

25 NCAC 01E .1006 is amended with changes as published in 40:01 NCR 27-29 and address RRC objection as follows:

#### **25 NCAC 01E .1006 COMPENSATORY TIME**

Under the state's overtime compensation policy certain employees are designated as administrative, executive executive, or professional. Employees in these categories are exempt from the provision for overtime pay. To grant these employees ~~compensating~~ compensatory time is a decision that must be made by the agency head. When compensatory time is granted to administrative, executive ~~executive~~, or professional employees, the following shall apply:

- (1) Amount. Compensatory time is awarded at a rate not to exceed the individual's straight time equivalent rate, ~~rate~~;
- (2) Non-cumulative. Compensatory time is not cumulative beyond a 12-month period. For this reason, an employee must be required to take compensatory time as soon as possible after it is credited, ~~credited~~;
- (3) Transferable. Compensatory time, up to 160 hours, may be transferred to another state agency, subject to approval by the receiving agency head. Agencies who agree to receive compensatory time from another state agency must ensure receipt of compensatory leave and administer it consistently. ~~[consistently and equitably.] is administered consistently and equitably. Administering the receipt of compensatory leave "consistently and equitably," for purposes of this Rule, means treating employees who are in the same situation the same way, regardless of their race, ethnicity, or other non-work related characteristics.]~~
  - (a) Administering the receipt of compensatory leave "consistently," for purposes of this Rule, means that if an agency agrees to accept the transfer of compensatory time, it will accept all transferring employees' compensatory time balances up to the limit set by the receiving agency, which shall be no more than 160 hours.
  - (b) "Ensuring Receipt" of compensatory leave, for purposes of this Rule, means that:
    - (i) The receiving agency sets, within the limit of 160 hours, the amount of compensatory time that may be transferred;
    - (ii) The receiving agency communicates this amount to the agency that is transferring the employee;
    - (iii) The agency transferring the employee must set the compensatory time balance in the Integrated HR-Payroll System to the number communicated pursuant to Sub-Item (b)(ii) of this Rule; and
    - (iv) The receiving agency must confirm that the compensatory leave balance is the number communicated under Sub-Item (b)(ii) of this Rule.
- ~~(3)~~(4) Non-transferable. Compensatory time is not transferable to any other type of ~~leave~~ leave, ~~or to another agency; and~~

(4)(5) Separation. Compensatory time is lost when an employee is separated from state service. The employee's separation date shall not be changed in order to pay for compensatory time.

*History Note:* Authority G.S. 126-4(5); ~~126-4~~

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2009-2009;*

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

*[2016-]2016;*

*Amended Eff. February 1, 2026. [December 1, 2025.]*