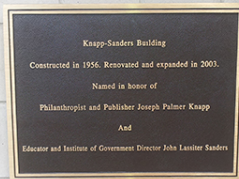


# The Structure and Status of DSS and the Social Services Board

Kristi Nickodem



UNC  
SCHOOL OF GOVERNMENT

# Plan

## The Legal Framework

Why do we have social services governing boards and social services agencies?

## Composition of the Board

Who serves on a social services governing board?

## Organization and Governance Models

Where are the different types of human services boards across the state?

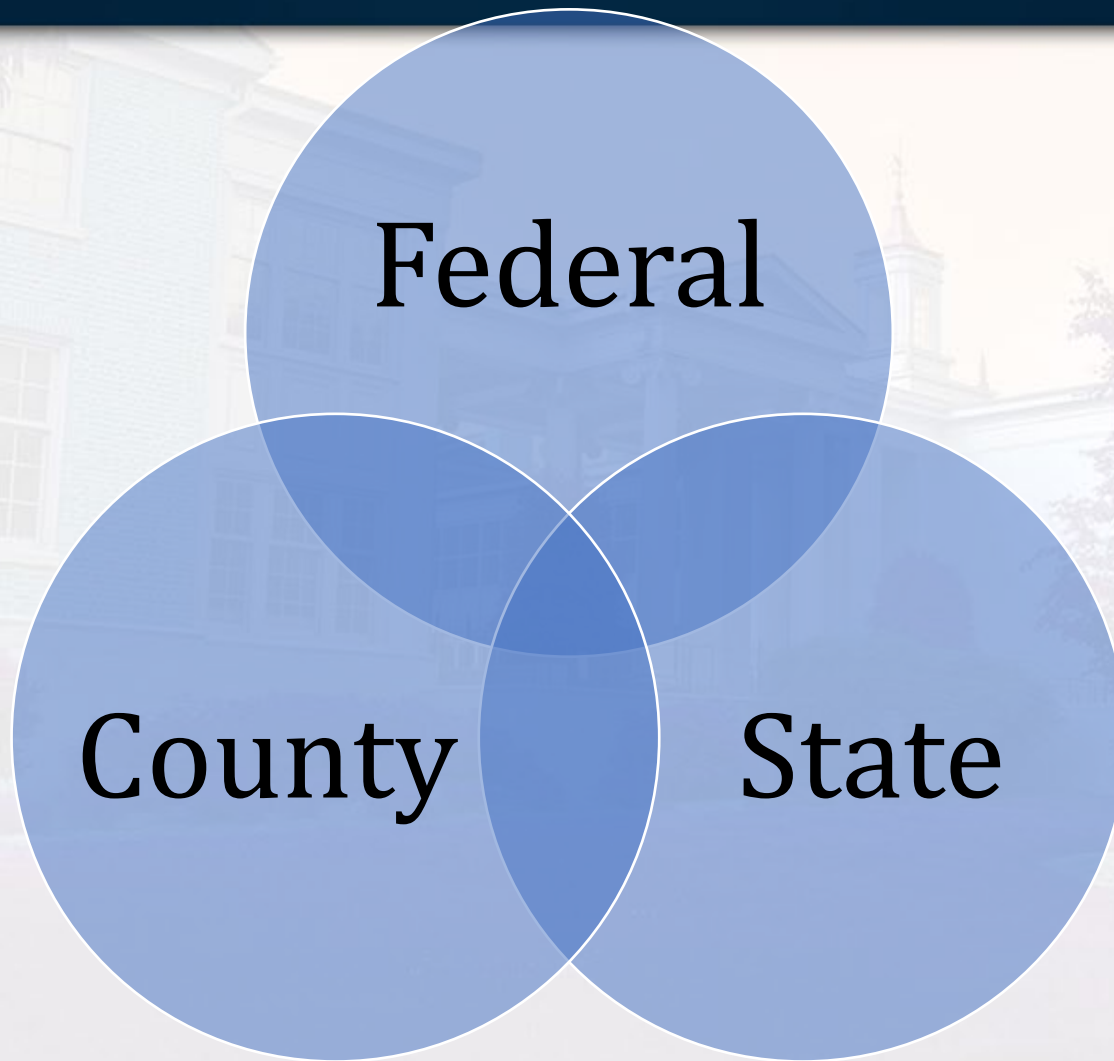


# The Legal Framework

*Why do we have social services agencies and governing boards?*

*What laws govern the provision of social services?*

# Sources of Law and Funding



# Sources of Law

## Federal

The U.S. Constitution

Funding-related program requirements (Title IV of the SSA, SNAP, Medicaid, etc.)

Confidentiality –HIPAA, substance abuse regulations (42 CFR Part 2), FERPA

Employment – Title IV of the Civil Rights Act, ADA, ADEA, FLSA, FMLA

## State

The N.C. Constitution

\*G.S. 108A\*

G.S. 7B

Title 10A of the NCAC

Other confidentiality requirements

Public Records Law

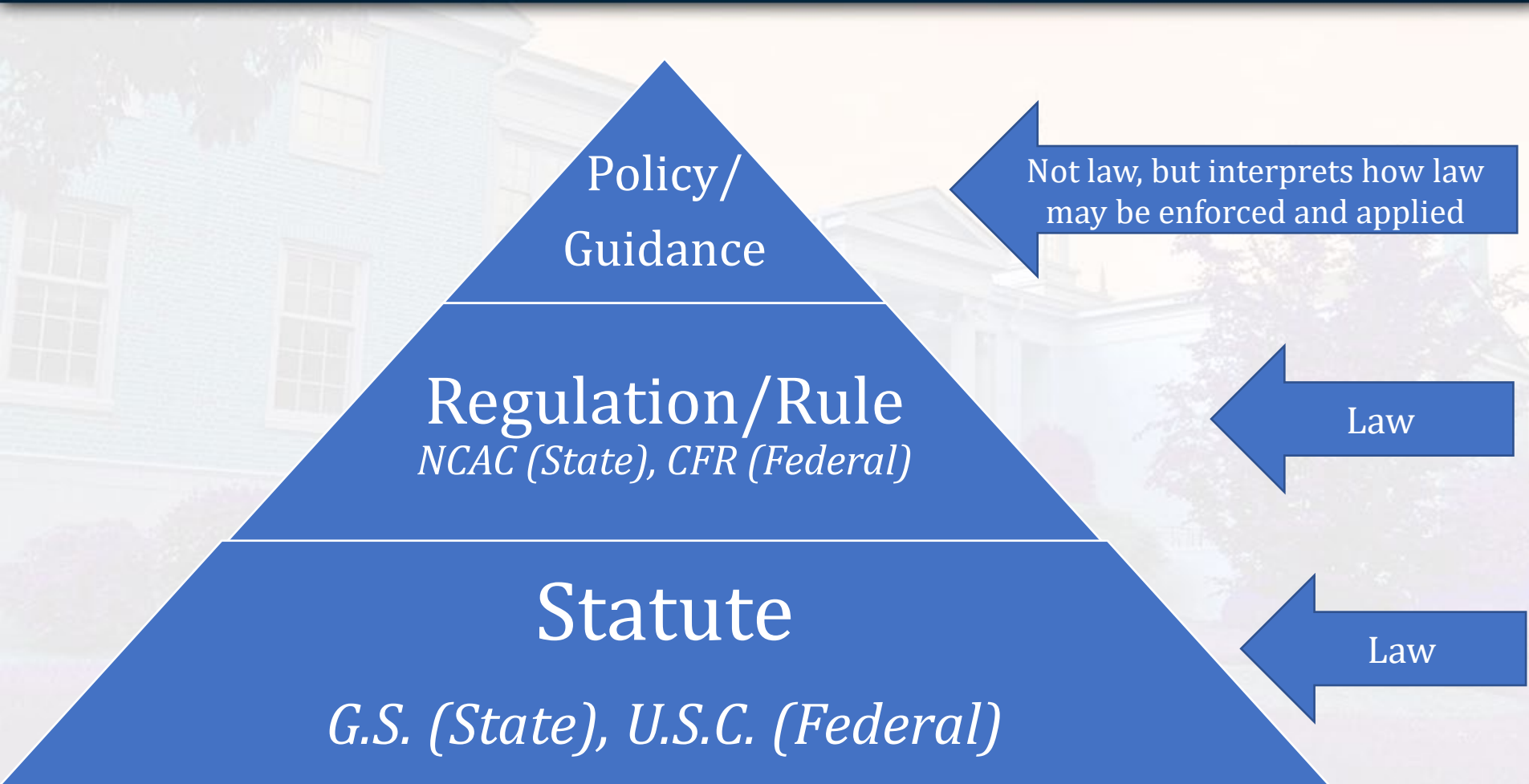
Open Meetings Law

Ethics/Contracting Requirements

State Human Resources Act



# Sources of Law





# Sources of Law



Social Services Boards:  
*G.S. § 108A-1 through 108A-11*



Appointment and duties of  
DSS director: *G.S. § 108A-12  
through 108A-15*



# Sources of Funding



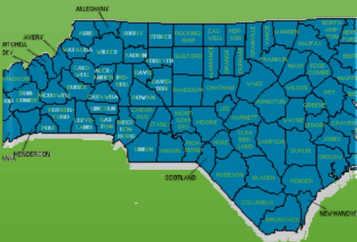
## Federal

- Federal-state programs
- Grants to states



## State

- Accepts federal grants
- Appropriates state and federal funding

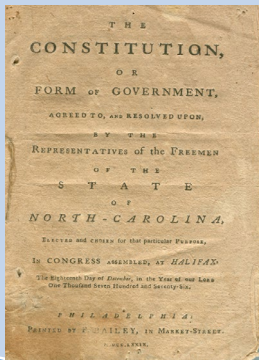


## County

- Levy property tax sufficient to pay county share of mandated programs
- Non-mandated programs



# Why do we have boards?



## State Constitution

- State must establish agencies and institutions to serve the “public good” and respond to the “needs of humanity”
- State must provide “beneficent” care for “poor, the unfortunate, and the orphan”



## State Statutes

- “Every county shall have a governing board for social services.... The governing board shall establish policies for the programs established” by state law (G.S. 108A-1)
- Create a state-supervised, county-administered social services system



# State-Supervised, County-Administered

## State requires counties to:

- Have county social services board
- Administer mandated social services programs under supervision of county social services director
- Provide adequate facilities for social services department
- Fund part of the cost of state social services programs
- Comply with state law & policy

# State-Supervised, County-Administered

## State

- Accepts federal funding
- Develops law and policy to shape programs
- Transmits federal and state funding to counties
- Supervises county administration

## County

- Administers programs
- Allocates funding
- Supervises staff
- Develops some county-specific programs

# What are the county commissioners' roles?

## Establish agency

- County DSS
- Consolidated Human Services Agency (CHSA)
- Regional multi-county with interlocal agreement

## Establish board

- DSS board (can increase or decrease size of the board)
- Consolidated human services board
- BOCC serves as board

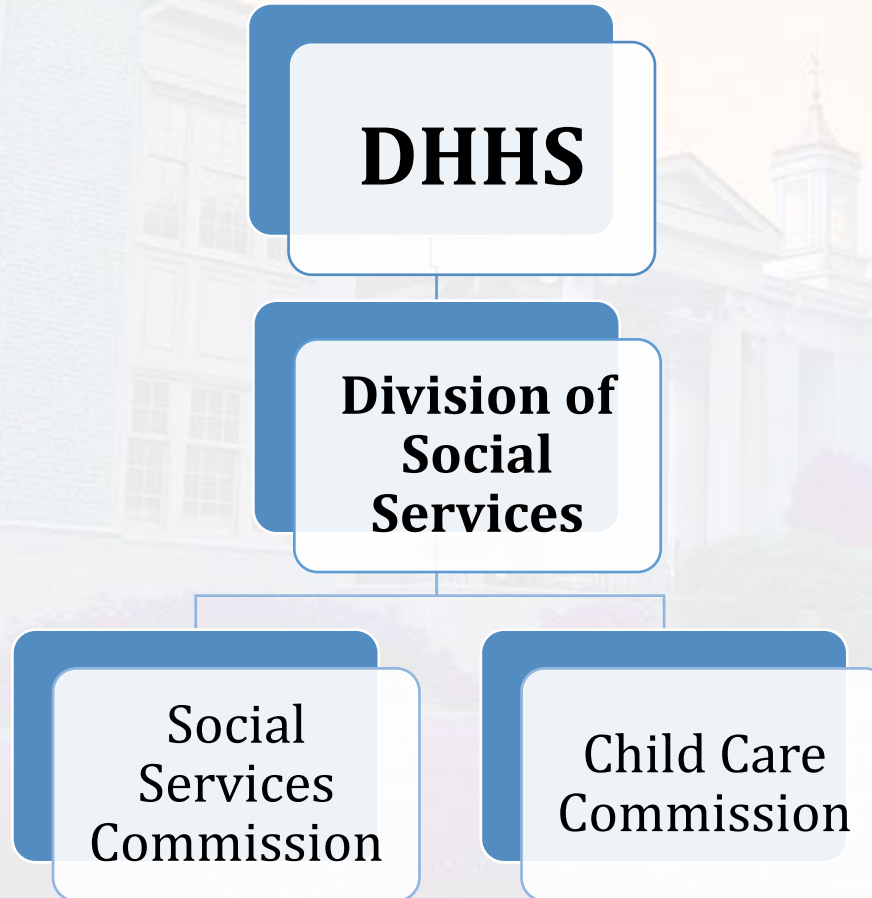
## Appropriate funds

- Approve; appropriate

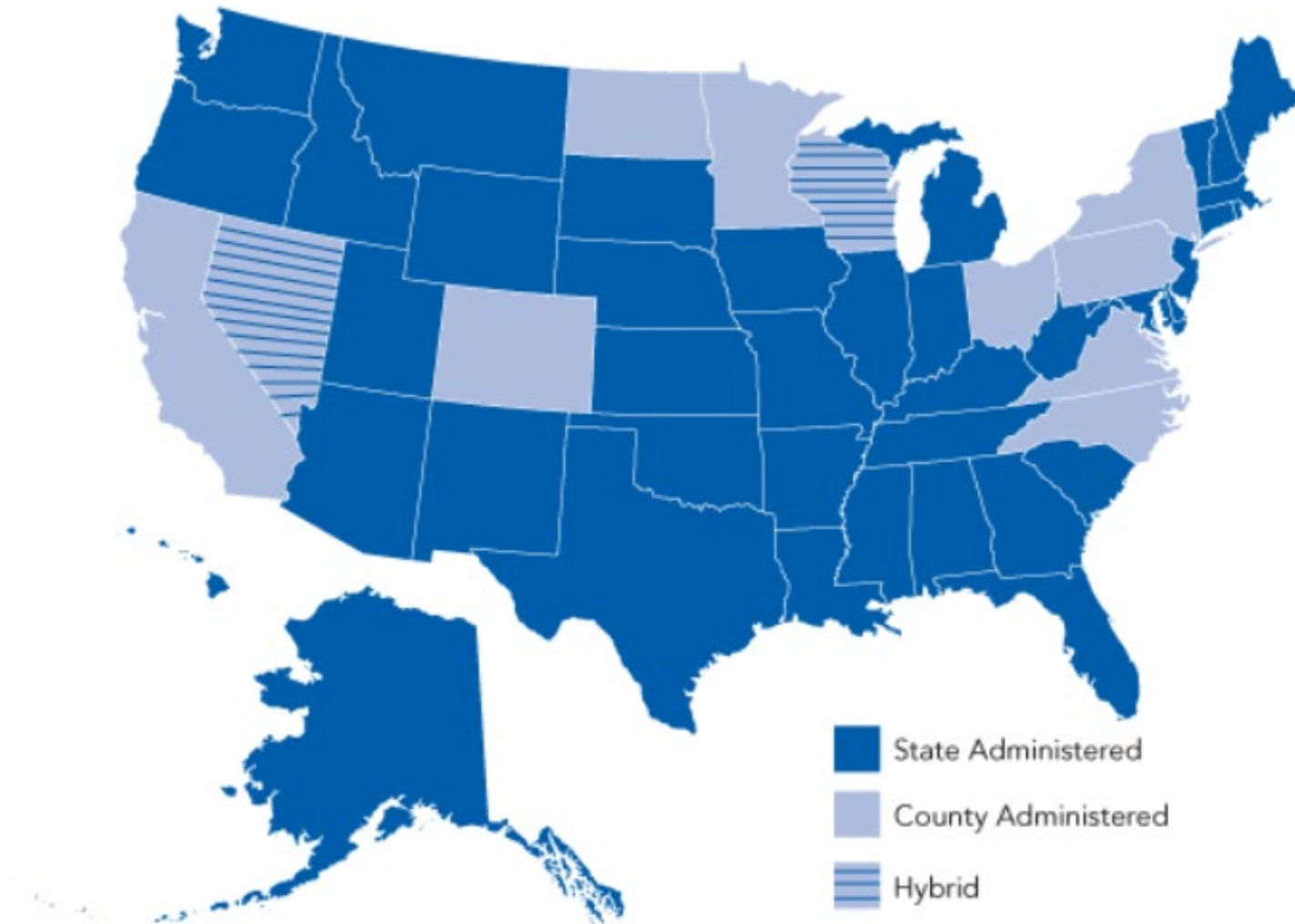
## Other duties

- If acting as DSS board, assume all powers and duties of DSS board
- If agency is a CHSA, decide if employees stay under SHRA

# State Oversight and Rulemaking



# Comparing Child Welfare Systems





# State Oversight - G.S. 108A-74

## MOU Required

- “The Secretary shall require all counties...to enter into a written agreement each year that specifies mandated performance requirements and administrative responsibilities with regard to all social services programs other than medical assistance.”
- Child welfare, FNS, Work First, Child Support, Guardianship, Energy

## Corrective Action Process for MOU

- Out of compliance w/ MOU or applicable law for 3 consecutive months or 5 out of 12 months—leads to a joint corrective action plan
- Can lead to DHHS takeover w/ 30 days’ notice

## Emergency Takeover Authority

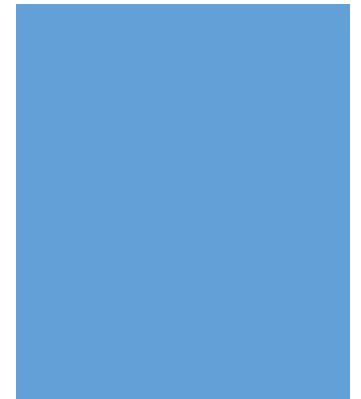
- Applies only to Child Welfare (CPS, Foster Care, Adoption)
- Federal funding may be withheld





# Composition of the Social Services Governing Board

*Who serves on  
the board?*



True or  
False?

Social services  
governing boards  
must include a  
county  
commissioner



# Multiple Choice

A county's social services governing board may be:

- a. DSS board*
- b. Consolidated human services board*
- c. Board of county commissioners*
- d. Regional DSS board*
- e. Any of the above*



# Qualifications

- Legal resident of county
  - No minimum length of residency required
- Additional legal qualifications
  - May be established by board of county commissioners
- Term Limits
  - Three-year terms
    - But, incumbent holds over
  - No more than two consecutive terms
    - Partial terms to fill vacancies—don't count against limit
    - Special exception for county commissioner in limited circumstances



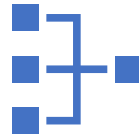


# Who serves? Who appoints?



## Traditional

3 or 5 members  
2 appointed by BOCC; 2 by  
SSC; 1 by members  
No composition  
requirements  
3-year terms



## CHS Board

Up to 25 members  
All appointed by BOCC  
Composition requirements  
for some positions  
4-year terms



## Regional

Up to 18 members  
Members appointed by  
BOCCs, SSC and other  
members  
No composition  
requirements  
3-year terms



# SSC Appointments

- Meets quarterly in March, June, September, and December
- One member from each congressional district
- Nomination form for county boards and nomination period notices available online



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**  
Division of Social Services

ROY COOPER • Governor  
MANDY COHEN • Secretary  
SUSAN G. OSBORNE • Asst. Secretary of County Operation  
DREW T. PLEDGER • Chair  
SOCIAL SERVICES COMMISSION

## September 27, 2021 **PUBLIC NOTICE** Nomination Period for Gates County Board of Social Services

The Social Services Commission will make an appointment to the Gates County Board of Social Services to fill the seat of an expired term. The term will expire June 30, 2021. The Social Services Commission will consider nominations at a future meeting.

The nomination period is scheduled from September 27, 2021, to October 27, 2021. Nominations must be received no later than 5:00 p.m. on October 27, 2021. You may obtain a Nomination Form from the local department of social services office (DSS). The form must be fully completed by the nominee, signed, and returned to the address below.

The form can also be accessed on the Web at:

<https://files.nc.gov/ncdhhs/documents/files/dss/sscommission/2019-Social-Services-Commission-Nominee-Appointment.pdf> Click on the link to the Nomination Form at the bottom of the Social Services Commission members web page. Please submit the completed form to:

Gwendolyn Waller  
N.C. Social Services Commission  
2444 Mail Service Center  
Raleigh, NC 27699-2444  
Fax Number: 919-334-1018

**(Faxed copies will be accepted; however, the original must be mailed to the address above.)**

Should you have any questions, please contact Gwendolyn Waller at (919) 527-6338 or [Gwendolyn.waller@dhhs.nc.gov](mailto:Gwendolyn.waller@dhhs.nc.gov).

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES • SOCIAL SERVICES COMMISSION

LOCATION: 820 S. Boylan Avenue, McBryde Building, Raleigh, NC 27603  
MAILING ADDRESS: 2444 Mail Service Center, Raleigh, NC 27699-2444  
www.ncdhhs.gov • TEL: 919-527-6335 • FAX: 919-334-1018

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# Multiple Office Holding Limits



**No person may  
*concurrently*  
hold more than**

Two appointive public offices *or*  
One elective and one appointive  
public office



**Appointment of county  
commissioner**

By BOCC is “*ex officio*”

Doesn’t “count” as separate office



# Incompatible Office Holding



- May not hold two incompatible offices
- Incompatible if:
  - Conflict between functions or duties
  - One is subservient to other

*May a board member serve as acting or interim director?*

# Other Potential Conflicts

- **Board member who is licensed foster parent**
  - May not be supervised by or accept placements from resident county
- **Board member (or spouse) who owns or operates nursing or adult care home**
  - May not receive Medicaid or Special Assistance payments
- **Prior removal from public office by impeachment**
- **Being found guilty of corruption or malpractice in public office**



# Social Services Board Members

## Are public officials

- Appointed, not elected, officials
- Must take oath of office
- Subject to state law regarding qualifications & conduct
- May receive per diem

## Are county government officials

- Not county employees, state officials, or state employees
- Not subject to restrictions on employee political activity
- Not subject to state ethics act



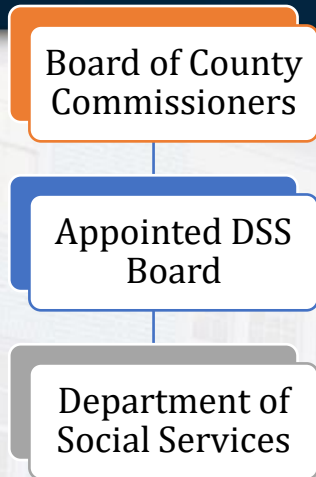
# Organization and Governance Models

*Where are the different types of human services boards across the state?*



# Governance Models Available to Counties

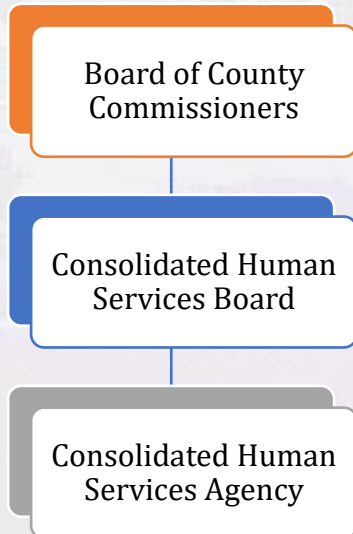
## OPTION A



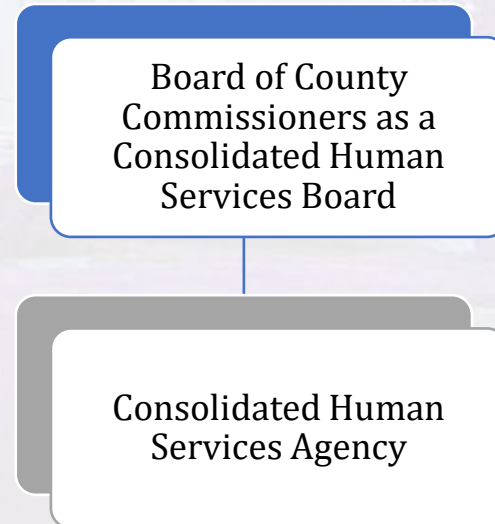
## OPTION B



## OPTION C



## OPTION D



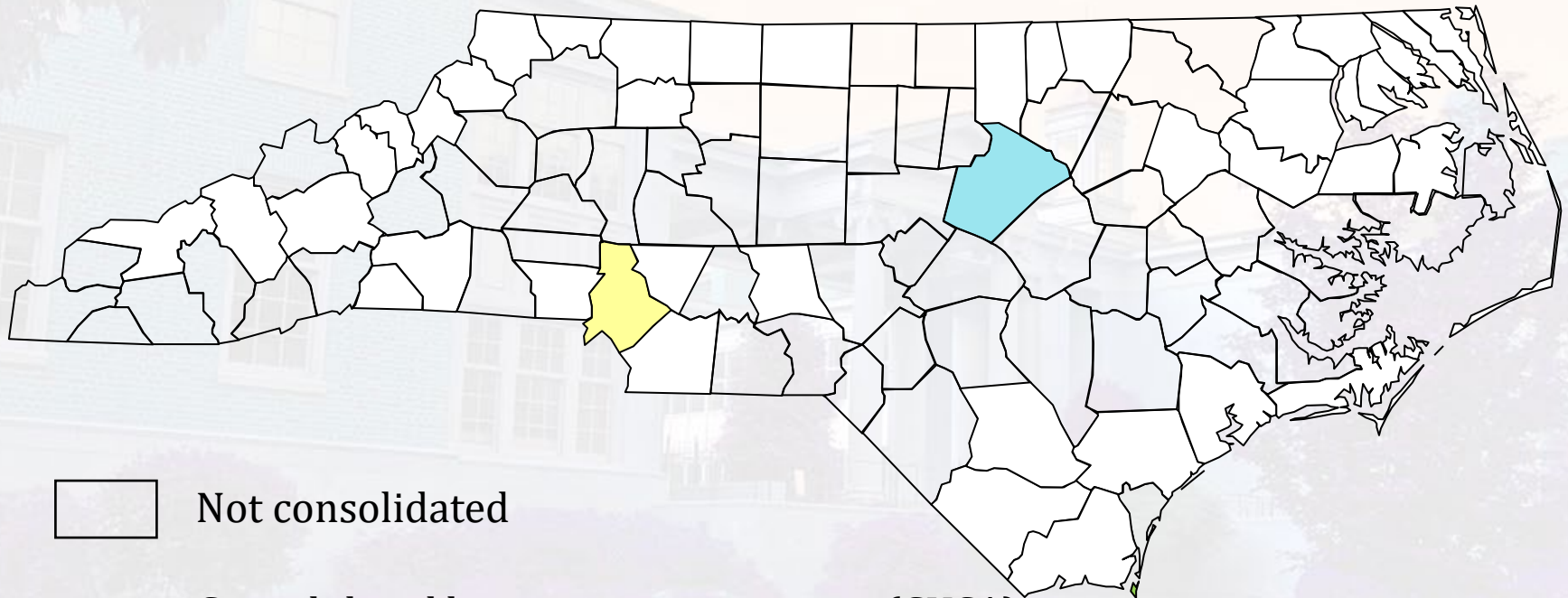
# Key Differences

		<b>BOARD</b>	<b>DIRECTOR</b>	<b>EMPLOYEES</b>
<i>Traditional Model</i>	<b>DSS w/ DSS Board</b>	Appointed; 3-5 members	Board hires	SHRA
	<b>Health Dept. w/ Board of Health</b>	Appointed; 11 members	Board hires	SHRA
<i>Options Available Since 2012 to Counties with a County Manager</i>	<b>BOCC as DSS and/or PH Board</b>	Elected*	BOCC hires	SHRA
	<b>CHSA with CHS Board</b>	Appointed; up to 25 members	County manager hires with advice & consent of CHS board	SHRA Optional
	<b>CHSA with BOCC as CHS Board</b>	Elected*	County manager hires with advice & consent of BOCC	SHRA optional

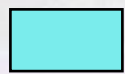
*\* If public health affected, must appoint health advisory committee*

# PH and SS Organization and Governance

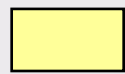
June 2012



Not consolidated



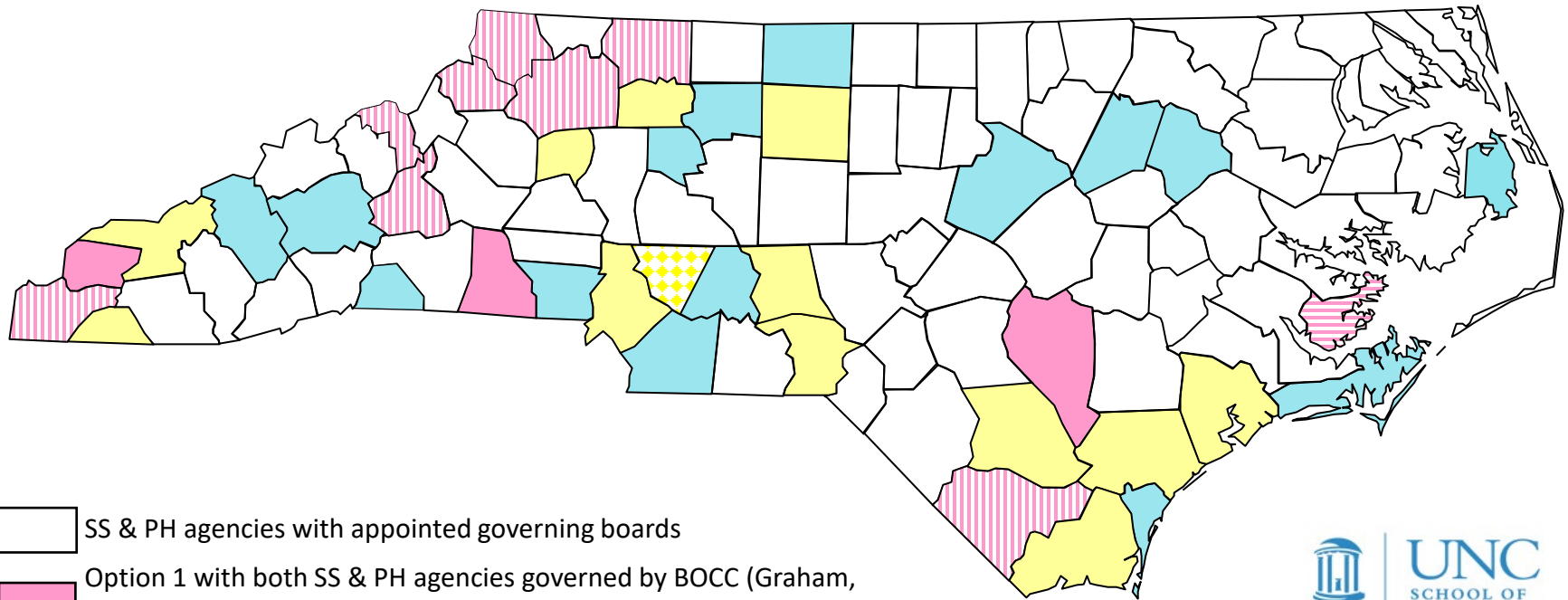
Consolidated human services agency (CHSA)  
with a consolidated human services board (Wake)










CHSA with BOCC as governing board (Mecklenburg)

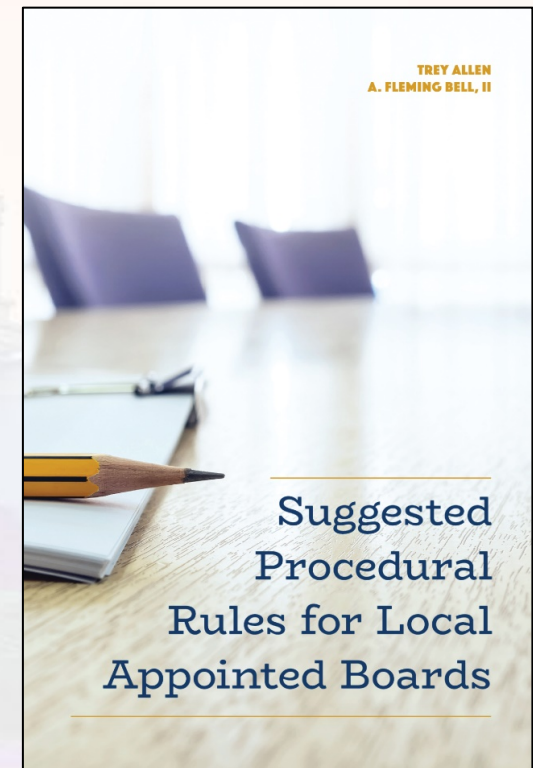
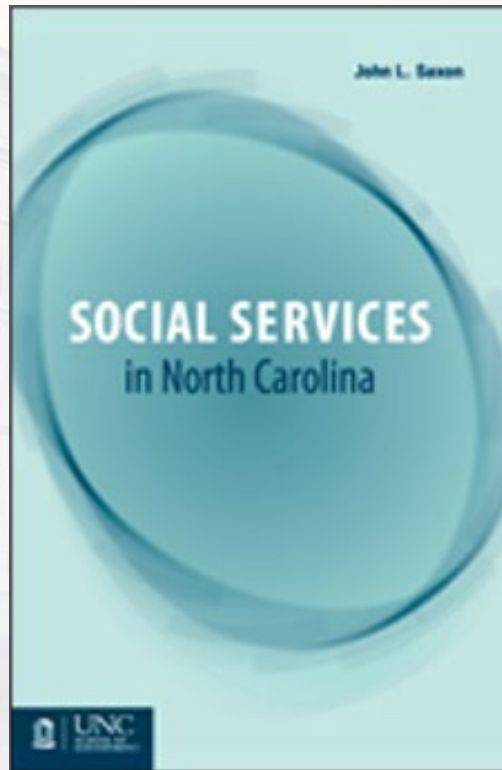
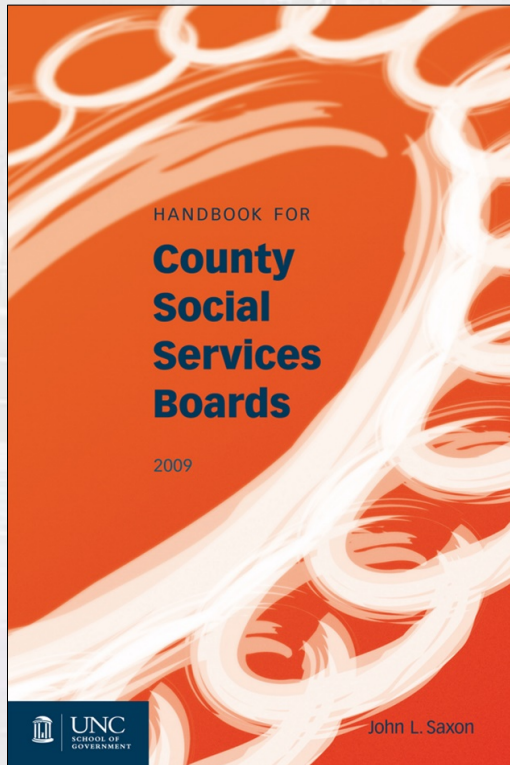
# Social Services and Public Health Organization and Governance

As of November 2021



-  SS & PH agencies with appointed governing boards
-  Option 1 with both SS & PH agencies governed by BOCC (Graham, Cleveland, Sampson)
-  Option 1 with SS agency governed by BOCC, PH agency with appointed governing board (Cherokee, Ashe, McDowell, Mitchell, Watauga, Wilkes, Surry, Columbus)
-  Option 1 with PH agency governed by BOCC, SS agency with appointed governing board (Pamlico)
-  Option 2 with consolidated HS agency including SS & PH, appointed CHS board (Haywood, Buncombe, Polk, Gaston, Davie, Union, Forsyth, Stanly, Rockingham, Wake, Nash, Edgecombe, Carteret, Dare, New Hanover)
-  Option 3 with consolidated HS agency including SS & PH, governed by BOCC, health advisory committee (Clay, Swain, Alexander, Yadkin, Mecklenburg [no advisory comm.], Guilford, Montgomery, Richmond, Bladen, Brunswick, Pender, Onslow)
-  Option 3 with consolidated HS agency including SS & other human services but not PH, governed by BOCC (Cabarrus)

# Want to learn more?



**Coates' Canons:  
NC Local Government Law**

**SOG Social Services Microsite:**  
[https://www.sog.unc.edu/resources/  
microsites/social-services](https://www.sog.unc.edu/resources/microsites/social-services)



# Questions?



**Kristi Nickodem**  
**UNC School of Government**  
**919.962.2762**  
[nickodem@sog.unc.edu](mailto:nickodem@sog.unc.edu)

<http://www.sog.unc.edu/resources/microsites/social-services>

