

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

(a) Each employing agency shall place in the appropriate justice officer's personnel file the official notification of either probationary or general certification. Such files shall be available for examination at any reasonable time by representatives of the Commission for the purpose of verifying compliance with these Rules. Each personnel file shall also contain copies of the original documentation submitted to the Division in accordance with 12 NCAC 10B .0408.

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

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

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

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

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