

# **Powers and Duties of the DSS Governing Board**



# Powers and Duties

Determined by State law

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graph TD; A[Determined by State law] --> B[Statutes enacted by General Assembly]; B --> C[Administrative rules adopted by Social Services Commission]; C --> D[Ordinances adopted by county commissioners];
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Statutes enacted by General Assembly

Administrative rules adopted by Social Services Commission

Ordinances adopted by county commissioners

# Statutory Powers and Duties

## Director

- Hire, salary, advise, evaluate, discipline/dismiss

## Advise public officials

- Identify, advise, assist, advocate

## Establish local policies

- Limited in scope

## Monitor and evaluate programs

- Includes access to confidential information; fraud investigations

## Budget and funding

- Assist director in preparing; present to BOCC



# Power. Confidentiality

## Access

- Board members may inspect records relating to applications for and provision of public assistance and social services

## Protect

- Board members may not disclose any information acquired by examining such records

## Limits

- Right of access may be limited by some state confidentiality laws and federal funding requirements.

**SOG Blog Post on Coates' Canons:**

<https://canons.sog.unc.edu/access-confidential-records-social-services-governing-boards/>

# *Duty: Confidentiality*

Most individually identifiable information held by social services is confidential under law

Exceptions allow sharing with law enforcement, courts, schools, health care and other service providers, government oversight, etc.

# Personnel: Director

Must comply with applicable legal frameworks

General employment laws

- E.g., Nondiscrimination (race, sex, age, disability status, etc.)

SHRA (unless CHSA not under SHRA)

- E.g., may only dismiss with “just cause” *if* director is a “career State employee”

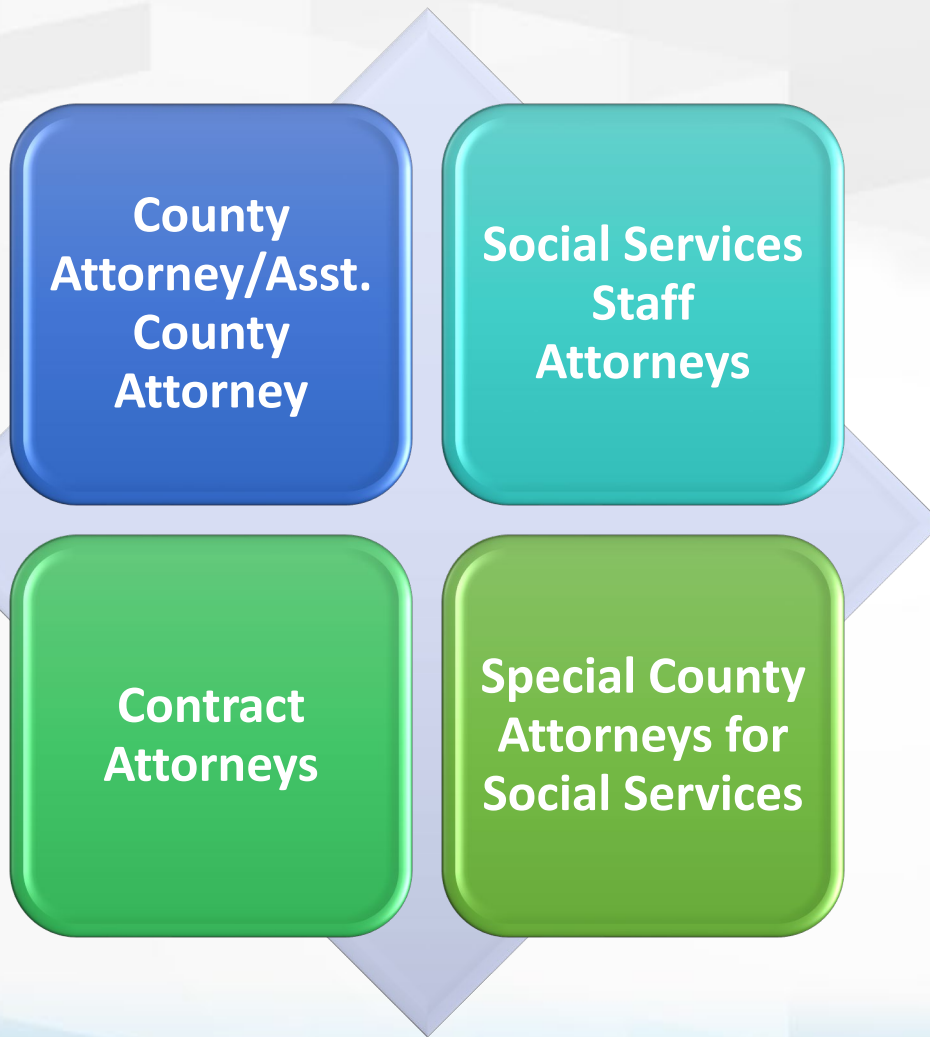
County policies or ordinances

- E.g., travel, leave, etc.
- Federal Merit Personnel Standards (if CHSA not under SHRA)

# *Personnel: DSS Employees*

- Board has no authority to
  - Hire, supervise, or fire DSS employees
  - Establish minimum qualifications
  - Establish salary schedule
  - Adopt personnel policies
  - Hear employee grievances or appeals\*

# Personnel: Social Services Attorneys



- No authority to retain social services attorney *unless*
  - authority delegated by BOCC *or*
  - appointment by BOCC of a “special county attorney for social services”



# Beyond the Law



- Just the starting point
- How can your board build on this legal foundation to be a strong and effective governing board?