



NOTICE OF TEXT

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

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

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/hr-governance/state-human-resources-commission/proposed-rulemaking>

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

ADOPTION:

AMENDMENT:

REPEAL:

READOPTION with substantive changes: [25 NCAC 01B .0201, .0214-.0216](#)

READOPTION without substantive changes: [25 NCAC 01B .0204-.0205, .0208, .0213, .0217](#)

REPEAL through READOPTION:

4. Proposed effective date: [03/01/2027](#)

5. Is a public hearing planned? **Yes**

If yes:

Date

Time

Location

[03/17/2026](#)

[9a](#)

<https://ncgov.webex.com/ncgov/j.php?MTID=mca3a40e003eec0144985e64e90360b98>

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

7. Explain Reason For Proposed Rule(s):

Subchapter 01B specifies procedures for petitions for rulemaking and request for declaratory rulings. The enclosed changes to Subchapter 01B are small clarifying changes. They are meant to conform to changes in the Administrative Procedures Act and ensure that OSHR and the Commission do not impose any procedural requirements that are greater than the Administrative Procedure Act.

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 Mazza
Address: 333 Fayetteville St, Raleigh, NC, 27601
Raleigh, NC 27603
Phone (optional): (984)236-0823
Fax (optional): n/a
EMail (optional) denise.mazza@nc.gov

10. Comment Period Ends: 05/01/2026

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: Denise Mazza
984-236-0823
denise.mazza@nc.gov

Agency contact, if any:

Name:
Phone:
Email:

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

Date: 02/20/2025

1 25 NCAC 01B .0201 is proposed for readoption with substantive changes as follows:

2
3 25 NCAC 01B .0201 CONTENT AND PROCEDURE

4 (a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule of the
5 Commission shall address a petition to:

6 Office of State Human Resources
7 1331 Mail Service Center
8 Raleigh, North Carolina 27699-1331.

9 (b) The petition shall be labeled Petition for Rulemaking and contain ~~the following information:~~ information
10 required by G.S. 150B-20(a).

11 (1) ~~either a draft of the proposed rule or a summary of its contents;~~

12 (2) ~~reason for proposal;~~

13 (3) ~~effect on existing rules or orders;~~

14 (4) ~~data supporting proposal;~~

15 (5) ~~fiscal note on the impact of the proposed rule on existing practices in the area involved, including~~
16 ~~cost factors and basis of analysis;~~

17 (6) ~~names of those most likely to be affected by the proposed rule with addresses if reasonably~~
18 ~~known;~~

19 (7) ~~name(s) and address(es) of petitioner(s).~~

20 (c) The Office of State Human Resources shall examine the petition and weigh the information therein in
21 relation to the public interest. The Office of State Human Resources shall consider all the contents of the submitted
22 petition, plus any additional information the Office of State Human Resources deems relevant. The Office of State
23 Human Resources shall make a recommendation to the Commission for the denial of the petition or the institution of
24 rule-making proceedings, as the case may be.

25 (d) At the next regularly scheduled Commission meeting occurring at least 60 days after the submission of the
26 petition, (but no later than one-hundred-twenty (120) days after the date the petition is submitted), the Commission
27 shall render a final decision. If the decision is to deny the petition, the Office of State Human Resources shall notify
28 the petitioner in writing, stating the reasons therefor. If the decision is to grant the petition, the Commission, within
29 30 days of ~~submission~~, the decision to grant the petition shall initiate rule-making proceedings by issuing a notice of
30 rulemaking proceeding, in accordance with the requirements of G.S. 150B.

31 *History Note: Authority G.S. 126-2; 126-4; 150B-20;*

32 *Eff. February 1, 1976;*

33 *Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;*

34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October*
35 *28, 2014, 2014;*

36 *Readoption Eff. March 1, 2027.*

37

1 25 NCAC 01B .0214 is proposed for readoption with substantive changes as follows:

2

3 25 NCAC 01B .0214 CONTENT

4 All requests for a declaratory ruling must include the following information:

5 (1) name and address of petitioner;

6 (2) statute or rule to which petition relates;

7 (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential
8 application to him; and

9 (4) a statement of whether an oral hearing is desired, and if so the reasons for such an oral hearing.

10 *History Note:* Authority G.S. ~~150B-17~~;150B-4;

11 Eff. February 1, 1976;

12 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October
13 28,

14 2014.2014;

15 Readoption Eff. March 1, 2027.

16

1 25 NCAC 01B .0215 is proposed for readoption with substantive changes as follows:

2

3 25 NCAC 01B .0215 REFUSAL TO ISSUE RULING

4 Whenever the ~~director~~ Director of the Office of State Human Resources believes for good cause that the issuance of
5 a declaratory ruling is undesirable, he or she may refuse to do so. When good cause is deemed to exist, he or she ~~will~~
6 shall notify the petitioner of his decision in writing stating reasons for the denial of a declaratory ruling.

7 *History Note:* Authority ~~G.S. 150B-17;~~G.S. 150B-4;

8 *Eff. February 1, 1976;*

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

10 *28,*

11 *~~2014.~~2014;*

12 *Readoption Eff. March 1, 2027.*

13

1 25 NCAC 01B .0216 is proposed for readoption with substantive changes as follows:

2

3 25 NCAC 01B .0216 TIME

4 Where a declaratory ruling is deemed appropriate, the ~~director~~ Director of the Office of State Human Resources will
5 issue the ruling within ~~60 days of receipt of the petition.~~ the time limits stated in G.S. 150B-4(a1).

6 *History Note:* Authority G.S. ~~150B-17~~;150B-4;

7 Eff. February 1, 1976;

8 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October
9 28,

10 ~~2014.2014;~~

11 Readoption Eff. March 1, 2027.

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