

SUBCHAPTER 01A - GENERAL PROVISIONS

EDITOR'S NOTE: 25 NCAC 1 has been recodified from 1 NCAC 8: Eff. March 1, 1984.

25 NCAC 01A .0101	ORGANIZATION
25 NCAC 01A .0102	RELATIONSHIP TO DEPARTMENT OF ADMINISTRATION

History Note: Authority G.S. 126-1; 126-2; 126-3;
Eff. February 1, 1976;
Repealed Eff. November 1, 1988.

25 NCAC 01A .0103

The following definitions shall apply throughout this Chapter:

- (1) Agency: shall mean and include, as the context may require, a department, institution, commission, committee, board, division, bureau, officer or official.
- (2) Commission: shall mean the State Human Resources Commission.
- (3) Department: shall mean one of the principal state departments but shall also include each state supported institution of higher learning.
- (4) Director: shall mean the State Human Resources Director.
- (5) State employee: shall mean all employees of the State of North Carolina who are subject to any part of the State Human Resources Act, unless otherwise indicated in this Chapter.
- (6) Local government employee: shall mean those employees of local social services departments, public health departments, mental health centers and local offices of civil preparedness which receive federal grant-in-aid funds.
- (7) State Human Resources Act: shall mean Chapter 126 of the North Carolina General Statutes.
- (8) Competitive service: shall mean that personnel system based on the Federal Standards for a Merit System of Personnel Administration which applies to state employees and to local government employees determined by the Governor and Council of State.

*History Note: Authority G.S. 126-4; 126-5; 126-12;
Eff. February 1, 1976;
Amended Eff. October 1, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.*

25 NCAC 01A .0104 EXCEPTIONS AND VARIANCES

(a) The number of state employees, the variety of work done by them and the variations in the circumstances under which they work, make it impossible to establish for the government of the state a system of personnel administration based on accepted principles of personnel administration and applying the best methods as evolved in government and industry, as required by N.C.G.S. 126-1, unless there is given to the State Human Resources Director in his role as day to day administrator of the State Human Resources Commission's policies and rules, authority to grant exceptions and variances from the policies and rules where necessary to promote efficiency of administration and to provide for a fair and reasonable system of personnel administration.

(b) Therefore, to the end that a system of personnel administration may be established as contemplated by N.C.G.S. 126-1, the State Human Resources Director shall have authority to grant exceptions and/or variances to the policies and rules promulgated by the State Human Resources Commission in those limited and special instances in which he makes written findings of fact that the granting of such exceptions and variances are necessary to promote efficiency of administration and provide for a fair and reasonable system of personnel administration, setting forth fully in such written findings of fact the circumstances and need for the exceptions and/or variances granted.

(c) Written reports of the granting of exceptions and variances shall be made by the Director to the Commission at its meeting next following the date the same are granted that is more than five business days from such date. Such written reports shall include the Director's findings of facts upon which the exceptions and/or variances granted were based.

History Note: Authority G.S. 126-4(10);
ARRC Objection May 25, 1989;

Eff. October 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

25 NCAC 01A .0105 COVERAGE OF TITLE 25

History Note: Authority G.S. 126-4;

Eff. March 1, 1991;

Pursuant to G.S. 150B-21.3A, rule expired November 1, 2014.

25 NCAC 01A .0106 DELEGATION OF AUTHORITY: DECENTRALIZATION

(a) The Office of State Human Resources, under the direction of the State Human Resources Director, has sole responsibility for the implementation of the State Human Resources Commission's rules, policies and procedures. The State Human Resources Director has the exclusive authority for final approval of all personnel actions under these Rules and policies.

(b) The State Human Resources Director may delegate authority for final approval and accountability of certain personnel actions to the heads of state agencies and universities, and by extension, to the head of their personnel administration function. The decision to delegate authority for final approval of certain personnel actions or not to delegate, as well as the matters to be delegated, shall be at the discretion of the State Human Resources Director.

The delegation decision by the State Human Resources Director shall be made based upon these factors:

- (1) the acceptance of accountability for their own personnel functions by agency heads and chancellors under a delegation of authority from the State Human Resources Director;
- (2) the history of agency cooperation and compliance with statutes relating to personnel administration and with established Commission policies, rules, procedures and related corrective actions;
- (3) a pre-assessment of the compliance capability of the agency's personnel functions and the personnel staff;
- (4) the demonstrated knowledge and expertise in the administration of the Commission's policies, rules and procedures by the personnel staff of the agency;
- (5) the maintenance of an adequate staff in the agency's personnel functions, including an appropriate number of professional level positions commensurate with the size and complexity of the agency; and
- (6) the maintenance of a quality control plan within the agency's personnel functions designed to improve the professionalism of the personnel staff and to produce accurate data in a current and timely manner.

(c) Delegation shall be achieved through decentralization agreements which shall specify agency responsibility for implementing Personnel Commission programs and shall identify those personnel actions for which the agency shall have final approval authority. The agreement shall provide that the decentralized personnel administration authority may be unilaterally withdrawn or modified by the State Human Resources Director based upon demonstrated inability or unwillingness on the part of the agency or university to maintain the level of personnel administration as measured by factors in Paragraph (b) of this Rule.

(d) The Office of State Human Resources shall perform routine, ongoing monitoring of all agency and university decentralization agreements for compliance with specified levels of authority and with Commission rules, policies and procedures. The Office of State Human Resources shall perform periodic on-site performance audits. These monitoring and auditing procedures shall be in accordance with accepted auditing principles and with the advice of the State Auditor.

History Note: Authority G.S. 126-4;

Eff. September 1, 1991;

Amended Eff. August 3, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.