

SUBCHAPTER 01B - STATE HUMAN RESOURCES COMMISSION

SECTION .0100 - GENERAL PROVISIONS

25 NCAC 01B .0101	PURPOSE
25 NCAC 01B .0102	EXTENT OF AUTHORITY
25 NCAC 01B .0103	LOCATION

History Note: Authority G.S. 126-1; 126-2; 126-4; 126-9; 126-11;
Eff. February 1, 1976;
Repealed Eff. November 1, 1988.

25 NCAC 01B .0104 STATE HUMAN RESOURCES DIRECTOR

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule expired November 1, 2014.

25 NCAC 01B .0105 COMMISSION MEETINGS **25 NCAC 01B .0106 SERVICES TO LOCAL GOVERNMENT**

History Note: Authority G.S. 126-2; 126-10;
Eff. February 1, 1976;
Repealed Eff. November 1, 1988.

25 NCAC 01B .0107 CAREER STATE EMPLOYEE CLASSIFICATION DESIGNATION

History Note: Authority G.S. 126-1A; 126-4;
Eff. February 1, 1993;
Repealed Eff. August 1, 2004.

SECTION .0200 – RULE-MAKING

25 NCAC 01B .0201 CONTENT AND PROCEDURE

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule of the Commission shall email OSHR-hrcommission@nc.gov or address a petition to:

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

(b) The petition shall be labeled “Petition for Rulemaking” and contain the following information:

- (1) the name and address of the petitioner;
- (2) the citation of the rule sought to be amended or repealed;
- (3) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment and a statement of the effect of the requested rule change.
- (4) the name and address of the petitioner.

(d) The State Human Resources Commission shall grant or deny a petition for rulemaking within 120 days of the date the rule-making petition is received by the Office of State Human Resources. In making the decision, the State Human Resources Commission shall consider the information submitted in the petition and any other relevant information, including the following:

- (1) whether the Commission has authority to adopt the rule;
- (2) the effect of the proposed rule on existing rules, programs and practices;
- (3) potential costs of the proposed rule; and
- (4) the impact of the rule.

History Note: Authority G.S. 126-2; 126-4; 150B-20;
Eff. February 1, 1976;
Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0202 NOTICE

History Note: Authority G.S. 150B-12(c);
Eff. February 1, 1976;
Amended Eff. June 1, 1982;
Repealed Eff. November 1, 1988.

25 NCAC 01B .0203 ADDITIONAL INFORMATION

History Note: Authority G.S. 150B-12;
Eff. February 1, 1976;
Amended Eff. June 1, 1982;
Repealed Eff. March 1, 1996.

25 NCAC 01B .0204 PRESENTATIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0205 ORAL PRESENTATIONS

History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. March 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0206 ACKNOWLEDGMENT OF REQUESTS

25 NCAC 01B .0207 WRITTEN SUBMISSIONS

History Note: Authority G.S. 150B-12(e);
Eff. February 1, 1976;
Amended Eff. June 1, 1982;
Repealed Eff. March 1, 1996.

25 NCAC 01B .0208 HEARING PROCEDURE

History Note: Authority G.S. 150B-12(d),(e);
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0209 HEARING RECORD

25 NCAC 01B .0210 RETENTION OF RECORD

25 NCAC 01B .0211 EMERGENCY RULES

25 NCAC 01B .0212 DECLARATORY RULINGS

History Note: *Authority G.S. 150B-12(d),(e); 150B-13; 150B-17;*
Eff. February 1, 1976;
Repealed Eff. November 1, 1988.

25 NCAC 01B .0213 REQUESTS FOR DECLARATORY RULING

- (a) A person aggrieved may request a declaratory ruling pursuant to G.S. 150B-4 by submitting a written request to OSHR-hrcommission@nc.gov or to:
Office of State Human Resources
1331 Mail Service Center
Raleigh, North Carolina 27699-1331.
- (b) The written request shall be labeled “Request for Declaratory Ruling” and include the following:
- (1) The names and contact information for the person aggrieved;
 - (2) The statute or rule to which the petition relates;
 - (3) A statement of the manner in which the person is aggrieved by the statute or rule; and
 - (4) The question or issue on which a ruling is requested.
- (c) The agency shall issue a declaratory ruling in accordance with G.S. 150B-4, except when:
- (1) The subject matter of the request is involved in pending litigation that involves the person aggrieved;
 - (2) The question to be ruled upon is academic, moot, or indefinite as to time or place;
 - (3) The question involves disputed facts; or
 - (4) The request does not comply with Paragraph (b) of this Rule.

History Note: *Authority G.S. ; 126-4; 150B-4;*
Eff. February 1, 1976;
Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0214 CONTENT

History Note: *Authority G.S. 150B-17;*
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0215 REFUSAL TO ISSUE RULING

History Note: *Authority G.S. 150B-17;*
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0216 TIME

History Note: *Authority G.S. 150B-17;*
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01B .0217 PROCEDURE

History Note: *Authority G.S. 150B-17;*
Eff. February 1, 1976;

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

SECTION .0300 - CONTESTED CASE HEARING PROCEDURE

25 NCAC 01B .0301 JURISDICTION

*History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. October 1, 1977;
Repealed Eff. February 1, 1985.*

25 NCAC 01B .0302 AVAILABILITY OF HEARING 25 NCAC 01B .0303 PUBLIC HEARING

*History Note: Authority G.S. 126-4; 126-5; 126-16; 126-25; 126-36; 126-36.1; 126-39; 150B-2(2);
150B-32(a); 150B-23(e);
Eff. February 1, 1976;
Amended Eff. February 1, 1985; October 1, 1977;
Repealed Eff. July 1, 1988.*

25 NCAC 01B .0304 PRACTICE BEFORE THE COMMISSION

*History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. February 1, 1985;
Repealed Eff. November 1, 1988.*

25 NCAC 01B .0305 COMMENCEMENT OF PROCEEDINGS 25 NCAC 01B .0306 DEFICIENCY IN REQUEST

*History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. February 1, 1985; October 1, 1977;
Repealed Eff. July 1, 1988.*

25 NCAC 01B .0307 ASSISTANCE FROM PERSONNEL OFFICER

*History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Repealed Eff. February 1, 1985.*

25 NCAC 01B .0308 AGENCY NOTICE TO STATE PERSONNEL

*History Note: Authority G.S. 126-4;
Eff. February 1, 1976;
Amended Eff. February 1, 1985;
Repealed Eff. July 1, 1988.*

25 NCAC 01B .0309 PREHEARING MATTERS 25 NCAC 01B .0310 NOTICE 25 NCAC 01B .0311 MOTIONS TO INTERVENE 25 NCAC 01B .0312 ANSWER

History Note: *Authority G.S. 150A-23(b),(c),(d); 150A-25(b);*
 Eff. February 1, 1976;
 Amended Eff. August 1, 1977;
 Repealed Eff. February 1, 1985.

25 NCAC 01B .0313 PREHEARING CONFERENCE

History Note: *Authority G.S. 126-4; 150B-33(5);*
 Eff. February 1, 1976;
 Amended Eff. February 1, 1985;
 Repealed Eff. July 1, 1988.

25 NCAC 01B .0314 FACTS DISCLOSED PRIVILEGED

History Note: *Authority G.S. 126-4;*
 Eff. February 1, 1976;
 Repealed Eff. February 1, 1985.

25 NCAC 01B .0315 CONDUCT OF HEARINGS
25 NCAC 01B .0316 FAILURE TO APPEAR
25 NCAC 01B .0317 PROCEDURE AT HEARINGS
25 NCAC 01B .0318 ORDER OF RECEIVING EVIDENCE
25 NCAC 01B .0319 DISCUSSION OF PENDING ACTION

History Note: *Authority G.S. 126-4(9); 126-4(12); 150B-25(a); 150B-32;*
 Eff. February 1, 1976;
 Amended Eff. February 1, 1985;
 Repealed Eff. July 1, 1988.

25 NCAC 01B .0320 WITNESS FEES

History Note: *Authority G.S. 126-44;*
 Eff. February 1, 1976;
 Repealed Eff. February 1, 1985.

25 NCAC 01B .0321 EVIDENCE

History Note: *Authority G.S. 150B-29;*
 Eff. February 1, 1976;
 Amended Eff. February 1, 1985;
 Repealed Eff. July 1, 1988.

25 NCAC 01B .0322 STIPULATIONS
25 NCAC 01B .0323 OFFICIAL NOTICE

History Note: *Authority G.S. 150A-30; 150A-31;*
 Eff. February 1, 1976;
 Repealed Eff. February 1, 1985.

25 NCAC 01B .0324 ABSTRACTS OF DOCUMENTS
25 NCAC 01B .0325 COPIES

25 NCAC 01B .0326	OTHER DOCUMENTS
25 NCAC 01B .0327	CROSS EXAMINATION
25 NCAC 01B .0328	REBUTTAL EVIDENCE
25 NCAC 01B .0329	HEARING OFFICERS
25 NCAC 01B .0330	HEARING OFFICER BIAS
25 NCAC 01B .0331	AUTHORITY OF HEARING OFFICER

History Note: Authority G.S. 126-4(a); 126-4(9); 126-4(11); 126-37; 150B-25(d); 150B-32; 150B-33;
Eff. February 1, 1976;
Amended Eff. February 1, 1985;
Repealed Eff. July 1, 1988.

25 NCAC 01B .0332	EX PARTE COMMUNICATIONS
25 NCAC 01B .0333	DISQUALIFICATION OF HEARING OFFICER
25 NCAC 01B .0334	DISQUALIFICATION OF COMMISSION MEMBER
25 NCAC 01B .0335	ASSIGNMENT OF NEW HEARING OFFICER

History Note: Authority G.S. 150A-32(b),(c); 150A-35;
Eff. February 1, 1976;
Amended Eff. October 1, 1977;
Repealed Eff. February 1, 1985.

25 NCAC 01B .0336	PROPOSED FINDINGS OF FACT: CONCLUSIONS OF LAW: BRIEF
25 NCAC 01B .0337	PROPOSAL FOR DECISION OF HEARING OFFICER
25 NCAC 01B .0338	SERVICE OF PROPOSAL
25 NCAC 01B .0339	PREPARATION OF PROPOSAL

History Note: Authority G.S. 126-4(9); 150B-34; 150B-34(b);
Eff. February 1, 1976;
Amended Eff. February 1, 1985;
Repealed Eff. July 1, 1988.

25 NCAC 01B .0340	DEPOSITIONS
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History Note: Authority G.S. 126-4; 150A-28;
Eff. December 1, 1978;
Repealed Eff. February 1, 1985.

25 NCAC 01B .0341	GENERAL PRINCIPLES GOVERNING DISCOVERY
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History Note: Legislative Objection Lodged Eff. April 5, 1983; Authority G.S. 126-4; 150B-28;
Eff. December 1, 1978;
Amended Eff. April 1, 1983;
Curative Amended Eff. May 12, 1983;
Repealed Eff. July 1, 1988.

25 NCAC 01B .0342	INTERROGATORIES TO PARTIES
25 NCAC 01B .0343	PRODUCTION OF DOCUMENTS AND THINGS FOR INSPECTION
25 NCAC 01B .0344	FAILURE TO MAKE DISCOVERY: SANCTIONS

History Note: Authority G.S. 126-4; 150A-28;
Eff. December 1, 1978;
Repealed Eff. April 1, 1983.

25 NCAC 01B .0345 REQUEST FOR CONTINUANCE

History Note: *Authority G.S. 126-4(9);*
 Eff. August 1, 1980;
 Repealed Eff. July 1, 1988.

25 NCAC 01B .0346 REQUIREMENT OF FACTUAL DISPUTE
25 NCAC 01B .0347 NOTIFICATION OF WITNESSES
25 NCAC 01B .0348 AVAILABILITY OF STATE EMPLOYEES TO TESTIFY
25 NCAC 01B .0349 HEARING OFFICER'S AUTHORITY TO RECOMMEND DISMISSAL

History Note: *Authority G.S. 126-4(9); 126-37;*
 Eff. February 1, 1985;
 Repealed Eff. July 1, 1988.

25 NCAC 01B .0350 TIME FRAME FOR RAISING ALLEGATION OF DISCRIMINATION

History Note: *Authority G.S. 126-4; 126-34.01; 126-34.02; 126-38;*
 Eff. February 1, 1985;
 Temporary Amendment Eff. May 23, 2014;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28,
 2014;
 Amended Eff. April 1, 2015;
 Expired Eff. November 2, 2024 pursuant to G.S. 150B-21.3A.

25 NCAC 01B .0351 COMPUTATION OF TIME
25 NCAC 01B .0352 FILING OF PAPERS WITH STATE PERSONNEL
25 NCAC 01B .0353 RESOLUTION OF GRIEVANCES WITHOUT HEARING

History Note: *Authority G.S. 126-4(9); 150B-2(2);*
 Eff. February 1, 1985;
 Repealed Eff. July 1, 1988.

SECTION .0400 - APPEAL TO COMMISSION

25 NCAC 01B .0401 APPEAL
25 NCAC 01B .0402 WHEN APPEAL ALLOWED

History Note: *Authority G.S. 126-4(9); 150A-34(a); 150B, Article 3;*
 Eff. February 1, 1976;
 Amended Eff. July 1, 1989; August 1, 1980;
 Repealed Eff. September 1, 1991.

25 NCAC 01B .0403 DECISION BY COMMISSION
25 NCAC 01B .0404 COMMISSION NOTIFICATION
25 NCAC 01B .0405 QUORUM
25 NCAC 01B .0406 BINDING DECISIONS
25 NCAC 01B .0407 OFFICIAL RECORD
25 NCAC 01B .0408 COST OF TRANSCRIPTS
25 NCAC 01B .0409 GIVING NOTICE OR FILING PAPERS WITH THE COMMISSION BY MAIL
25 NCAC 01B .0410 SERVICE OF PROCESS AND NOTICE
25 NCAC 01B .0411 COMPUTATION OF TIME

History Note: Authority G.S. 126-2(f); 126-4(9); 126-37; 150A-23(c); 150A-37;
Eff. February 1, 1976;
Repealed Eff. November 1, 1988.

25 NCAC 01B .0412 ATTORNEY FEES

History Note: Authority G.S. 126-4(11);
Eff. February 1, 1976;
Amended Eff. November 1, 1977;
Repealed Eff. September 1, 1987.

25 NCAC 01B .0413 EXERCISE OF COMMISSION DISCRETION

History Note: Authority G.S. 126-4(9);
Eff. August 1, 1980;
Amended Eff. May 1, 1989;
Temporary Amendment Eff. May 23, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Amended Eff. April 1, 2015;
Expired Eff. November 1, 2024 pursuant to G.S. 150B-21.3A.

25 NCAC 01b .0414 SITUATIONS IN WHICH ATTORNEY'S FEES MAY BE AWARDED
25 NCAC 01B .0415 ATTORNEY'S FEES MAY BE AWARDED AS A RESULT OF A SETTLEMENT

History Note: Authority G.S. 126-4(11);
Eff. September 1, 1987;
Amended Eff. March 1, 1996; July 1, 1989;
Temporary Amendment Eff. February 18, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. May 23, 2014;
Pursuant to G.S. 150B-21.3A, rules expired November 1, 2014.

25 NCAC 01B .0416 PROVISIONS ON AWARDING ATTORNEY'S FEES
25 NCAC 01B .0417 LIMITATION ON REPRESENTATION
25 NCAC 01B .0418 COSTS AND TRAVEL TIME
25 NCAC 01B .0419 DUAL FEE RATES PERMITTED
25 NCAC 01B .0420 APPEAL/COMMISSION SOLELY/DETERMINE ATTORNEY'S FEE AWARD

History Note: Authority G.S. 126-4(11);
ARRC Objection July 16, 1987;
Eff. December 1, 1987;
Repealed Eff. March 1, 1989 in accordance with G.S. 150B-59(c).

25 NCAC 01B .0421 BACK PAY
25 NCAC 01B .0422 FRONT PAY
25 NCAC 01B .0423 LEAVE
25 NCAC 01B .0424 HEALTH INSURANCE

History Note: Authority G.S. 126-4(9);
Eff. September 1, 1987;
Pursuant to G.S. 150B-21.3A, rules expired November 1, 2014.

25 NCAC 01B .0425 INTEREST
25 NCAC 01B .0426 CERTAIN REMEDIES NOT AVAILABLE

History Note: Authority G.S. 126-4(9); 126-37;
ARRC Objection July 16, 1987;
Eff. December 1, 1987;
ARRC Objection Removed Eff. February 16, 1989;
Pursuant to G.S. 150B-21.3A, rules expired November 1, 2014.

25 NCAC 01B .0427	VOLUNTARY PROGRAMS OR BENEFITS
25 NCAC 01B .0428	REINSTATEMENT
25 NCAC 01B .0429	RECOMMENDATION OF DISCIPLINARY ACTION
25 NCAC 01B .0430	REMOVAL OF MATERIAL FROM PERSONNEL FILE
25 NCAC 01B .0431	CAUSES FOR REINSTATEMENT
25 NCAC 01B .0432	REMEDIES FOR PROCEDURAL VIOLATIONS
25 NCAC 01B .0433	SUSPENSION WITHOUT PAY
25 NCAC 01b .0434	DISCRIMINATION

History Note: Authority G.S. 126-4(6); 126-4(9); 126-16; 126-25 (prior to S.L. 2013-382); 126-35; 126-36; 126-36.1; 126-37; 126-38;
Eff. September 1, 1987;
Amended Eff. March 1, 1996; November 1, 1991;
Temporary Amendment Eff. February 18, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. May 23, 2014;
Pursuant to G.S. 150B-21.3A, rules expired November 1, 2014.

25 NCAC 01B .0435	REMEDIES: SALARY ADJUSTMENTS
25 NCAC 01B .0436	SETTLEMENTS/CONSENT AGREEMENTS IN GRIEVANCES, CONTESTED CASES

History Note: Authority G.S. 126-4; 126-4(2);
Eff. January 1, 1990;
Amended Eff. July 1, 2012; March 1, 1991;
Pursuant to G.S. 150B-21.3A, rules expired November 1, 2014.

25 NCAC 01B .0437	STATE HUMAN RESOURCES COMMISSION: PROCEDURES
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History Note: Authority G.S. 126-4; 150B-36;
Eff. September 1, 1991;
Amended Eff. August 1, 2000; March 1, 1996;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2012; July 18, 2002;
Pursuant to G.S. 150B-21.3A, rule expired November 1, 2014.

25 NCAC 01B .0438	ESTABLISHMENT OF REASONABLE ATTORNEY FEES BY THE COMMISSION
25 NCAC 01B .0439	CONTINUANCES

History Note: Authority G.S. 126-4(11); 150B-33(b)(11);
Eff. March 1, 1996;
Temporary Amendment Eff. May 11, 2001;
Amended Eff. August 1, 2012; February 1, 2008; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rules expired November 1, 2014.