

1 04 NCAC 10A .0107 is amended with changes as published in 32:14 NCR 1333 as follows:

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3 **04 NCAC 10A .0107 COMPUTATION OF TIME AND NOTICE BY THE COMMISSION**

4 (a) Except as otherwise provided by statute or rule, in computing any period of time prescribed or allowed by the
5 Commission Rules, by order of the Commission, or by any applicable statute, the day of the act, event, or default after
6 which the designated period of time begins to run is not shall not be included. The last day of the period so computed
7 is shall be included, unless it is a Saturday, a Sunday, or a holiday established by the State ~~Personnel~~ Human Resources
8 Commission, Commission pursuant to 25 NCAC 01E .0901 and any subsequent amendments thereto, in which event
9 the period runs until the end of the next State business day. day that is not a Saturday, [a] Sunday or a holiday
10 established by the State Personnel [Human Resources] Commission. When the period of time prescribed or allowed
11 is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.
12 Whenever a party has the right to do some act or take some proceedings within a prescribed period after the service
13 of any ~~document,~~ document by mail, three days shall be added to the prescribed period.

14 (b) If service is provided by electronic mail, notice pursuant to G.S. 97-86 is complete one hour after it is [sent,] sent
15 by the Commission, provided that:

- 16 (1) notice sent after 5:00 p.m. [is] shall be complete at 8:00 a.m. the following State business day; and
17 (2) notice sent by electronic mail that is not readable by the recipient is not complete. Within five State
18 business days of receipt of an unreadable document, the receiving party shall notify the Commission
19 of the unreadability of the document.

20 (c) If service is provided by U.S. Mail, notice pursuant to G.S. 97-86 [is] shall be complete upon the Commission's
21 placing the item to be served, enclosed in a wrapper addressed to the party to be served, in the custody of the Mail
22 Service Center or an official depository of the United States Postal Service.

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24 *History Note:* Authority G.S. 97-80; 97-81; 97-84; 97-86; S.L. 2017-57 s. 15.17;
25 Eff. November 1, 2014;
26 Amended Eff. May 1, 2018.