

# Local Human Services Organization and Governance

Social Services Attorneys  
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UNC  
SCHOOL OF GOVERNMENT

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# The Plan

- Review the new options for organization and governance of county DSS agencies
- Update on changes to local agencies
- Highlight some of the legal issues that arise with new options

# Options Under “Old” Laws

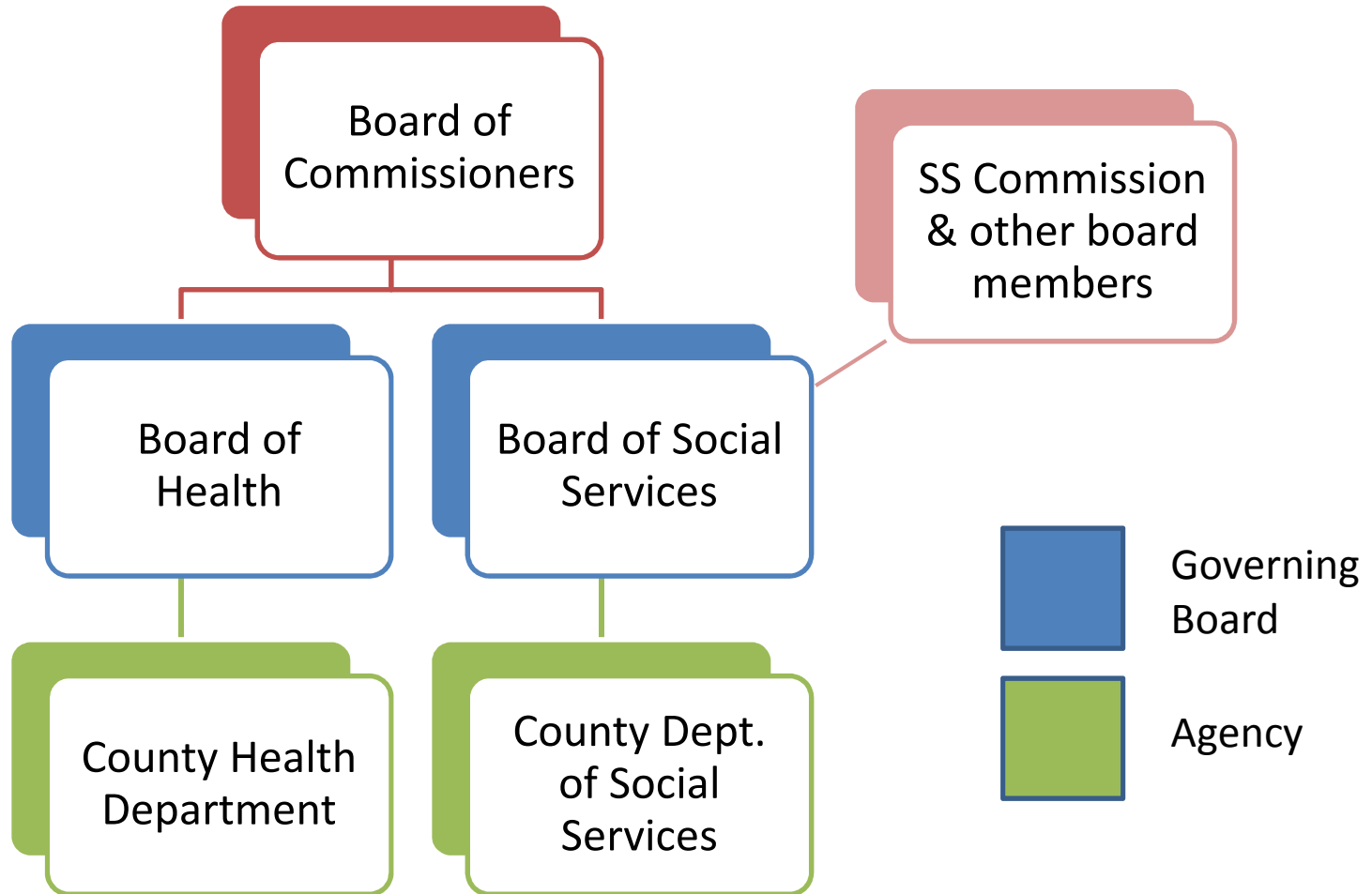
## Public Health

- Single county department with local board of health
- District health department with district board of health
- Public health authority with public health authority board

## Social Services

- Single county department with social services board
- Multi-county agency with county social services boards

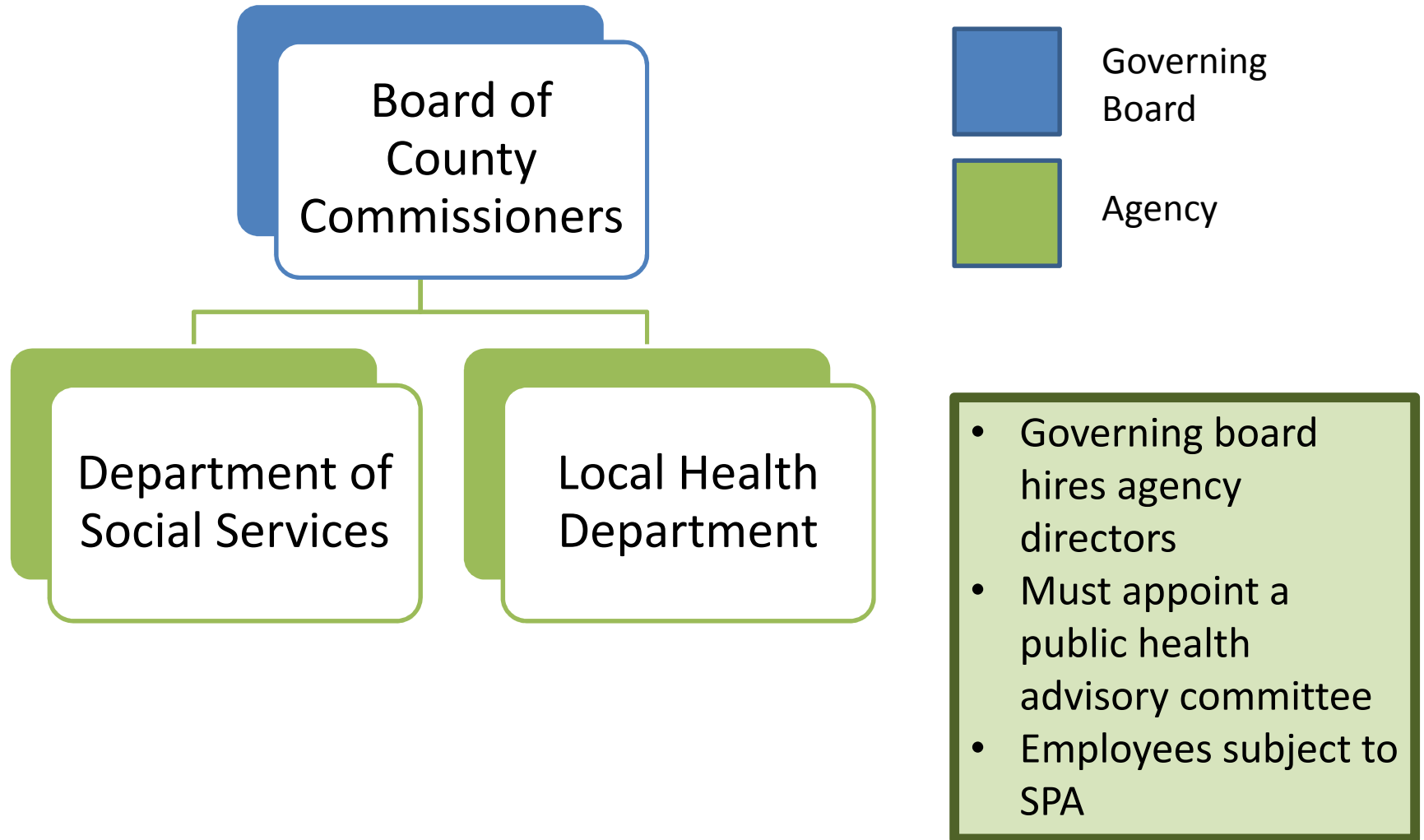
# Many Counties



# Options Under New Law (H 438)

1. Directly assume the powers and duties of one or more local boards. Agencies stay the same.
2. Create a consolidated human services agency (CHSA) and appoint a consolidated human services board.
3. Create a CHSA and directly assume the powers and duties of its board.

# Option One



# Option Two

Board of County Commissioners

Consolidated Human Services Board

Consolidated Human Services Agency



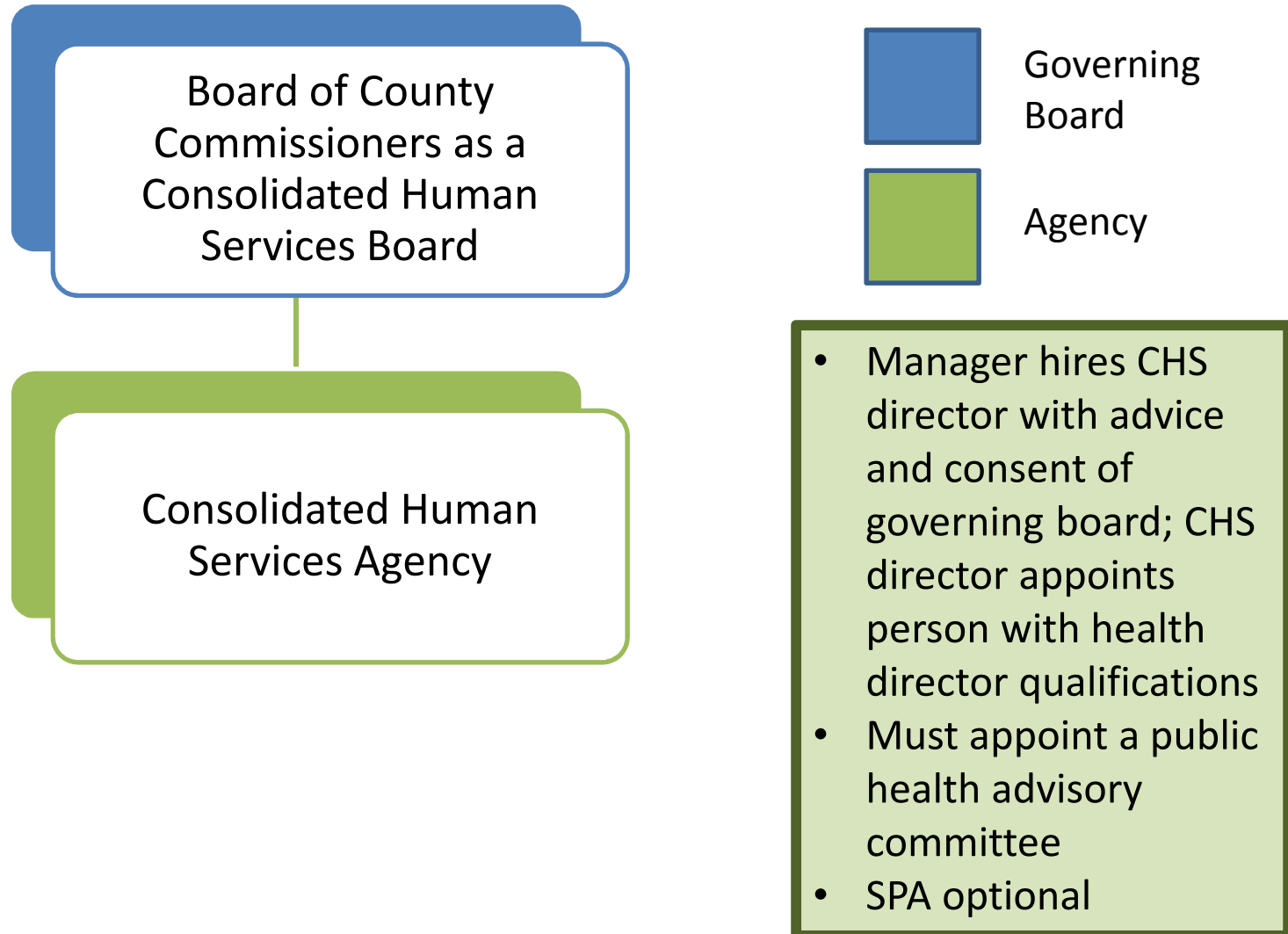
Governing Board



Agency

- Manager hires CHS director with advice and consent of governing board; CHS director appoints person with health director qualifications
- SPA optional

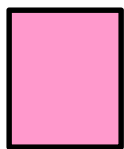
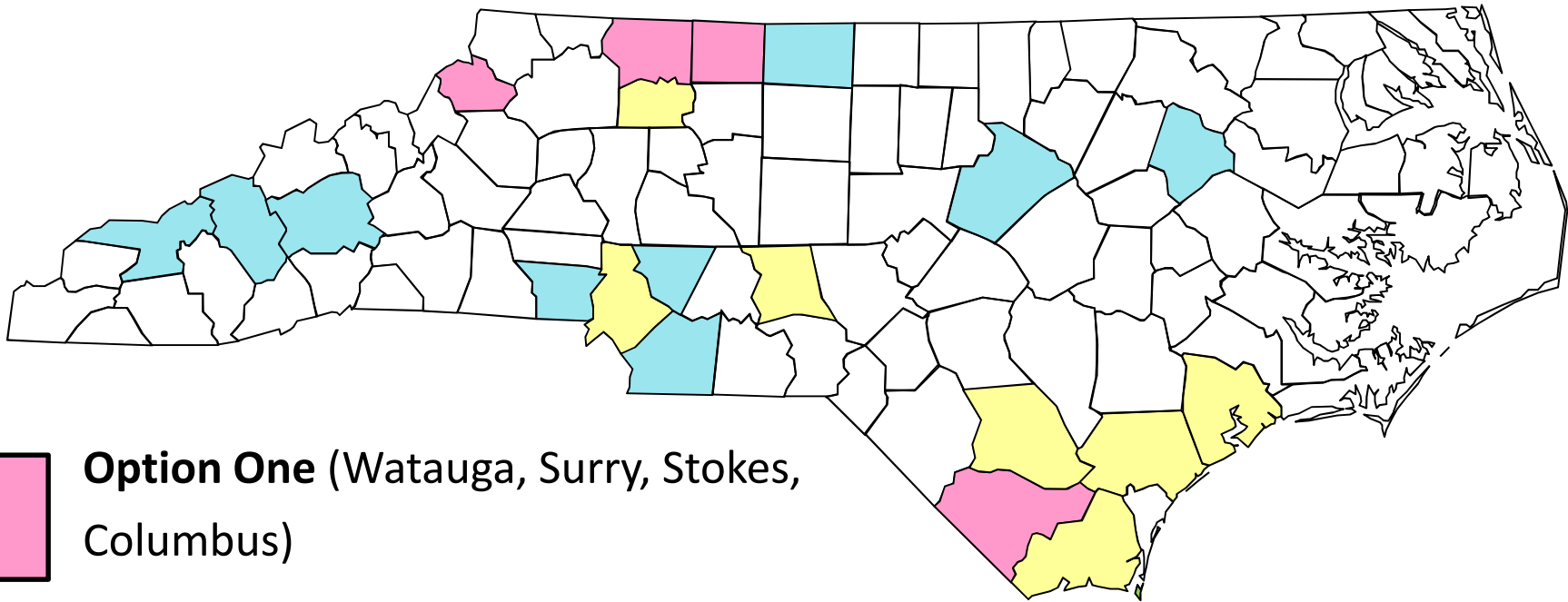
# Option Three



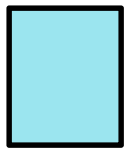


# Types of Local DSS Agencies

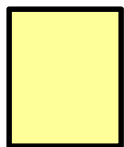
July 26, 2013



**Option One** (Watauga, Surry, Stokes, Columbus)



**Option Two** (Swain, Haywood, Buncombe, Gaston, Cabarrus, Union, Rockingham, Wake, Edgecombe)



**Option Three** (Yadkin, Mecklenburg, Montgomery, Bladen, Pender, Onslow, Brunswick)

# Key Legal Issues

- Personnel
  - Implications of removing DSS employees from State Personnel Act (SPA)
- Information sharing
  - Revisiting hybrid entity designation (HIPAA)
- Governing board
  - Access to records by board members
  - Delegation
  - Process

# Personnel: CHSA Option

- If a county creates a CHSA that includes public health and/or social services, the county has a choice.
  - Keep employees under SPA
  - Remove employees from SPA
- County personnel policies must satisfy federal merit personnel standards, if applicable



# Federal Merit Personnel Standards

- Recruiting, selecting, and advancing employees based on merit
- Equitable and adequate compensation
- Training employees
- Retaining/separating employees on the basis of performance
- Correcting inadequate performance
- Assuring fair treatment of applicants and employees
- Assuring employees are protected against coercion for partisan political purposes

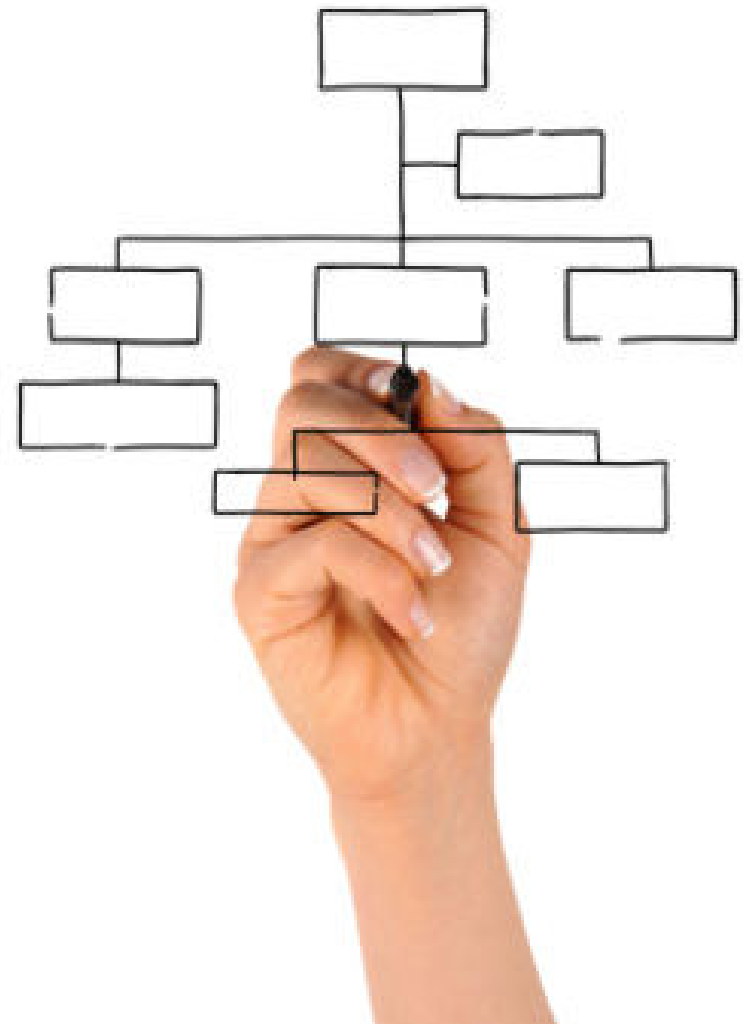
5 CFR § 900.603

# Personnel: Other Implications

- Career status
  - Employees of CHSA who had achieved career status would lose that status. 24-month clock would start over in another county/state agency.
  - New employees moving from a county SPA agency into a county CHSA would lose their career status.
- State service
  - Service in a CHSA would not count toward total state service (relevant for accrual of vacation leave/longevity pay if employee moves to a state position)

# Information Sharing

- Sharing within the “agency” for “making referrals, supervision, consultation, or determination of eligibility”
  - GS 108A-80; 10A NCAC 69 .0501
- “Hybrid entity”
  - Health care component
  - Business associate-like functions



# Governing Board - Access

Every member of the county board of social services may inspect and examine any record on file in the office of the director relating in any manner to applications for and provision of public assistance and social services authorized by this Chapter. No member shall disclose or make public any information which he may acquire by examining such records.

G.S. 108A-11



# Governing Board - Delegation

A county board of social services may delegate to the director of the county department of social services the responsibility, with respect to financial responsibility and suspected fraud, to accomplish the requirements of the AFDC, medical assistance, and special assistance programs.

10A NCAC 68 .0303



# Questions?

