 3, line 5.

To be consistent with the rest of the Rule, on page 3, “the” on line 8 and “receipt” on line 19 should be lowercase.

In (a)(8), the proper citation on line 22 is “In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), appeal dismissed 423 U.S. 976 (1975)”; “

In Subparagraph (a)(8), italicize all case names.

On Page 3, Subparagraph (a)(9), is the investigation also supposed to occur pre-employment? Do you mean to say, “have a background investigation and personal interview conducted by the employing agency pre-employment”? Please note, Rule 10B .0306 requires the pre-employment interview. Are you stating it here to give notice of what’s required and then explaining in it in that Rule? Do you want to refer to Rule .0306 here?

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*Amanda J. Reeder
Commission Counsel*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0502

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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By striking all of Paragraph (b), you are entirely removing the standard curriculum you are using. But you are retaining the reference to the manual produced by another agency (the Justice Academy) on Page 3. What is the purpose of this?

On Page 3, why are you striking the (c) on line 5?

On Page 3, line 14, are you saying that the Commission is using 09B, which are the requirements for other criminal justice officers, as its training code? G.S. 17E-1 states:

The training and educational needs of such officers therefore require particularized and differential treatment from those of the criminal justice officers certified under Chapter 17C of the General Statutes.

How is your training different and particularized from the 09B standards? Or are you relying upon G.S. 17E-4, which states:

The Commission may certify, and no additional certification shall be required from it, programs, courses and teachers certified by the North Carolina Criminal Justice Education and Training Standards Commission. Where the Commission determines that a program, course, instructor or teacher is required for an area which is unique to the office of sheriff, the Commission may certify such program, course, instructor, or teacher under such standards and procedures as it may establish.

On Page 3, line 15, correct the spacing.

Use the following url in this Rule, Page 3, line 16: <http://www.ncoah.com/rules/>

On Page 3, line 19, delete "automatically" and the comma after "shall"

On line 22, the address for the Criminal Justice Education and Training Standards is now 1700 Tyron Park Drive. Also, are you sure those standards are available at no cost? Please confirm that information is correct.

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0601

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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On Page 1, Paragraph (a), line 6, you need to change "168" to "172."

It appears that you have an extra space between the letter and the name on Page 1, lines 11, 18 and 25, and Page 2, lines 6 and 13.

On Page 2, line 9, I take it your regulated public knows what "Stress" will cover?

On Page 2, line 17, add a new comma and strike the original, so the sentence reads:

Certification Course Management ~~Guide~~, Guide, the Commission...

On Page 2, line 28, I do not believe you intended to strike "amendments" entirely, but intended to replace "amendments," with "amendments." As written, the sentence now says, "shall automatically include any later or editions..."

In Paragraph (e), delete "automatically" on line 28.

In Paragraph (e) on Page 3, who will issue the school director a copy of the guide? The Commission or the Justice Academy?

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0603

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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The first sentence is unclear to me. Do you mean "Applicants for certification who have prior detention or correctional officer experience may seek a training waiver evaluation pursuant to this Rule. The applicant must have been employed and certified as a detention or correctional officer in order for the request to be considered."? Please note, you do not actually use the term "waiver" within the text, and I believe that's what you intend to convey here, correct?

Throughout the Rule, determine whether you want "division" to be lowercase (as in Page 1, line 7) or uppercase (Page 2, line 9) and use the term consistently. I prefer uppercase, but you can use either one.

On Page 1, should the second sentence read, "The Division shall use the following to evaluate a detention officer's training and experience to grant a waiver"?

Throughout the Rule, where you refer to Rule 12 NCAC 10B .0602(a), the citation is "Rule .0602(a) of this Section." (This is because the rules are all in Section .0600.) On Page 1, line 20, the reference to Rule 12 NCAC 10B .0204(b)(1) should read, "Rule .0204(b)(1) of this Subchapter."

In Items (1) through (7), you do not need so many references to "have" or "having." I'd rewrite Item (1) as:

Persons who ~~have~~ separated from a detention office position during the probationary period after ~~having completed~~ completion of a commission-certified detention office training course ~~and~~ who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified detention officer training course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as ~~described in 12 NCAC 10B .0602(a).~~ set forth in Rule .0602(a) of this Section.

In Item (1), aren't you saying these individuals won't get a waiver of the training, since they have to take classes, or am I misreading the text? Note the same question for Items (3),(4 and (5)..

Throughout the Rule, you refer to the "State Comprehensive Examination." Is that the testing contemplated in Rule .0601, or is there another rule or statute that governs it?

On Page 2, Item (5), what is "Grandfather Detention Officer Certification"?

Item (6), as I read it, states that all waivers will be a Division determination. Do you mean to state that the decision will be made by basing the training received against the training required by Rule .0601? If you mean to state, "The Division shall review the training received and determine whether that training was comparable to the requirements of Rule .0601 based upon topics covered and determine what additional training, if any, is required under Rule .0601" then state that. Or, you could use the language in Item (8), Page 3, lines 10 through 10-13.

In Sub-Item (7)(c), do you need "or no break in service"? It seems unnecessary to me, as "less than one year break" should cover no break at all.

On Page 2, line 12, strike "and"

Item (7) reads oddly. I think you can keep the first several lines as written, but then change (c) thusly:

(7) Persons holding...

(c) have had less than a one year break in service;

shall:

(a) Serve a 12 month probationary period as set forth in Rule .0602(a) of this Section;

(b) Take the state examination...; and

(c) Complete the following topic areas...

In reading the Rule, it is clear that Items (1) through (7) apply to detention officers seeking a waiver. Item 8 applies to correctional officers. I think that Item (8) should be Paragraph (b). Thus, the language before it would be Paragraph (a) and you'd need to insert an (a) on Page 1, line 5. The new paragraph on page 3 would read:

(b) Persons holding general certification as a correction officer issued by the North Carolina Criminal Justice Education and Training Standards Commission who:

(1) completed ...

(2) transfer...; and

(3) have less than one year...

May apply for a waiver to the Division...

As I read (8), you are saying that if the individual completed the training after 2002, transfers to the Commission's jurisdiction for employment and has a less than one year break in service, they are still required to serve the 12 month probationary period, correct? If so, then that requirement does not belong where it is in the Rule. It should be its own sentence further down. I'd suggest adding it to the end of the text on line 16.

On Page 3, line 12, what will constitute comparable training? Similar topics, content, etc.?

On line 10, you state that the Division staff shall compare completed training. On line 12, you state that granting the waiver will only happen if it is completed. Why are you repeating that?

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If you have any questions or problems concerning this request, please contact me.

Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0605

DEADLINE FOR RECEIPT: Friday, January 10, 2014

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Throughout the Rule, it appears that you have an extra space between the numeral and the first word. See lines 13, 17 and 21 on Page 1 and lines 1, 4, 11, 14, and 18 on Page 2.

What is the purpose of the first sentence on Page 1? Are you saying that each unit must be presented in full?

On Page 1, line 6, where you refer to "satisfactorily complete," what do you mean? Complete the hours or the testing or both?

Throughout the Rule, where you refer to another Rule in Section .0600, the citation is "Rule .060X of this Section." (This is because the rules are all in Section .0600.) Where there are references to other rules in Subchapter 10B, the citation should read, "Rule .0204(b)(1) of this Subchapter."

On Page 1, line 7, I think you mean to reference Rule .0704(a)(6) of this Subchapter,"

Do you need the language on lines 7 and 8? Rule .0704 states the school director may:

(a) In planning, developing, coordinating, and delivering each commission-certified Detention Officer Certification Course, the school director shall:

- (6) Develop, adopt, reproduce, and distribute any supplemental rules, regulations, and requirements determined by the school to be necessary or appropriate for:
 - (A) Effective course delivery;
 - (B) Establishing responsibilities and obligations of agencies or departments employing course trainees; and
 - (C) Regulating trainee participation and demeanor and ensuring trainee attendance and maintaining performance records.

A copy of such rules, regulations and requirements shall be submitted to the Director as an attachment to the Pre-Delivery Report of Training Course Presentation, Form F-7A. A copy of such rules shall also be given to each trainee and to the sheriff of each trainee's employing agency at the time the trainee enrolls in the course.

It seems clear in Rule .0704 that they cannot expand upon the curriculum itself. Do you feel you need to retain this language?

I'd rewrite the sentence on lines 8 - 10 as "This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification."

What is the difference between the "Director" (see Page 1, line 10) and the "school director" (see Page 1, line 18)? Is "Director" the term defined in Rule .0103(4)?

(4) "Director" means the Director of the Sheriffs' Standards Division of the North Carolina Department of Justice.

As I understand this Rule, if a trainee missed some of the training, the school director and the trainee can make an application to the Director of the Division to allow the trainee to enroll in make-up classes to satisfactorily complete the training. Is this correct? If so, then what is the reference in (b) to the authorization not being used by the Director supposed to mean? Isn't the Director the one issuing it? (Line 10 of Page 1)?

Delete the "or" at the end of line 16 on Page 1.

On line 20, Page 1, I don't think you intended to change the reference to Rule .0601(c).

In (a)(3), line 22, why not state, "essential knowledge or skill in ~~either one, two or three,~~ but no more than ~~three,~~ three of the specified topic areas..."

And I take it the identified deficiency is shown through not passing the test?

Page 2, line 12, what is "proper" course participation? Do you mean "initial"?

On Page 2, line 14, what is "proper" enrollment?

On Page 2, line 17, what is "successful" course completion? The rest of the Rule language refers to "satisfactorily." Frankly, I'm not sure you need either adjective.

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1004

DEADLINE FOR RECEIPT: Friday, January 10, 2014

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On line 5, state "Rule ~~4002~~, .1002 of this Section."

On line 7, you now refer to "educational points or degrees." However, Rule 10B .1002 does not give any points for degrees; only the amount of time spent in class. How are those points determined for degrees? Or, as I read the table, are you not giving points at all, but instead basing it upon having a degree? I note that the Submission for Permanent Rule form says the revision "reinstates formulas for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points." So, are you still using "educational points"?

Either way, I believe you should amend (b) on line 11, which only refers to "educational points" coming from accredited colleges, and does not include degrees.

In the original table, beginning on line 8, it does not appear that you deleted the "4." I think you intended to do so.

Why does the new table, beginning after line 9, not include any columns or rows? Please insert them.

This is what was published:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>
<u>Years of Law Enforcement Experience</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>4</u>	<u>2</u>
<u>Minimum Law Enforcement Training Points</u>	<u>20</u>	<u>35</u>	<u>50</u>	<u>24</u>	<u>23</u>
<u>Minimum Total Education and Training Points</u>	<u>39</u>	<u>69</u>	<u>99</u>	<u>24</u>	<u>23</u>

Are you trying to say that if an individual has no educational degree, then they must have 8 years of law enforcement experience, 20 law enforcement training points and 39 education and training points to qualify for the certificate?

And is the Intermediate Law Enforcement certificate for entry level employment? If not, where is your authority to do this?

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1005

DEADLINE FOR RECEIPT: Friday, January 10, 2014

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On line 5, state "Rule ~~4002~~, .1002 of this Section."

On line 7, you now refer to "educational points or degrees." However, Rule 10B .1002 does not give any points for degrees; only the amount of time spent in class. How are those points determined for degrees? Or, as I read the table, are you not giving points at all, but instead basing it upon having a degree? I note that the Submission for Permanent Rule form says the revision "reinstates formulas for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points." So, are there still "educational points" for this?

Either way, I believe you should amend (b) on line 11, which only refers to "educational points" coming from accredited colleges, and does not include degrees.

Why does the new table, beginning after line 9, not include any columns or rows? Please insert them.

This is what was published:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>	<u>Doctoral, Professional or Master</u>
<u>Years of Law Enforcement Experience</u>	<u>12</u>	<u>9</u>	<u>9</u>	<u>6</u>	<u>4</u>
<u>Minimum Law Enforcement Training Points</u>	<u>35</u>	<u>50</u>	<u>33</u>	<u>27</u>	<u>23</u>
<u>Minimum Total Education and Training Points</u>	<u>69</u>	<u>99</u>	<u>33</u>	<u>27</u>	<u>23</u>

Are you trying to say that if an individual has no educational degree, then they must have 12 years of law enforcement experience, 35 law enforcement training points and 69 education and training points to qualify for the certificate?

And is the Advanced Law Enforcement certificate for entry level employment? If not, where is your authority to do this?

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1204

DEADLINE FOR RECEIPT: Friday, January 10, 2014

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In the original table, it does not appear that you struck through the "4" in Years of Detention Officer Experience. Please make sure you did so.

On line 7, you now refer to "educational points or degrees." However, Rule 10B .1202 does not give any points for degrees; only the amount of time spent in class. How are those points determined for degrees? Or, as I read the table, are you not giving points at all, but instead basing it upon having a degree? I note that the Submission for Permanent Rule form says the revision "reinstates formulas for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points." So, are there still "educational points" for this?

Either way, I believe you should amend (b) on line 11, which only refers to "educational points" coming from accredited colleges, and does not include degrees.

Why does the new table, beginning after line 9, not include any columns or rows? Please insert them.

This is what was published:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>
<u>Years of Detention Officer Experience</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>4</u>	<u>2</u>
<u>Minimum Detention Officer Training Points</u>	<u>6</u>	<u>12</u>	<u>16</u>	<u>24</u>	<u>23</u>
<u>Minimum Total Education and Training Points</u>	<u>13</u>	<u>23</u>	<u>33</u>	<u>24</u>	<u>23</u>

Are you trying to say that if an individual has no educational degree, then they must have 8 years of law enforcement experience, 6 detention officer training points and 13 education and training points to qualify for the certificate?

And is the Intermediate Detention Officer Professional certificate for entry level employment? If not, where is your authority to do this?

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1205

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On line 7, you now refer to "educational points or degrees." However, Rule 10B .1202 does not give any points for degrees; only the amount of time spent in class. How are those points determined for degrees? Or, as I read the table, are you not giving points at all, but instead basing it upon having a degree? I note that the Submission for Permanent Rule form says the revision "reinstates formulas for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points." So, are there still "educational points" for this?

Either way, I believe you should amend (b) on line 12, which only refers to "educational points" coming from accredited colleges, and does not include degrees.

Why does the new table, beginning after line 10, not include any columns or rows? Please insert them.

This is what was published:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>	<u>Doctoral, Professional or Master</u>
<u>Years of Detention Officer Experience</u>	<u>12</u>	<u>9</u>	<u>9</u>	<u>6</u>	<u>4</u>
<u>Minimum Detention Officer Training Points</u>	<u>12</u>	<u>16</u>	<u>27</u>	<u>26</u>	<u>26</u>
<u>Minimum Total Education and Training Points</u>	<u>23</u>	<u>33</u>	<u>27</u>	<u>26</u>	<u>26</u>

Are you trying to say that if an individual has no educational degree, then they must have 12 years of law enforcement experience, 12 detention officer training points and 23 education and training points to qualify for the certificate?

And is the Advanced Detention Officer Professional certificate for entry level employment? If not, where is your authority to do this?

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1604

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

On line 7, you now refer to "educational points or degrees." However, Rule 10B .1602 does not give any points for degrees; only the amount of time spent in class. How are those points determined for degrees? Or, as I read the table, are you not giving points at all, but instead basing it upon having a degree? I note that the Submission for Permanent Rule form says the revision "reinstates formulas for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points." So, are there still "educational points" for this?

Either way, I believe you should amend (b) on line 11, which only refers to "educational points" coming from accredited colleges, and does not include degrees.

In the original table, it does not appear that you struck through the "4" in Years of Detention Officer Experience. Please make sure you did so.

Why does the new table, beginning after line 9, not include any columns or rows? Please insert them.

This is what was published:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>
<u>Years of Telecommunicator Experience</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>4</u>	<u>2</u>
<u>Minimum Telecommunicator Training Points</u>	<u>5</u>	<u>10</u>	<u>14</u>	<u>12</u>	<u>10</u>
<u>Minimum Total Education and Training Points</u>	<u>12</u>	<u>20</u>	<u>28</u>	<u>12</u>	<u>10</u>

Are you trying to say that if an individual has no educational degree, then they must have 8 years of telecommunicator experience, 5 telecommunicator training points and 12 education and training points to qualify for the certificate?

And is the Intermediate Telecommunicator certificate for entry level employment? If not, where is your authority to do this?

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1605

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

On line 5, please state, "Rule ~~1602~~, 1602 of this Section,"

On line 7, you now refer to "educational points or degrees." However, Rule 10B .1602 does not give any points for degrees; only the amount of time spent in class. How are those points determined for degrees? Or, as I read the table, are you not giving points at all, but instead basing it upon having a degree? I note that the Submission for Permanent Rule form says the revision "reinstates formulas for awarding professional certificates based on a combination of having earned college degrees, years of experience and training points." So, are there still "educational points" for this?

Either way, I believe you should amend (b) on line 11, which only refers to "educational points" coming from accredited colleges, and does not include degrees.

In the original table, it does not appear that you struck through the "4" in Years of Detention Officer Experience. Please make sure you did so.

Why does the new table, beginning after line 9, not include any columns or rows? Please insert them.

This is what was published:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>	<u>Doctoral, Professional or Master</u>
<u>Years of Telecommunicator Experience</u>	<u>12</u>	<u>9</u>	<u>9</u>	<u>6</u>	<u>4</u>
<u>Minimum Telecommunicator Training Points</u>	<u>10</u>	<u>12</u>	<u>17</u>	<u>14</u>	<u>12</u>
<u>Minimum Total Education and Training Points</u>	<u>20</u>	<u>23</u>	<u>17</u>	<u>14</u>	<u>12</u>

Are you trying to say that if an individual has no educational degree, then they must have 12 years of telecommunicator experience, 10 telecommunicator training points and 20 education and training points to qualify for the certificate?

And is the Advanced Telecommunicator certificate for entry level employment? If not, where is your authority to do this?

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1901

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

In (a), the first sentence is unclear. Are you trying to say, "An individual seeking licensure as a military trained applicant or military spouse pursuant to G.S. 93B-15.1 shall apply to the Division for a certification issued by the Commission."? Bear in mind, if the individuals meet the requirements of the statute as specified in the Rule, the agency must grant the licensure.

The structure in this Rule should be changed. I think you need to address military trained applicants and military spouses in separate paragraphs.

On Page 1, line 16 and Page 2, line 3, delete "predefining the appointment" and state in plain language what you mean, such as "prior to the date of application."

On Page 1, line 19, delete the semicolon after "and"

G.S. 93B-15.1 requires that the applicants pay the fee. You are restating most of the statute here; why not include notice of the fee?

On Page 1, line 20 and Page 2, line 7, what documentation are you requiring? And what "qualified" status are you referring to?

On Page 1, the language on lines 23-24 belongs beside the language on line 22.

Subparagraph (a)(2) needs to be restructured. As it is, you are saying:

The military spouse:

Holds a current license, certification or registration from another jurisdiction which:

Is substantially equivalent...

Is in good standing;

Has not been disciplined...

You are saying that the current license must be in good standing and not been disciplined, but I suspect you meant the military spouse must meet the requirements.

On Page 2, line 1, what continuing education units are required? Give a citation to the Rules where those are found.

In (b), what courses are you referring to? G.S. 93B-15.1 allows the agency to set equivalent training and experience, so have you determined to use this as the determination of equivalent training?

In (d), are you saying that “In the event the applicant’s prior training is not equivalent to the Commission’s standards, the Commission shall require supplementary or remedial training.”? If not, then what are you saying?

In (e), you are requiring testing to show the training is equivalent. However, you are also requiring submission of the documentation from the employing agency in Paragraph (b). How is the Commission determining what is equivalent?

In the History Note, I don’t think you need the references to G.S. 17E-4 or 17E-7, since G.S. 93B-15.1 gives explicit authority to make this Rule.

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Amanda J. Reeder
Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .2005

DEADLINE FOR RECEIPT: Friday, January 10, 2014

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

In Paragraph (a), are you saying that the lesson plan can be from the Justice Academy or any other source, without prior approval from the Division?

On lines 5 and 6, strike the comma after Academy and "may use" so the sentence reads:

"...developed by the North Carolina Justice Academy or a lesson plan..."

On lines 8 and 9, is the reference to the "Instructional Systems Development" in Rule 12 NCAC 09B .0209 a reference to .0209(c)(2), which states:

(c) Each instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

Curriculum Development: ISD Model 3 Hours

On line 9, state, "Lesson plans shall be designed..."

The language on line 9 really isn't a complete sentence. Why not state something like:

Lesson plans shall be designed to be delivered in hourly increments, and each hour shall be worth one credit; however, if an individual completes the training in less or more time, that the individual will receive the number of credits originally assigned to the course (e.g., "Legal Update" is designed to be delivered in four hours and will therefore yield four credits.)

Alternatively, you could state:

Lesson plans shall be designed to be delivered in hourly increments. A student who completes the training shall receive the number of credits that correspond to the number of credits assigned to the number of hours, regardless of the amount of time the student spends completing the course (e.g., "Legal Update" is designed to be delivered in four hours and will therefore yield four credits.)

I'd move the new language on lines 14 and 15 to the language after line 18. Otherwise, the language reads test, firearms, and back to the test.

On lines 13 and 16, Page 1, who is the "delivering agency" in this context? I don't think the testing agency, since that's the Sheriff or Department Head, correct?

In new Paragraphs (b), (c), (d), (e), (f) and (g), are there not assigned hours to each topic? Is it instead contemplated that the agency will determine the hour requirements for each topic? For instance, in Paragraph (b), among those five topics, there must be 24 hours of training? So the agency could do an hour on legal updates and split the remaining 23 hours among the other four topics?

Further, the Commission will allow the Sheriff or Department Head to train on any topic of their choosing, without any prior approval? Are there no criteria that must be addressed?

On Page 2, lines 16 and 17, there appears to be an extra space between the number and "Firearms" and you need to move "Subchapter" over one space.

In (b)(5) and (e)(5), did you intend to omit "Department Head"? Are Sheriff's the only ones who offer in-service training programs?

Why are you retaining the 2013 requirements in Rule? Are individuals allowed to complete the 2013 training after 2014 begins?

In Paragraph (e), it appears the Commission is required to do in-service training on domestic violence and evidence based prosecution per G.S. 17E-4(a)(11), which states:

(11) Establish minimum standards for in-service training for justice officers. In-service training standards shall include training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. For purposes of the domestic violence training requirement, the term "justice officer" shall include those defined in G.S. 17E-2(3)a., except that the term shall not include "special deputy sheriffs" as defined in G.S. 17E-2(3)a.;

G.S. 17E-2(3)(a) defines the term as:

(3) "Justice officer" means:

a. A person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by Chapter 11 of the General Statutes as a peace officer in the office of the sheriff. This term includes "deputy sheriffs", "reserve deputy sheriffs", and "special deputy sheriffs", but does not include clerical and support personnel not required to take an oath. The term "special deputy" means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed by the sheriff; or

Do the listed topics include such training? If not, where is the authority to not include this in the sheriff deputy training?

On Page 3, line 6, there appears to be an extra space between "Officer Safety:" and "The First Five Minutes."

On Page 3, lines 7 and 8, there appears to be extra space between the number and "Firearms" and you need to insert a space before "Subchapter."

On Page 3, the addition of "and" in (f)(2), line 13, is new. Highlight it. In addition, the striking of the language on line 14 is new, so it must be highlighted, and you should strike through the (3). Finally, the proper way to renumber line 15 is this:

~~(4)(3)~~ Any topic...

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