12 NCAC 04H .0402 is proposed for adoption as follows:

12 NCAC 04H .0402 CERTIFICATION AND RECERTIFICATION OF DCIN USERS

(a) Personnel who are assigned the duty of using a DCIN device shall be certified within 120 days from employment or assignment to user duties. Certification shall be awarded based on achieving a test score of 80 percent or greater in each training module for which the user is seeking certification.

(b) All DCIN users shall be certified by DCI. The initial certification of a user shall be awarded upon attending the " DCIN/NCIC General Inquiries" module class, and achieving a passing score on the accompanying test offered through the DCIN end user interface. A student may also take one or more additional module training classes offered by DCI, which teach the specific functions of DCIN applicable to their job duties. A user may perform only those functions in which they have been trained and certified.

(c) Tests for modules in which a student is seeking initial certification shall be taken within 15 days of the end of the class, and may be open-book. If a student fails the initial certification test they shall have until the 15th day to pass the test, but shall wait at least 24 hours between the failed test and the next attempt. A student shall have a maximum of three attempts to pass the test. If the student fails to achieve a passing score after the third attempt the user shall re-take the module training class.

(d) Recertification requires achieving a test score of 80 percent or higher on the test corresponding to the module for which the user is seeking recertification, and may be accomplished by taking the test through the DCIN end user interface. Recertification is required every two years for each module in which the user is certified and may be obtained any time 30 days prior to or 90 days after expiration.

(e) Tests for modules in which the user is seeking recertification shall be taken within 30 days prior to expiration or within 90 days after expiration, and may be open-book. If the user fails the recertification test the user shall have up to the 90th day after expiration to pass the test, but shall wait at least 24 hours between the failed test and the next attempt. A user shall have a maximum of three attempts to pass the test. If the user fails to achieve a passing score after the third attempt the user shall re-take the training module class. If a user fails to recertify in any module after the 90th day the user must attend the module training class for the module in which the user seeks recertification and achieve a passing score on the test.

(f) New personnel hired or personnel newly assigned to duties of a terminal user shall receive an indoctrination and hands-on training on the basic functions and terminology of DCIN by their own agency prior to attending an initial certification class. Such personnel may operate a terminal accessing DCIN while obtaining training if such personnel are directly supervised by a certified user and are within the 120-day training period. After receiving hands on training new personnel shall take a test provided by the SBI to confirm indoctrination, and must achieve a score of 80 percent or higher.

(g) Any user whose Module 1 certification has expired may recertify up to 90 days after the user's expiration. The individual shall not use any device connected to DCIN during the time between expiration and passing the recertification test(s). Any user whose Module 1 certification has expired more than 90 days shall attend and successfully complete the " DCIN/NCIC General Inquiries" class.

(h) When a DCIN certified user leaves the employment of an agency, the TAC shall notify DCI within 24 hours, and disable the user's user identifier. DCI shall move user's user identifier to an inactive status until such time the user is employed by another agency.

Authority G.S. 114-10; 114-10.1.