

1 **12 NCAC 09C .0306 is being proposed for amendment as follows:**

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3 **12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS**

4 (a) A law enforcement officer with general certification from either the Criminal Justice Education and Training
5 Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law
6 enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service.
7 Prior to employing the officer, officer who has been separated from his previous agency for more than 30 days, the
8 employing agency shall:

- 9 (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'
10 Standards Division;
- 11 (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance
12 with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed
13 for non-certified new applicants. No certification shall be transferred if the holder has been
14 convicted since initial certification of any offense for which revocation or suspension of certification
15 is authorized; and
- 16 ~~(3) advise the officer that he will be serving under a probationary appointment with the agency for one~~
17 ~~year; and~~
- 18 ~~(4)(3)~~ notify the Commission by submitting a Report of Appointment that the officer is being employed
19 and stating the date on which employment will ~~commence; commence;~~ and
- 20 (4) obtain a signed and notarized Release Authorization Form from the transferring officer. The
21 employing agency shall obtain the full personnel file from the previous agency(ies) worked during
22 the previous 24 months and include this content in the background file, minus any medically
23 protected or sensitive material.
- 24 (5) complete a background investigation on all applicants for [certification,] employment as set forth in
25 12 NCAC 09B .0102.

26 (b) For officers who have been separated from their previous agency for more than 30 days, prior ~~Prior~~ to transfer of
27 certification, the law enforcement officer shall:

- 28 (1) complete a Medical History Statement Form within one year prior to the transfer to the employing
29 agency; comply with the requirements of 12 NCAC 09B .0104;
- 30 ~~(2) submit to examination by a surgeon, physician, physician assistant, or nurse practitioner licensed to~~
31 ~~practice medicine in North Carolina in the same manner prescribed for non-certified new applicants~~
32 ~~in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;~~
- 33 ~~(3)(2)~~ submit results of the physical examination to the employing agency for placement in the officer's
34 permanent personnel file;
- 35 ~~(4) (3)~~ produce a negative result on a drug screen administered according to the specifications outlined in
36 12 NCAC 09B .0104(5); .0104(6); ~~09C .0310;~~ and
- 37 ~~(5) (4)~~ either:

- 1 (A) submit a copy of the ~~Commission's annual in-service training report form~~ Firearms
2 Qualification Record Instructions Form F-9A to the employing agency for placement in
3 the officer's permanent personnel file when the duty and off duty weapons remain the same
4 as those previously used to qualify. The Form F-9A shall contain the date(s) and instructors
5 signature indicating the law enforcement officer's successful completion of the mandatory
6 firearms classroom training, and the firearms range qualification scores for the duty and
7 off-duty weapons assigned to the law enforcement officer. Such in-service training
8 compliance shall have occurred within the 12 month period preceding transfer; or
9 (B) satisfactorily complete the employing agency's in-service firearms training program as
10 prescribed in 12 NCAC 09E .0105 and .0106.

11 (c) Prior to employing the officer who has been separated from his previous agency for 30 days or less, the employing
12 agency shall:

13 (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'
14 Standards Division;

15 (2) verify, by reviewing the Form F-5B, Affidavit of Separation from the previous employed agency,
16 that the officer was not subject to discipline or under investigation at the time of separation;

17 (3) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance
18 with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed
19 for non-certified new applicants. This fingerprint check will be waived once all officers are enrolled
20 in the Federal Bureau of Investigation's Next Generation Identification System and Criminal Justice
21 Record of Arrest and Prosecution Background (RapBack) Service. No certification shall be
22 transferred if the holder has been convicted since initial certification of any offense for which
23 revocation or suspension of certification is authorized;

24 (4) notify the Commission by submitting a Name/Status Change, Form F-19, that the officer is being
25 employed and stating the date on which the employment will commence; and

26 (5) satisfactorily complete the employing agency's in-service firearms training program as prescribed
27 in 12 NCAC 09E .0105 and .0106.

28 ~~(e)~~ (d) Officers previously certified who were not previously required to meet the educational or basic training
29 requirements shall not be required to meet such requirements when laterally transferring to another agency with less
30 than a 12-month break in law enforcement service.

31 ~~(d)~~ (e) For currently certified full time officers with no break in service, upon written request from the department
32 head of the hiring agency, the Division shall waive for a period of no more than ~~60 days~~ 60 days from the receipt of
33 the Report of Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3),
34 (b)(4), and (b)(5) of this Rule. ~~The Report of Appointment Form is located on the agency's website:~~
35 ~~[http://www.ncdoj.gov/getdoc/64d263a3-a598-4e45-9541-04ef088ef288/F-5A-\(DJJDP\)-6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4e45-9541-04ef088ef288/F-5A-(DJJDP)-6-11.aspx).~~

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37 *History Note: Authority G.S. 17C-6; 17C-10;*
38 *Eff. January 1, 1981;*

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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
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