Article 12.

Local Discretion Over Local Government Employees.

§ 126A-12-1. Local government policies.

(a) When a local government adopts policies governing annual leave, sick leave, hours of work, holidays, and the administration of the pay plan for county local government employees generally and the county local government rules and regulations are filed with the Director, those county rules will supersede the policies established by the Commission as to the county employees otherwise subject to the provisions of this Chapter.

(b) County employees otherwise subject to the provisions of this Chapter shall not be paid a salary less than the minimum nor more than the maximum of the applicable salary range adopted by the board of county commissioners. A board of county commissioners may adjust the salary ranges applicable to employees who are otherwise subject to the provisions of this Chapter, in order to cause the level of pay to conform to local financial ability and fiscal policy. The Commission shall establish policies to ensure that significant relationships within the schedule of salary ranges are maintained.

(c) When two or more counties are combined into a district for the performance of an activity whose employees are subject to the provisions of this Chapter, the boards of county commissioners of the counties may jointly exercise the authority granted in subsections (a) and (b) of this section.

(d) When a municipality is performing an activity by or through employees who are subject to the provisions of this Chapter, the governing body of the municipality may exercise the authority granted in subsections (a) and (b) of this section. (2026-40, s. 1.)

§ 126A-12-2. Human resources services to local governmental units.

(a) The Director may make the services and facilities of OSHR available to units of local government. These may include, without limitation:

(1) Providing State training programs to local governments.
(2) Providing customized training programs.
(3) Responding to questions regarding personnel laws.
(4) Posting jobs that are subject to this Chapter on OSHR's hiring platform.
(5) Collecting and distributing salary information from all county human services agencies, including consolidated counties as defined by G.S. 153A-77.

(b) Notwithstanding the provisions of G.S. 126A-16-2, 126A-16-5, 153A-98, and 160A-168:

(1) When a local agency indicates that it will permanently appoint a person who does not meet the minimum qualifications for the classification of a position subject to this Chapter, except for trainee and work-against appointments, OSHR may contact any relevant members of the board supervising that local agency, the county manager and commissioners, and the Department of Health and Human Services. The message may identify the particular qualifications that the proposed appointee would need to meet to have the minimum qualifications of the class specification.
(2) When a local agency requests that OSHR make the final determination as to whether the employee or applicant meets the minimum qualifications, OSHR may share the relevant portions of the personnel file of a specific employee or applicant with the Deputy Director of the Public Health or Social Services

Division of the Department of Health and Human Services, or similar State departmental staff, to assist in determining qualification status. (2026-40, s. 1.)

§ 126A-12-3. Local human resources system.

(a) The board of county commissioners of any county may establish and maintain a human resources system for all employees of the county subject to its jurisdiction. This system and any substantial changes to the system are subject to the approval of the Commission. The Commission shall approve a system that is substantially equivalent to the human resources system established under this Chapter for employees of local departments of social services, local health departments, area mental health programs, and local emergency management programs. If approved by the Commission, the employees covered by the county system shall be exempt from all provisions of this Chapter except Article 15.

(b) With approval of each of the boards of commissioners of the county or counties which comprise the area mental health authority, the area mental health authority may establish and maintain a human resources system for all employees of the area mental health authority. This system and any substantial changes to the system are subject to the approval of the Commission. The Commission shall approve a system that is substantially equivalent to the human resources system established under this Chapter for employees of area mental health authorities. If approved by the Commission, the employees covered by the area mental health authority system shall be exempt from all provisions of this Chapter except Article 15.

(c) A board of county commissioners may petition the Commission to determine whether any portion of its human resources system meets the requirements in subsection (a) of this section. Upon such determination, county employees shall be exempt from the provisions of this Chapter relating to the approved portions of the county human resources system.

(d) The board of an area mental health authority, with the approval of each of the boards of commissioners of the county or counties which comprise the area mental health authority, may petition the Commission to determine whether any portion of its human resources system meets the requirements in subsection (b) of this section. Upon such determination, area mental health authority employees shall be exempt from the provisions of this Chapter relating to the approved portions of the area mental health authority human resources system except as provided in G.S. 122C-121.

(e) OSHR shall monitor at least annually county or area mental health authority human resources systems approved under this section to ensure compliance.

(f) To define "substantially equivalent," the Commission shall implement the federal merit system standards, which include recruitment and selection of employees, position classification, pay administration, training, and employee relations. (2026-40, s. 1.)

§ 126A-12-4. Bonuses for local government.

Local agencies are authorized to offer bonuses to employees subject to this Chapter. These bonuses shall be consistent with the corresponding bonus policies for executive branch agency employees. (2026-40, s. 1.)