

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 953
Second Edition Engrossed 5/9/91

Short Title: Area Mental Health Exemption.

(Public)

Sponsors: Representatives Gardner; and H. Hunter.

Referred to: Public Employees.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO EXEMPT AREA MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES, AND SUBSTANCE ABUSE AUTHORITIES FROM CERTAIN
PROVISIONS OF THE STATE PERSONNEL ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-11 reads as rewritten:

**"§ 126-11. Local personnel system may be established; approval and monitoring;
rules and regulations.**

(a) The board of county commissioners of any county may establish and maintain a personnel system for all employees of the county subject to its jurisdiction, which system and any substantial changes to the system, shall be approved by the State Personnel Commission as substantially equivalent to the standards established under this Chapter for employees of local departments of social services, local health departments, and area mental health programs, local emergency management programs. If approved by the State Personnel Commission, the employees covered by the county system shall be exempt from all provisions of this Chapter except Article 6.

(a1) With approval of each of the boards of commissioners of the county or counties which comprise the area mental health, developmental disabilities, and substance abuse authority, the area authority may establish and maintain a personnel system for all employees of the area authority, which system and any substantial changes to the system, shall be equivalent to the standards established under this Chapter for employees of area mental health, developmental disabilities, and substance abuse authorities. If approved by the State Personnel Commission, the employees

1 covered by the area authority system shall be exempt from all provisions of this Chapter
2 except Article 6.

3 (b) A board of county commissioners may petition the State Personnel
4 Commission to determine whether any portion of its total personnel system meets the
5 requirements in (a) above. Upon such determination, county employees shall be exempt
6 from the provisions of this Chapter relating to the approved portions of the county
7 personnel system.

8 (b1) The board of an area mental health, developmental disabilities, and substance
9 abuse authority, with the approval of each of the boards of commissioners of the county
10 or counties which comprise the area authority, may petition the State Personnel
11 Commission to determine whether any portion of its total personnel system meets the
12 requirements in (a1) above. Upon such determination, area mental health,
13 developmental disabilities, substance abuse authority employees shall be exempt from
14 the provisions of this Chapter relating to the approved portions of the area mental
15 health, developmental disabilities, and substance abuse authority personnel system
16 except as provided in G.S. 122C-121.

17 (c) The Office of State Personnel shall monitor at least annually county ~~personnel~~
18 ~~systems~~ or area mental health, mental retardation, and substance abuse authority
19 personnel systems approved under this section in order to ensure compliance.

20 (d) In order to define 'substantially equivalent,' the State Personnel Commission
21 is authorized to promulgate rules and regulations to implement the federal merit system
22 standards and these regulations at a minimum shall include: recruitment and selection of
23 employees; position classification; pay administration; training; employee relations; and
24 records and reports."

25 Sec. 2. This act becomes effective October 1, 1991.