

**NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING
STANDARDS COMMISSION**



12 NCAC 10B .0409 Employing Agency Retention of Certification Records

Public Hearing

November 6, 2024 @ 9:00am
1700 Tryon Park Drive
Raleigh, NC 27610

Reason for rule change:

The Commission is changing the number of documents required to be submitted to the Division for certification purposes. This rule and 12 NCAC 10B .0408 are being updated to reflect the documents to be submitted and details the records to be maintained by the employing agency.

Instructions for Oral and Written Comments

The public comment period begins on October 15, 2024 and ends at 5:00 p.m. on December 16, 2024. Public comments shall be in writing and shall be directed to:

Melissa Bowman
North Carolina Department of Justice
Sheriffs' Education and Training Standards Division
Post Office Box 629
Raleigh, NC 27602-0629

“Public Comment” is defined by NCGS 150B-21.3A(a)(5) as a written objection to all or part of a rule. Additionally, pursuant to NCGS 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in NCGS 150B-21.9(a).

*****If approved, this change would become effective February 1, 2025*****

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 facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

****Statutory Authority for Proposed Rules Changes by the Sheriffs' Commission is found in NCGS 17E****

1 12 NCAC 10B .0409 is proposed for amendment as follows:

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3 **12 NCAC 10B .0409 EMPLOYING AGENCY RETENTION OF CERTIFICATION RECORDS**

4 ~~(a) Each~~ In addition to the records required to be submitted to the Division pursuant to Rule .0408 of this Section, the
5 employing agency shall maintain original documentation of the following certification records: place in the
6 appropriate justice officer's personnel file the official notification of either probationary or general certification. Such
7 files shall be available for examination at any reasonable time by representatives of the Commission for the purpose
8 of verifying compliance with these Rules. Each personnel file shall also contain copies of the original documentation
9 submitted to the Division in accordance with 12 NCAC 10B .0408.

- 10 (1) documentation consisting of diplomas, school transcripts, or certificates from the educational
11 institution attended by the applicant confirming the applicant's compliance with the educational
12 requirement pursuant to Rule .0302 of this Subchapter;
13 (2) the applicant's Medical History Statement (F-1) pursuant to Rule .0304 of this Subchapter;
14 (3) the applicant's Medical Examination Report (F-2) pursuant to Rule .0304 of this Subchapter;
15 (4) the applicant's unredacted Psychological Screening Examination as required by G.S. 17E-7;
16 (5) the applicant's notarized Personal History Statement (F-3) pursuant to Rule .0305 of this
17 Subchapter;
18 (6) documentation of the applicant's negative results on a drug screen pursuant to Rule .0301(6) of this
19 Subchapter; and
20 (7) the Mandated Background Investigation Form (F-8) with all accompanying documentation as set
21 out in Rule .0305 of this Subchapter.

22 ~~(b) Compliance with this Rule is waived, with the exception of the requirements of 12 NCAC 10B .0408(a)(8), for~~
23 ~~officers applying for dual certification as defined in 12 NCAC 10B .0103(9) provided that:~~

- 24 (1) ~~the officer holds a valid certification as a deputy sheriff, detention officer, or telecommunicator with~~
25 ~~the employing agency requesting dual certification; and~~
26 (2) ~~the officer has not had a break in service since initial certification with the employing agency~~
27 ~~requesting dual certification.~~

28 ~~(e) Where the Division has previously received a complete Background Investigation Form (F-8) with all~~
29 ~~accompanying documentation set out in 12 NCAC 10B .0305 in connection with another application for certification~~
30 ~~to this Commission, and a subsequent hiring agency requests a copy of such documentation, the Division shall comply~~
31 ~~with that request upon submission of a commission approved Release Authorization Form for Law Enforcement~~
32 ~~Agencies.~~

33 (b) The certification records shall be available for examination at any time by representatives of the Division for the
34 purpose of verifying compliance with the rules of this Subchapter.

35 ~~(d)(c)~~ All information certification records maintained pursuant to the requirements of this Rule shall be subject to
36 all state and federal laws governing confidentiality.

1 *History Note: Authority G.S. 17E-4;*
2 *Eff. January 1, 1989;*
3 *Recodified from 12 NCAC 10B .0408 Eff. January 1, 1991;*
4 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1991;*
5 *Temporary Amendment Eff. March 1, 1998;*
6 *Amended Eff. August 1, 2002; August 1, 1998;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
8 *2018;*
9 *Amended Eff. February 1, 2025; December 1, 2023.*

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