

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 The agreement shall provide that the decentralized personnel administration authority may be unilaterally withdrawn or modified by the State Human Resources Director based upon demonstrated inability or unwillingness on the part of the agency or university to maintain the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.*