

## SUBCHAPTER 01B – LOCAL HUMAN SERVICE AGENCIES

### SECTION .0100 – VIOLATIONS OF PERSONNEL RULES BY LOCAL HUMAN SERVICES AGENCIES

- 10A NCAC 01B .0101 DISAPPROVAL OF LOCAL AGENCY PERSONNEL ACTIONS**
- 10A NCAC 01B .0102 WITHDRAWAL**

*History Note:* Authority G.S. 143B-139.1;  
Eff. July 6, 1977;  
Amended Eff. March 2, 1992; November 1, 1989;  
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

### SECTION .0200 – MINIMUM ADMINISTRATIVE STANDARDS FOR LOCAL HUMAN SERVICE PROGRAMS

- 10A NCAC 01B .0201 PURPOSE**
- 10A NCAC 01B .0202 APPLICABILITY AND SCOPE**
- 10A NCAC 01B .0203 DEFINITIONS**
- 10A NCAC 01B .0204 DEFINITIONS**

*History Note:* Authority G.S. 143B-10(e) and (j); 143B-139.1;  
Eff. July 1, 1980;  
Amended Eff. November 1, 1989;  
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

### SECTION .0300 - PERSONNEL STANDARDS

#### **10A NCAC 01B .0301 FEDERAL PERSONNEL STANDARDS**

Each local human service agency that receives funds through the department from a federal program that has a requirement for the establishment and maintenance of personnel standards on a merit basis must comply with "Standards for a Merit System of Personnel Administration," which are established by the federal Office of Personnel Management. A copy of these standards and a list of the applicable federal programs is available from the Office of State Personnel located at 116 West Jones Street, Raleigh, North Carolina 27611, which is open during regular business hours.

*History Note:* Authority G.S. 143B-139.1;  
Eff. July 1, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

#### **10A NCAC 01B .0302 STATE PERSONNEL COMMISSION STANDARDS**

Every local human service agency must comply with applicable rules and regulations of the State Personnel Commission as found in 1 NCAC 8, including but not limited to:

- (1) Equal employment opportunity;
- (2) Affirmative action;
- (3) Policies for local government employment subject to the State Personnel Act;
- (4) "Local classification and salary range";
- (5) "Compensation policy for local competitive service employees"; and
- (6) "Competitive service announcements."

*History Note:* Authority G.S. 126-1; 126-5; 143B-10(e) and (j); 143B-139.1;  
Eff. July 1, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

#### **10A NCAC 01B .0303 DEPARTMENTAL PERSONNEL STANDARDS**

- (a) Every local human service agency shall have a written grievance procedure accessible to all employees.

(b) The staff of all local human service agencies must meet the minimum qualifications established by the Personnel Services Division of the department, or by the appropriate division, and which have been approved by the State Personnel Commission.

(c) Failure to comply with federal or state personnel standards as referenced in Section .0200 of this Subchapter shall make a local human service agency subject to the provisions of Section .0900 of this Subchapter.

*History Note: Authority G.S. 143B-139.1;  
Eff. July 1, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.*

#### **10A NCAC 01B .0304 CERTAIN POLITICAL ACTIVITIES PROHIBITED**

(a) Each local human service agency which receives federal funds from the department must comply with the Federal Political Activities Act, also known as the Hatch Act, which prohibits state and local employees which are paid from federal funds from:

- (1) using their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- (2) directly or indirectly coercing, attempting to coerce, commanding or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee organization, agency or person for political purposes; or
- (3) being a candidate for elective office.

(b) This prohibition does not apply to:

- (1) the Mayor of a city;
- (2) a duly elected head of an executive department of a state or municipality who is not classified under a state or municipal merit or civil service system;
- (3) an individual holding elective office;
- (4) activity, including candidacy, in connection with a non-partisan election; or
- (5) candidacy for a position of officer of a political party, delegate to a political party convention, member of a national, state, or local committee of a political party, or any similar position.

(c) No state employee, shall:

- (1) take any active part in managing a campaign or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the state;
- (2) otherwise use the authority of his position, or utilize state funds, supplies or vehicles to secure support for or oppose any candidate, party or issue in a partisan election involving candidates for office or party nominations, or affect the results thereof.

*History Note: Authority G.S. 143B-139.1;  
Eff. July 1, 1980;  
Amended Eff. November 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.*

#### **10A NCAC 01B .0305 CIVIL RIGHTS OF EMPLOYEES**

(a) Each local human service agency shall give equal opportunity for employment, without regard to race, religion, color, creed, national origin, sex, age or handicapping condition, to all persons otherwise qualified, except where specific age, sex or physical requirements constitute bona fide occupational qualifications necessary to proper and efficient administration. Prior approval must be obtained from the U.S. Department of Labor before establishing any age, sex or physical requirements.

(b) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, salary increases, or any other aspect of personnel administration because of race, religion, color, creed, national origin, sex, age, handicapping condition or because of political opinions or affiliations is hereby prohibited.

(c) Each local human service agency that receives federal financial assistance shall sign an assurance statement that their program does not violate Paragraph (a) of this Rule.

*History Note: Authority G.S. 143B-139.1;*

*Eff. July 1, 1980;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.*