

Burgos, Alexander N

Subject: FW: Periodic Review 25 NCAC 01A, B, C

From: Mazza, Denise H <denise.mazza@nc.gov>

Sent: Wednesday, January 8, 2025 1:57 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

Subject: RE: Periodic Review 25 NCAC 01A, B, C

Travis,

The March 1, 2027 readoption deadline for 25 NCAC 01A, 01B, and 01C will work with OSHR.

Thanks!

Denise

Denise H. Mazza

Paralegal/Contract Specialist

Desk: 984-236-0823

denise.mazza@nc.gov



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Burgos, Alexander N

Subject: FW: Periodic Review 25 NCAC 01A, B, C

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, January 8, 2025 11:46 AM
To: Mazza, Denise H <denise.mazza@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: Periodic Review 25 NCAC 01A, B, C

Good morning,

The Periodic Review/Readoption process is taking place over a 10-year period and involves all the state agencies subject to rulemaking. My colleague and I are attempting to spread the rules out as much as possible while doing our best to accommodate the needs and priorities of each agency.

We already have 157 rules that are set for readoption by February 1, 2027. Thus, I'm proposing that your agency's readoption deadline be set for March 1, 2027.

Please reply as soon as possible to confirm the readoption deadline of March 1, 2027 for your agency.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Mazza, Denise H
Sent: Tuesday, January 7, 2025 2:11 PM
To: Wiggs, Travis C
Cc: Burgos, Alexander N
Subject: RE: Periodic Review 25 NCAC 01A, B, C

Got it. Thanks!

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
denise.mazza@nc.gov



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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, January 7, 2025 12:03 PM
To: Mazza, Denise H <denise.mazza@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 25 NCAC 01A, B, C

Thank you for following up. I'm satisfied with your proposed timeline. I intend to recommend that the RRC approve the February 1, 2027 readoption deadline at the January 30th meeting.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Tuesday, January 7, 2025 11:44 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 25 NCAC 01A, B, C

Just checking in to make sure you received this email and agree with or have any questions about the plan of action provided.

Denise

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
denise.mazza@nc.gov



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From: Mazza, Denise H
Sent: Friday, January 3, 2025 2:20 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: Periodic Review 25 NCAC 01A, B, C

(Per Blake)

Travis,

Thanks for your note. The State Human Resources Commission agrees with the February 1, 2027 deadline that you recommended for the readoption of 25 NCAC 01A, 01B, and 01C.

Pursuant to 26 NCAC 05 .0212(a)(1), I have attached the HR Commission's planned timeline for readoption. This planned timeline for readoption was adopted by the HR Commission at its December 12, 2024 meeting.

26 NCAC 05 .0212(a)(2) calls for the agency to provide "written documentation of any of the agency's rulemaking priorities that the agency determines to be relevant to the timeline for readoption." On that topic:

- Because of limited staff, the most important rulemaking priority is to space out the readoption steps for Subchapters 01A, 01B, and 01C so that the HR Commission's staff are not doing the work to readopt all three subchapters at the same time.
 - The HR Commission proposes to start with Subchapter 01B, which is the most straightforward. This will allow HR Commission staff to learn the process and produce a better product for the Rules Review Commission's analysis when it is time for the more complex rules in Subchapters 01C and 01A.
- The proposed timeline stops in May 2026. This is intentionally several months before the proposed February 1, 2027 deadline for readoption. This is intended to allow enough time for any revised notices of text, and for any fiscal notes, that may be required in the process.
 - At the present time, HR Commission staff do not expect that a fiscal note will be required for any of the rules in Subchapters 01A, 01B, and 01C, because HR Commission staff expect that any revisions would impose a less stringent burden on regulated persons. However, we want to ensure that there is time

**Proposed Rulemaking Schedule
for Readoption in Periodic Review Process**

25 NCAC 01A, 01B, and 01C

Draft for consideration at December 12, 2024 State HR Commission meeting

Ultimate deadline to have 25 NCAC 01A, 01B, and 01C readopted in the periodic review process:
February 1, 2027

The following proposed schedule is subject to changes based on the meeting schedule of State HR Commission, the meeting schedule of Rules Review Commission, and time to respond to Rules Review Commission staff comments.

Current State HR Commission meeting dates for 2025 (Third Thursday of designated month, except December): February 20, April 17, July 17, October 16, December 11.

Proposed Schedule of Rulemaking Steps for 25 NCAC Subchapter 01B

Event	Completed on or before
State HR Commission Approves Notice of Text	February 20, 2025
Publish Notice of Text in North Carolina Register	On or before March 17, 2025
Public Hearing	At least 15 but not later than 60 days after notice of text is published; expected to be on April 1, 2025
Accept Public Comments	For at least 60 days after publication of notice of text; expected to be March 17, 2025 to May 16, 2025
State HR Commission Adopts Rule After Public Comments	July 17, 2025
Submit to Rules Review Commission	On or before August 20, 2025
Expected Rules Review Commission Meeting	September 25, 2025, or later if Rules Review Commission staff express a preference to consider 01A, 01B, and 01C rules together*
Earliest Effective Date of Any Revisions to the Rule	October 1, 2025

* To reduce administrative burden upon Rules Review Commission staff, Commission staff will use the pre-review process to the extent possible and may hold adoption so that a critical mass of rules are submitted at once.

Proposed Schedule of Rulemaking Steps for 25 NCAC Subchapter 01C

Event	Completed on or before
State HR Commission Approves Notice of Text	July 17, 2025
Publish Notice of Text in North Carolina Register	On or before August 15, 2025
Public Hearing	At least 15 but not later than 60 days after notice of text is published; expected to be on September 1, 2025
Accept Public Comments	For at least 60 days after publication of notice of text; expected to be August 15, 2025 to October 14, 2025
State HR Commission Adopts Rule After Public Comments	October 16, 2025
Submit to Rules Review Commission	On or before December 20, 2025
Expected Rules Review Commission Meeting	January 19, 2026, or later if Rules Review Commission staff express a preference to consider 01A, 01B, and 01C rules together*
Earliest Effective Date of Any Revisions to the Rule	February 1, 2026

Proposed Schedule of Rulemaking Steps for 25 NCAC Subchapter 01A

Event	Completed on or before
State HR Commission Approves Notice of Text	October 16, 2025
Publish Notice of Text in North Carolina Register	On or before December 1, 2025
Public Hearing	At least 15 but not later than 60 days after notice of text is published; expected to be on December 16, 2025
Accept Comments on the Proposed Rule	For at least 60 days after publication of notice of text; expected to be December 1, 2025 to January 30, 2026
State HR Commission Adopts Rule After Public Comments	February 2026
Submit to Rules Review Commission	March 2026
Expected Rules Review Commission Meeting	April 2026, or later if Rules Review Commission staff express a preference to consider 01A, 01B, and 01C rules together*
Earliest Effective Date of Any Revisions to the Rule	May 2026

* To reduce administrative burden upon Rules Review Commission staff, Commission staff will use the pre-review process to the extent possible and may hold adoption so that a critical mass of rules are submitted at once.

available if a fiscal note becomes required due to a substantive change that does not impose a less stringent burden on regulated persons.

- We expect that in the first 8 to 10 months of 2025, HR Commission staff will be going through the permanent rulemaking process and fiscal note process for revised 25 NCAC 01I .2103. The Rules Review Commission approved a temporary amendment to Rule 01I .2103 at the December 2024 meeting.

Please let us know if you need any additional information from our office regarding this matter.

Denise

Denise H. Mazza

Paralegal/Contract Specialist

Desk: 984-236-0823

denise.mazza@nc.gov



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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Thursday, November 7, 2024 3:51 PM

To: Mazza, Denise H <denise.mazza@nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: FW: Periodic Review 25 NCAC 01A, B, C

Good afternoon,

The attached periodic review report became effective October 29, 2024. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

The deadline for your agency to provide this information is January 6, 2025. As a starting point, I would recommend a February 1, 2027, readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Let me know if you have any questions. Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: McGhee, Dana <dana.McGhee@oah.nc.gov>
Sent: Thursday, November 7, 2024 2:31 PM
To: Mazza, Denise H <denise.mazza@nc.gov>
Cc: Thomas, Blake <Blake.Thomas@nc.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Periodic Review 25 NCAC 01A, B, C

Good afternoon, Denise,

The determinations in the attached periodic review report for 25 NCAC 01A, B, and C were effective August 29, 2024. Commission Counsel Travis Wiggs will reach out to you to discuss setting the readoption date for the rules in the reports.

Unnecessary rules 25 NCAC 01B .0350 and .0413 expired effective November 1, 2024.

Let me know if you have any questions.

Dana McGhee
Publications Coordinator
Office of Administrative Hearings
984-236-1937
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