



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

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Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [State Human Resources Commission](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☒ AMENDMENT: [25 NCAC 01E .1802](#)

☐ REPEAL:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☐ REPEAL through READOPTION:

4. Proposed effective date: [12/01/2025](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time
07/16/2025	10a

Location

<https://ncgov.webex.com/ncgov/j.php?MTID=mdd4637f07b8c0aab4c2a9e345cc7741f>

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

Today, Rules 01E .1801 through .1809 allow agencies to provide incentive leave to new employees, so long as those employees are: “Middle or late career applicants,” with at least 10 years of experience that is directly related to the position, and the new employee is employed with an organization that is not part of the State government, or for an organization for which the State currently accepts transferred accrued vacation leave upon hire. Up to 20 days of incentive leave can be provided.

Under Rule 01E .1807, the leave cannot be cashed out or transferred to other types of leave. The first two restrictions listed above do not exist (and have not historically existed) in the Sign-On and Retention Bonus Policy. Unlike a sign-on bonus, incentive leave cannot be cashed out or transferred. There seems to be little reason to place more restrictions on an incentive bonus than on a sign-on bonus. Therefore, OSHR recommends eliminating from the incentive leave rules the restrictions that are not also found in the Sign-On and Retention Bonus Policy.

In proposed Rule 01E .1802, the definition of “Middle or Late Career Applicant” would be removed, along with two definitions (“Executive Management Position” and “Middle Management Position”) that are not currently used in the rules. 01E .1802(1) would be amended by clarifying the third bullet point on the last page – the requirement that someone be joining from outside state government -- so that it reads, “Employed Outside of State Government means not employed with an organization for which the State currently accepts transferred accrued vacation leave upon hire.”

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Denise H. Mazza
Address: 333 Fayetteville Street
Raleigh, NC 27601
Phone (optional): 984-236-0823
Fax (optional):
EMail (optional) denise.mazza@nc.gov

10. Comment Period Ends: 09/02/2025**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

12. Rule-making Coordinator:

Name: Blake Thomas
984-236-0822
blake.thomas@nc.gov

Agency contact, if any:

Name: Denise H. Mazza
Phone: 984-236-0823
Email: Denise.Mazza@nc.gov

13. The Agency formally proposed the text of this rule(s) on

Date: 05/06/2025

25 NCAC 01E .1802 is proposed for amendment 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. _____.