

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1006

DEADLINE FOR RECEIPT: November 7, 2025

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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(3), line 15: Is the use of the word “receipt” here correct? Is this supposed to mean, “... must ensure receipt of compensatory leave and administer it consistently and equitably.”?

(3), line 16: What does “consistently and equitably” mean in this context? As written, the rule is vague.

History Note: Can you be more specific as to your statutory authority? Pointing to all of Chapter 126 is too broad.

History Note: This is not complete. Please update accordingly. The current version of the codified rule includes all of the following information:

*Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. August 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public
interest Eff. October 4, 2016.*

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: October 29, 2025

25 NCAC 01E .1006 IS AMENDED AS PUBLISHED IN 40:1 NCR 27 AS FOLLOWS:

25 NCAC 01E .1006 COMPENSATORY TIME

Under the state's overtime compensation policy certain employees are designated as administrative, 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 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 is administered consistently and equitably.
- ~~(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;
Eff. February 1, 1976;
Amended Eff. August 1, ~~2009~~2009;
Amended Eff. December 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1801

DEADLINE FOR RECEIPT: November 7, 2025

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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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 9: Change "is" to "are".

History Note: Consider adding 126-4(4) to your statutory authority.

History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

1 25 NCAC 01E .1801 IS AMENDED AS PUBLISHED IN 40:1 NCR 28 AS FOLLOWS:

2
3 25 NCAC 01E .1801 POLICY

4 (a) Incentive leave may be used as a recruitment tool to assist in the employment of ~~candidates~~ individuals who are
5 ~~middle or late career applicants~~ employed outside of State government ~~and~~ who are interested in accepting
6 employment within North Carolina State government. ~~with the State of North Carolina.~~

7 (b) An agency may award incentive leave to ~~a middle or late career applicant~~ applicants who ~~is~~ are newly appointed
8 to a position that the agency has identified as critical to the agency mission and for which the agency has
9 documented recruitment difficulty attracting qualified applicants, or who is newly appointed to an executive
10 management position.

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

12 *Eff. January 1, 2011;*

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

14 *~~2016-2016~~;*

15 *Amended Eff. _____.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1802

DEADLINE FOR RECEIPT: November 7, 2025

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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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 8-12: The term "Executive Management Position" is still used in amended Rule .1801. Are you sure you want to delete this definition?

History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

25 NCAC 01E .1802 IS AMENDED AS PUBLISHED IN 40:1 NCR 30 AS FOLLOWS:

25 NCAC 01E .1802 DEFINITIONS

As used in this Section:

- (1) Employed Outside of State Government means ~~employed with an organization that is not part of the State of North Carolina government or~~ not employed with an organization for which the State currently accepts transferred accrued vacation leave upon hire.
- (2) ~~Executive Management Position means a senior management position that reports directly to an appointed or elected agency head and is delegated authority to make decisions that impact the overall direction of the agency and whose duties typically involve planning, strategy, policy-making and line management. Typical job titles include chief executive officer, chief operating officer, chief financial officer, and deputy secretary.~~
- (3) Middle Management Position means a position that reports directly to an executive management position and supervises lower level management positions and is delegated authority to make decisions that impact the overall direction of a department or division of an agency and whose duties typically involve program planning and coordination, organization structure, determining goals and standards, determination and interpretation of policy, and fiscal control.
- (4) Middle or Late Career Applicant means an applicant with 10 or more years of directly related experience in their profession.
- ~~(2)(5)~~ Newly Appointed means the initial appointment as an employee of the State of North Carolina, or an appointment following a break in service of at least 12 months from a previous appointment as an employee of the State of North Carolina.
- ~~(3)(6)~~ Recruitment ~~Difficulty-Difficulties~~ means positions that are highly competitive in the labor market due to specialized competencies, licenses, or certifications, or geographic location or those positions in which there is a high turnover which impacts the agency's efforts to recruit and provide services. Recruitment typically involves active recruitment efforts utilizing multiple recruitment resources that require an extended period of recruitment and results in a limited qualified applicant pool.

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

Eff. January 1, 2011;

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

Amended Eff. _____.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1804

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In reviewing this Rule, the staff recommends the following changes be made:

New (2): Consider adding an oxford comma after “probationary”.

History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: October 29, 2025

1 25 NCAC 01E .1804 IS AMENDED AS PUBLISHED IN 40:1 NCR 31 AS FOLLOWS:

2
3 25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS

4 To be eligible for incentive leave, the employee must be newly appointed and have the following:

5 (1) All qualification and competency requirements of the position; and

6 ~~(2) At least 10 years of experience that is directly related to the position; and~~

7 ~~(2)(3)~~ A full-time or part-time (half-time or more) permanent, probationary or time-limited appointment.

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

9 *Eff. January 1, 2011;*

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

11 *~~2016-2016~~;*

12 *Amended Eff. _____.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1808

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Christopher S. Miller
Commission Counsel
Date submitted to agency: October 29, 2025

1 25 NCAC 01E .1808 IS AMENDED AS PUBLISHED IN 40:1 NCR 32 AS FOLLOWS:

2
3 25 NCAC 01E .1808 TRANSFER

4 ~~If the employee transfers to a State SPA or EPA position, unused~~ Unused incentive leave may be transferred subject
5 to the receiving agency's approval. If incentive leave is not transferred, it shall not be paid out in a lump sum.

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

7 *Eff. February 1, 2011;*

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

9 ~~2016-2016;~~

10 *Amended Eff.*_____.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1809

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Christopher S. Miller
Commission Counsel
Date submitted to agency: October 29, 2025

1 25 NCAC 01E .1809 IS AMENDED AS PUBLISHED IN 40:1 NCR 32 AS FOLLOWS:

2
3 25 NCAC 01E .1809 USE OF LEAVE

4 ~~Vacation~~ Incentive leave shall be taken only upon authorization of the agency head or designee.

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

6 *Eff. February 1, 2011;*

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

8 *~~2016-2016~~;*

9 *Amended Eff._____.*