

Burgos, Alexander N

Subject: FW: 25 NCAC 01I .2103-October RRC Meeting

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

Sent: Tuesday, September 23, 2025 10:02 AM

To: Mazza, Denise H <denise.mazza@nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Cc: Thomas, Blake <Blake.Thomas@nc.gov>

Subject: RE: 25 NCAC 01I .2103-October RRC Meeting

It appears your agency has not complied with 150B-21.2 (g) by failing to “submit an adopted rule to the Rules Review Commission within 30 days of the agency’s adoption of the rule.” I count 67 days from adoption (7/17/25) to submission to the RRC (9/22/2025).

Is there any other information you would like me to consider? If not, I intend to recommend that the RRC object to 25 NCAC 01I .2103 pursuant to 150B-21.9(4).

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

Subject: FW: 25 NCAC 01I .2103-October RRC Meeting
Attachments: Corrected Submission for Permanent Rule 25 NCAC 01I .2103 Salary Rate 9 22 2025.pdf

From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Monday, September 22, 2025 5:03 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: 25 NCAC 01I .2103-October RRC Meeting

Attached is the Submission for Permanent Rule 25 NCAC 01I .2103 Salary Rate with the attached Permanent Rule Form corrected per your email below, indicating in:

4. No, the Rule is not exempt from RRC review.
5. No, the Rule is not automatically subject to legislative review.
6. Adoption by the Agency was on: July 17, 2025 (SHRC); July 30, 2025 (Governor Office Approved)

Denise

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



North Carolina Office of State Human Resources


333 Fayetteville Street, Raleigh, NC 27601
1331 Mail Service Center, Raleigh, NC 27699-1331

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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: State Human Resources Commission	
2. Rule citation & name (name not required for repeal): 25 NCAC 01I .2103 Salary Rates	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 15, 2025 Link to Agency notice: https://oshr.nc.gov/about-oshr/state-hr-commission/proposedrulemaking Hearing on: May 30, 2025 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 7/17/2025 (SHRC); 7/30/2025 (Governor Approved) <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: Session Law 2024-23 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Rule 01I .2103 applies to local government employees who are subject to the State Human Resources Act. These are employees of local social services departments; county or district health departments; local emergency management agencies that receive federal grant-in-aid funds; and area mental health, developmental disabilities, and substance abuse authorities. The Office of State Human Resources included a provision on this subject in Section 7 of the OSHR agency bill, House Bill 223. The bill was signed by the Governor on June 28, 2024. An Administrative Code change is required to give local government employers the same trainee salary flexibility as state agencies.	
10. Rulemaking Coordinator: Blake Thomas Phone: (984) 236-0822 E-Mail: Blake.Thomas@nc.gov Additional agency contact, if any: Denise H. Mazza Phone: (984) 236-0823 E-Mail: Denise.Mazza@nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  9/22/25 </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Blake Thomas Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

The changes shown below are a comparison to the pre-2025 permanent version of 25 NCAC 011 .2103.

25 NCAC 011 .2103 SALARY RATES

(a) New Appointments. The entrance salary rate for an employee in a non-trainee appointment shall be at the minimum of the range or at a salary rate within the salary range assigned to the class that is consistent with job-related education, job-related experience, and fiscal policy. The entrance salary rate for an employee class unless an employee is hired in a trainee appointment shall be set pursuant to Paragraph (e) of this Rule. Discretion should be exercised by boards. Boards of county commissioners or their designees must perform an analysis should exercise judgment, when setting on new appointments salaries above the minimum of the range, to avoid creating salary inequities within the jurisdiction. Analyzing "Salary" salary inequities, for purposes of this Rule, means comparing the salaries of employees in the same job classification or in closely related job classifications at the same local government employer who have comparable levels of education and experience; duties and responsibilities; productivity; funding availability; and knowledge, skills, and abilities. Employees in trainee appointments are not comparable for purposes of this salary inequity analysis.

(b) Promotion. When a promotion occurs, the member of county management who has been delegated authority over personnel decisions shall increase the employee's salary shall be increased, if it is below the new minimum, to at least the minimum rate of the salary range assigned to the class to which the employee is promoted. If an employee's current salary is already above the new minimum salary rate, his the employee's salary may be adjusted upward or left unchanged at the discretion of local management, consistent with job-related education, job-related experience, and fiscal policy, provided that the adjusted salary does not exceed the maximum of the assigned salary range. If the salary falls between steps in the salary range, it may be adjusted to the next higher step in the range, range, consistent with job-related education, job-related experience, and fiscal policy.

(c) Demotion. When an employee's current salary falls above the maximum of the range for the lower class, his the member of county management who has been delegated authority over personnel decisions may allow the employee's salary may to remain the same until general schedule adjustments or range revisions bring it back within the lower range or may the salary may be reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. If the employee's current salary falls between steps in the lower range, it may be reduced to the next lower step. These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(d) Salary Adjustments; Salary Plan Revisions. When the salary rates in the salary plan are changed or a class is moved to a higher or lower salary grade, the following adjustments shall be made in incumbents' salary rates:

- (1) When it is an upward revision and the employee's current salary is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to at least the minimum of the range. If the employee's salary is already at or above the new minimum of the range, management may elect to increase the salary to another step within the range. An employee's salary may not, however, exceed the maximum of the range.
- (2) If there is a downward revision, management may elect to reduce each employee's salary rate by a corresponding amount or allow the salary rates to remain the same.

These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(e) Trainee Adjustments. During a trainee appointment appointment, an evaluation of the individual's performance and progress on the job is to be made by the direct supervisor at frequent intervals, intervals that are at most six months apart. As a general guide, salary increases are provided at specified intervals. These increases are not automatic, and may be provided at any time, are not necessarily limited to the full elapse of specified intervals. Salary adjustments may be either advanced or delayed depending upon the progress of the employee. In cases where salary adjustments have been advanced, the trainee's salary will not be adjusted to the minimum of the range for the regular classification until the employee meets all education and experience requirements for the appointment. The salary rate for a trainee shall be no lower than 10 percent below the minimum of the position's salary range (for example, range. Note: as an example, the salary rate would be ninety thousand dollars (\$90,000) if the salary range is one hundred thousand dollars (\$100,000) to \$140,000; one hundred forty thousand dollars (\$140,000). The salary rate for a trainee shall be and no higher than the 25th percentile of the position's salary range range. Note: as an example, the salary rate would be (for example, one hundred ten thousand dollars (\$110,000) if the salary range is one hundred thousand dollars (\$100,000) to \$140,000; one hundred forty thousand dollars (\$140,000). Adjustments are to be given upon recommendations by the appointing authority and the supervisor that the employee has earned an increase, increase, based on successful performance and completed training milestones as specified by local policy. Trainee salary adjustments shall not be awarded if an employee has unsatisfactory job performance as defined in 25 NCAC 011 .2302(a). The trainee's salary must not exceed that of any existing non-trainee employee in the same classification at the same local government, unless the employee possesses sufficient additional education or experience exceeding the minimum requirements for the position, to qualify for a higher rate. When the employee with a trainee appointment has successfully completed the training and experience requirements for the classification, he the employee must be given a regular permanent appointment to that classification classification, and his the employee's salary must be set pursuant to Paragraph (a) of this Rule. Pursuant to Paragraph (a) of this Rule, the former trainee's salary must be set increased at least to the minimum of the salary range.

(f) An employee's salary cannot be raised by merit increases to exceed the maximum salary rate of the salary range assignment to his the employee's class.

History Note: Authority G.S. ~~126-4~~; 126-4(2), (3), (6); S.L. 2024-23, s. 7;
Eff. August 3, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;
2016;
Temporary Amendment Eff. January 2, 2025;
Amended Eff. _____.

25 NCAC 011 .2103 is proposed for amendment as follows.
(This is identical to the current temporary rule for 25 NCAC 011 .2103.)

25 NCAC 011 .2103 SALARY RATES

(a) New Appointments. The entrance salary rate for an employee in a non-trainee appointment shall be at the minimum of the range or at a salary rate within the salary range assigned to the class that is consistent with job-related education, job-related experience, and fiscal policy. The entrance salary rate for an employee in a trainee appointment shall be set pursuant to Paragraph (e) of this Rule. Boards of county commissioners or their designees must perform an analysis when setting salaries above the minimum of the range, to avoid creating salary inequities within the jurisdiction. Analyzing "salary inequities," for purposes of this Rule, means comparing the salaries of employees in the same job classification or in closely related job classifications at the same local government employer who have comparable levels of education and experience; duties and responsibilities; productivity; funding availability; and knowledge, skills, and abilities. Employees in trainee appointments are not comparable for purposes of this salary inequity analysis.

(b) Promotion. When a promotion occurs, the member of county management who has been delegated authority over personnel decisions shall increase the employee's salary if it is below the new minimum, to at least the minimum rate of the salary range assigned to the class to which the employee is promoted. If an employee's current salary is already above the new minimum salary rate, the employee's salary may be adjusted upward or left unchanged at the discretion of local management, consistent with job-related education, job-related experience, and fiscal policy, provided that the adjusted salary does not exceed the maximum of the assigned salary range. If the salary falls between steps in the salary range, it may be adjusted to the next higher step in the range, consistent with job-related education, job-related experience, and fiscal policy.

(c) Demotion. When an employee's current salary falls above the maximum of the range for the lower class, the member of county management who has been delegated authority over personnel decisions may allow the employee's salary to remain the same until general schedule adjustments or range revisions bring it back within the lower range or the salary may be reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. If the employee's current salary falls between steps in the lower range, it may be reduced to the next lower step. These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(d) Salary Adjustments; Salary Plan Revisions. When the salary rates in the salary plan are changed or a class is moved to a higher or lower salary grade, the following adjustments shall be made in incumbents' salary rates:

- (1) When it is an upward revision and the employee's current salary is less than the minimum salary rate of the salary range for the classification, the employee's salary shall be adjusted to at least the minimum of the range. If the employee's salary is already at or above the new minimum of the range, management may elect to increase the salary to another step within the range. An employee's salary may not, however, exceed the maximum of the range.
- (2) If there is a downward revision, management may elect to reduce each employee's salary rate by a corresponding amount or allow the salary rates to remain the same.

These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(e) Trainee Adjustments. During a trainee appointment, an evaluation of the individual's performance and progress on the job is to be made by the direct supervisor at intervals that are at most six months apart. As a general guide, salary increases are provided at specified intervals. These increases are not automatic, and may be provided at any time. Salary adjustments may be either advanced or delayed depending upon the progress of the employee. The salary rate for a trainee shall be no lower than 10 percent below the minimum of the position's salary range. Note: as an example, the salary rate would be ninety thousand dollars (\$90,000) if the salary range is one hundred thousand dollars (\$100,000) to one hundred forty thousand dollars (\$140,000). The salary rate for a trainee shall be no higher than the 25th percentile of the position's salary range. Note: as an example, the salary rate would be one hundred ten thousand dollars (\$110,000) if the salary range is one hundred thousand dollars (\$100,000) to one hundred forty thousand dollars (\$140,000). Adjustments are to be given upon recommendations by the appointing authority and the supervisor that the employee has earned an increase, based on successful performance and completed training milestones as specified by local policy. Trainee salary adjustments shall not be awarded if an employee has unsatisfactory job performance as defined in 25 NCAC 011 .2302(a). The trainee's salary must not exceed that of any existing non-trainee employee in the same classification at the same local government, unless the employee possesses education or experience exceeding the minimum requirements for the position. When the employee with a trainee appointment has successfully completed the training and experience requirements for the classification, the employee must be given a permanent appointment to that classification, and the employee's salary must be set pursuant to Paragraph (a) of this Rule. Pursuant to Paragraph (a) of this Rule, the former trainee's salary must be set at least to the minimum of the salary range.

(f) An employee's salary cannot be raised by merit increases to exceed the maximum salary rate of the salary range assignment to the employee's class.

History Note: Authority G.S. 126-4(2), (3), (6); S.L. 2024-23, s. 7; Eff. August 3, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016; Temporary Amendment Eff. January 2, 2025-2025;

Amended Eff.

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, September 22, 2025 3:18 PM
To: Thomas, Blake
Cc: Mazza, Denise H; Burgos, Alexander N
Subject: 25 NCAC 01I .2103-October RRC Meeting
Attachments: Forms SHRC.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

I've been assigned to review 25 NCAC 01I .0203 for the October Rules Review Commission meeting. Permanent Rule Form 0400 accompanying this Rule is incomplete. Please complete sections 4., 5., and the blanks in question 6. on the attached form.

Please reply with the completed form at your earliest convenience.

Thanks,

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.