

02 NCAC 59A .0302 INQUIRY COMMITTEE

(a) When a Supervisor is considered for removal for neglect of duty, incompetence, or malfeasance as set forth in G.S. 139-7, an Inquiry Committee shall take preliminary actions. Preliminary actions shall include the review of information submitted by the requesting District and the Supervisor whose removal is requested, or review of training documentation submitted by the Division.

(b) The Inquiry Committee shall be appointed by the Commission Chair when a Supervisor is considered for removal. The Inquiry Committee shall include three members. When making appointments to the Inquiry Committee the Commission Chair shall consider whether each member has a conflict of interest or whether other appropriate grounds exist that would prevent the member from serving on the Committee. In the event a member of the Inquiry Committee is unable to serve, the Commission Chair shall replace the member with another member of the Commission.

(c) Upon receipt of written notice from a District requesting removal of a supervisor or supervisor training documentation provided by the Division, the Inquiry Committee shall request a written explanation from the Supervisor. The Inquiry Committee, through the Division, shall request any supplemental information to be provided by the Supervisor in writing within 30 days. The request shall be transmitted to the Supervisor by certified United States Mail, return receipt requested, or by any other means by which a delivery receipt can be provided.

(d) After reviewing written documentation from the District and any written information provided by the Supervisor or training documentation submitted by the Division, the Inquiry Committee may:

- (1) Determine that neglect of duty, incompetence, or malfeasance has occurred, as determined on a case-by-case basis, and refer the Supervisor to a hearing by the Commission as set forth in Rule .0301 of this Section;
- (2) Determine that basic or continuing training requirements be extended by one year; or
- (3) Determine that a hearing is unnecessary and the matter will be closed without further action.

(e) In making the determination outlined in Paragraph (d) of this Rule, the Inquiry Committee shall take hardship, including illness, financial and the familial obligations, and circumstances beyond the control of the Supervisor, into consideration.

*History Note: Authority G.S. 106-840; 139-7.2;
Eff. March 1, 2022.*