

**State Human Resources Commission
Report/Policy Summary
September 24, 2026**

Title of Policy/Report/Rule: Repeal of 25 NCAC 01H .0631, 25 NCAC 01H .0635, 25 NCAC 01K .0210 and .0212, .0311-0324, .0401-.0404, .0501-.0502 and .0612 and .0613.

Link to Current Policy: N/A

Purpose:

- **01H .0631** states some of the procedures for posting vacant positions, as well as the situations where posting is not required. The content of this rule is covered by the Recruitment & Posting of Vacancies Policy. (This rule was determined necessary by the agency in the periodic review process, but Session Law 2025-34 then required its repeal.)
- **01H .0635** states some of the procedures for selecting applicants based on their minimum qualifications. The content of this rule is also covered by the Recruitment & Posting of Vacancies Policy and the Selection of Applicants Policy.
- The following rules in **01K** cover some of the employee learning and development policies, programs, and practices. The rules proposed for repeal are either unnecessary, outdated, or covered by the Academic Assistance Policy and Employee Learning and Development Policy.
 - 25 NCAC 01K .0210 and .0212, on OSHR's Learning and Development team objectives and facilities.
 - 25 NCAC 01K .0300 (.0311 - .0324), Academic Assistance.
 - 25 NCAC 01K .0400 (.0401 - .0404), Use of non-state government education and training sources.
 - 25 NCAC 01K .0500 (.0501 - .0502), Apprenticeship training.
 - 25 NCAC 01K .0600 (.0612 - .0613), Interim performance management and FY 1989-90 performance pay funds. This rule stated some of the procedures for performance management. This topic is also covered by the Performance Management Policy.

Effective Date: Upon recommendation by the SHRC and approval by the Governor, the repeal of these rules would be submitted to the Rules Review Commission (RRC) for review and approval and would be repealed effective the first day of the month following that RRC meeting.

Summary of Proposed Policy/Report/Rule and Revision(s): [NC Sess. Law 2025-34](#), SB 124, An Act to Reduce Barriers to State Employment and to Modernize the State Human Resources System, became law on July 1, 2025. The bill amends General Statute § 150B-2(8a) to change the definition of "Rule" in the Administrative Procedures Act to exclude: "Job classification standards, job qualifications, and salaries and policies established for State and local government positions under the jurisdiction of the State Human Resources Commission, so long as those standards, qualifications, salaries, and policies directly affect only applicants for employment, current employees, or the resolution of matters related to past employment."

OSHR recommended the following rules be repealed for the following reasons.

25 NCAC 01H .0631

- Some portions of this rule are inconsistent with the changes made by [Session Law 2025-34](#):
 - Subparagraphs .0631(d)(1) and (2) discuss “vacancy-specific qualifications as determined by the agency.” This is now inconsistent with Session Law 2025-34, which specifies that the minimum qualifications are set in the class specification, and “Any additional qualifications, knowledge, skills, and abilities listed in the specific vacancy announcement shall be interpreted as management preferences rather than as mandatory minimum qualifications that must be met.” [N.C.G.S. § 126-14.2\(b\)](#), as amended by Section 3 of Session Law 2025-34. This inconsistent rule text needs to be repealed.
 - Subparagraph .0631(d)(3) states that critical classifications (also known as continuous postings or evergreen postings) are to be approved by the State Human Resources Commission. This is now inconsistent with Session Law 2025-34, which gives this approval authority to the employing agency or institution going forward. [N.C.G.S. § 126-14.3\(3\)](#), as amended by Section 4 of Session Law 2025-34.
- The remaining text of the rule is unnecessary. Paragraphs (a), (b), (c), and (e) of the rule are covered by the Recruitment and Posting of Vacancies Policy. Paragraph (f) refers to a process that no longer exists – OSHR having to approve hiring decisions before they take place.
- Repealing Rule .0631 would leave in place the substantive requirements that applicants be selected based on their minimum qualifications. This is because the Recruitment & Posting of Vacancies Policy cover the same ground, and [Section 11 of Session Law 2025-34](#) provides a rulemaking exception that clearly allows requirements of this type to be stated in policy rather than in rule.

25 NCAC 01H .0635

- Some portions of this rule are inconsistent with the changes made by [Session Law 2025-34](#):
 - Subsections .0635(a) and (c) discuss agencies being able to add additional minimum qualifications to the vacancy announcement. Subsection .0635(a) also specifies that the applicant must meet any additional minimum qualifications added by the agency in this way. This is now inconsistent with Session Law 2025-34, which specifies that the minimum qualifications are set in the class specification, and “Any additional qualifications, knowledge, skills, and abilities listed in the specific vacancy announcement shall be interpreted as management preferences rather than as mandatory minimum qualifications that must be met.” [N.C.G.S. § 126-14.2\(b\)](#), as amended by Section 3 of Session Law 2025-34. This inconsistent rule text needs to be repealed.
- The remaining text of the rule is unnecessary: subsections (b) and (d) are covered by the Recruitment and Posting of Vacancies Policy.
- Repealing Rule .0635 would leave in place the substantive requirements that applicants be selected based on their minimum qualifications. This is because the Recruitment & Posting of Vacancies Policy and the Selection of Applicants Policy cover the same ground, and [Section 11 of Session Law 2025-34](#) provides a rulemaking exception that clearly allows requirements of this type to be stated in policy rather than in rule.

25 NCAC 01K .0210 and .0212, .0311-0324, .0401-.0404, .0501-.0502 and .0612 and .0613

- Session Law 2025-34 bill amends General Statute § 150B-2(8a) to change the definition of “Rule” in the Administrative Procedures Act to exclude: “Job classification standards, job qualifications, and salaries and policies established for State and local government positions under the jurisdiction of the State Human Resources Commission, so long as those standards, qualifications, salaries, and policies directly affect only applicants for employment, current employees, or the resolution of matters related to past employment.”
- These changes are intended to allow OSHR to more quickly modernize the personnel systems for

state and local employees who are subject to the State Human Resources Act by not requiring rules for matters impacting these employee groups. Consequently, OSHR is reviewing all existing rules to determine if the rule is necessary or still relevant or if existing policy already exists. In the case of the rules listed above, they are all either covered by an existing policy or are outdated and no longer necessary.

- The above rules were determined to be suitable for repeal because they are either unnecessary, outdated, or covered by the Academic Assistance Policy and Employee Learning and Development Policy.
- Because each of these rules are either inconsistent with the newly amended statute, have remaining text that is unnecessary or outdated, or the text within the section is duplicative of text in existing active policies (such as 01K and the Employee Learning and Development Policy) OSHR recommended that the Commission recommend their submission to the Rules Review Commission for Repeal.

At the July 17, 2025 SHRC meeting, SHRC recommended and the Governor's office approved the repeal of 25 NCAC 01H .0635. OSHR submitted Notice of Text to OAH and posted them to OSHR's webpage for public comment on September 16, 2025 and published in the NC Register on October 15, 2025 at 40:08 at pp 779-771. The public comment period ran from October 15, 2025, to December 15, 2025. OSHR held a public hearing for these rules on October 30, 2025 at 9a and 10a, respectively. **No public comments were received.**

At the September 18, 2025 SHRC meeting, SHRC recommended and the Governor's office approved the repeal of 25 NCAC 01H .0631 and 25 NCAC 01K .0210 and .0212, .0311-0324, .0401-.0404, .0501-.0502 and .0612 and .0613. OSHR submitted Notice of Text for both to OAH and posted to OSHR's webpage for public comment on October 20, 2025 and published in the NC Register on November 17, 2025 at 40:10 at pp 847-849. The comment period ran from November 17, 2025, to January 16, 2026. A public hearing was held for each on December 2, 2025 at 9a and 10a, respectively. **No public comments were received.**

Commission Action Requested: Motion to recommend these rules be submitted to the Rules Review Commission for repeal as presented.

Associated Rule(s) (if applicable): N.C.G.S. § 126A-5-1(a)(3) (S.L. 126A-50(a)(3)); N.C. Session. Law 2025-34

Submitted/Presented by: Anna Perkinson, Deputy General Counsel for Policy and Programs