

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

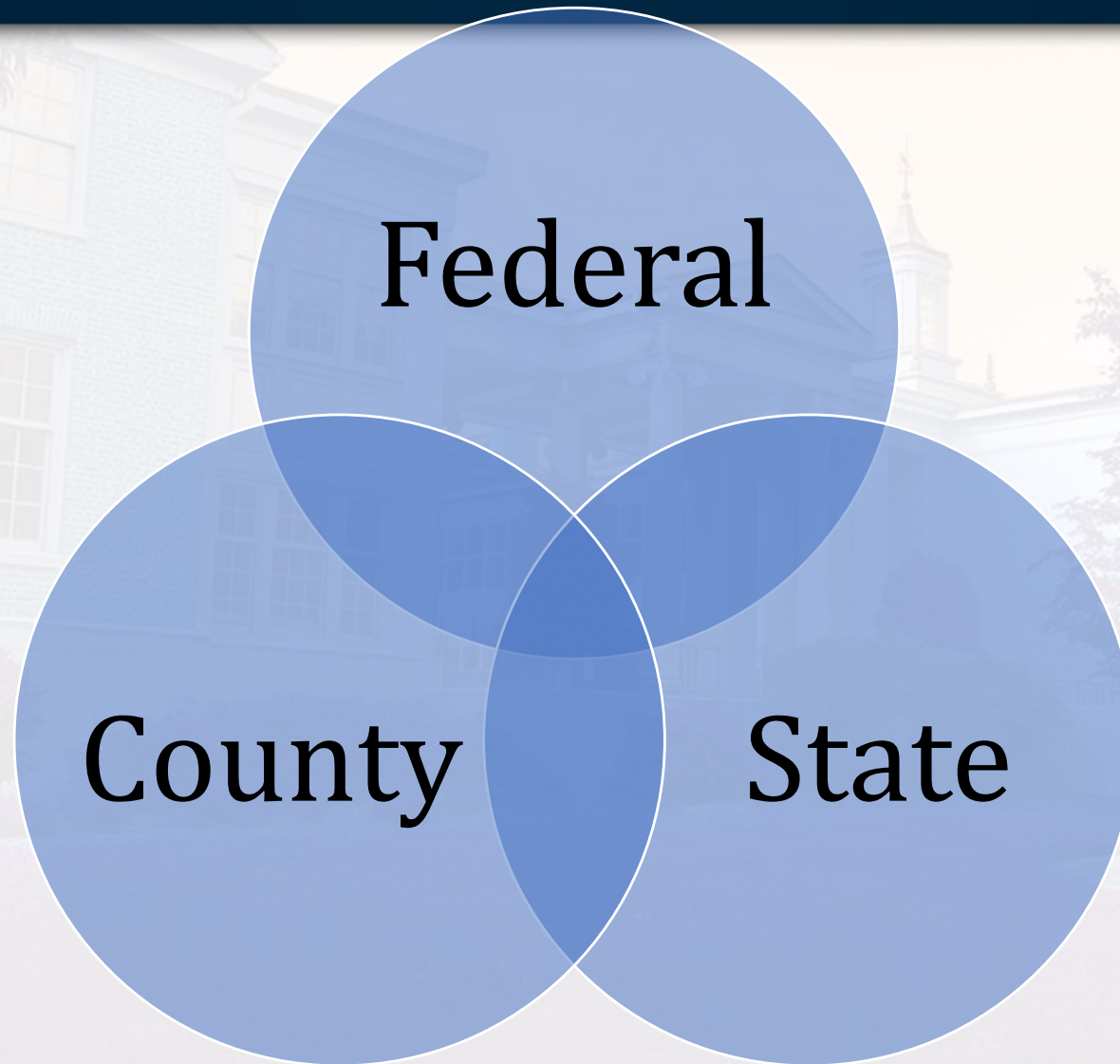
Where are the different types of human services boards across the state?



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

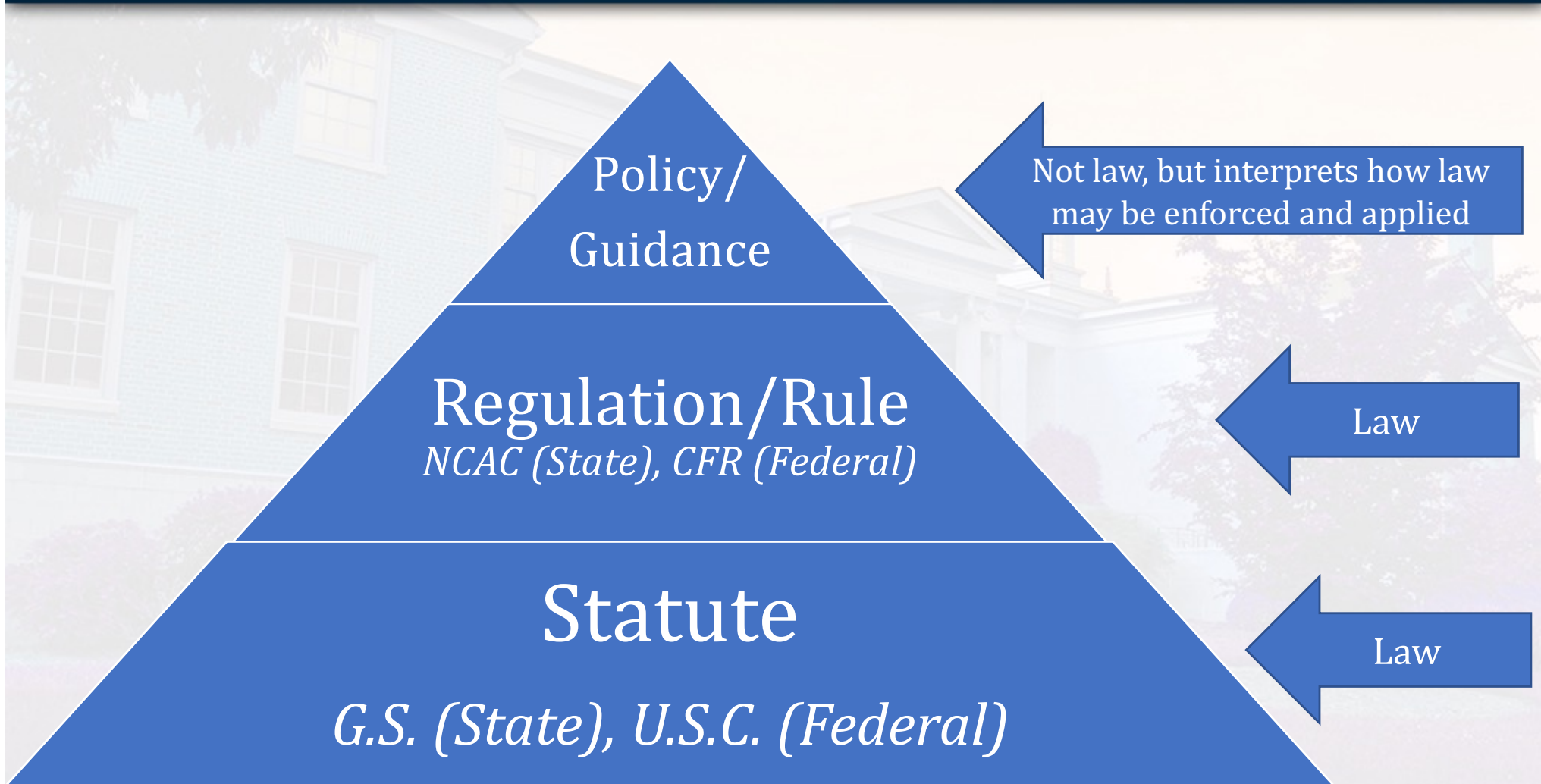
Open Meetings Law

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



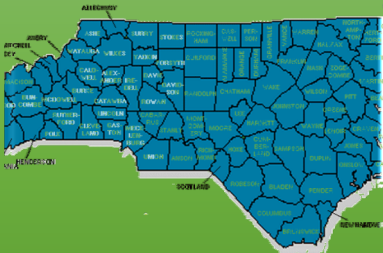
Federal

- Federal-state programs
- Grants to states



State

- Accepts federal grants
- Appropriates state and federal funding

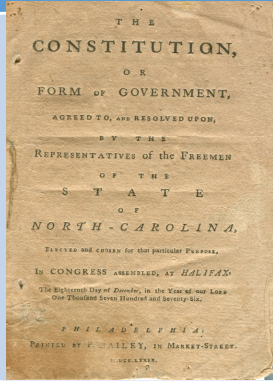


County

- 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”
- Provide “beneficent” care for poor, unfortunate, and orphans”



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 (GS 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
- 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

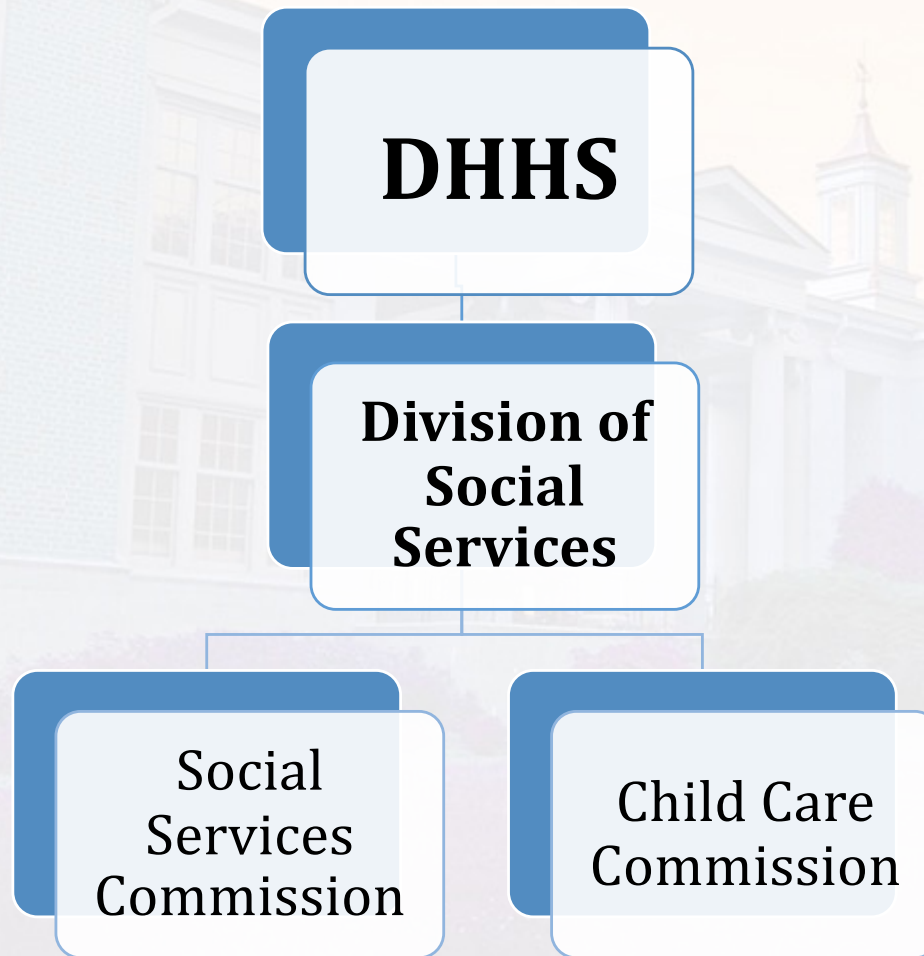
Appropriate funds

- Approve; appropriate

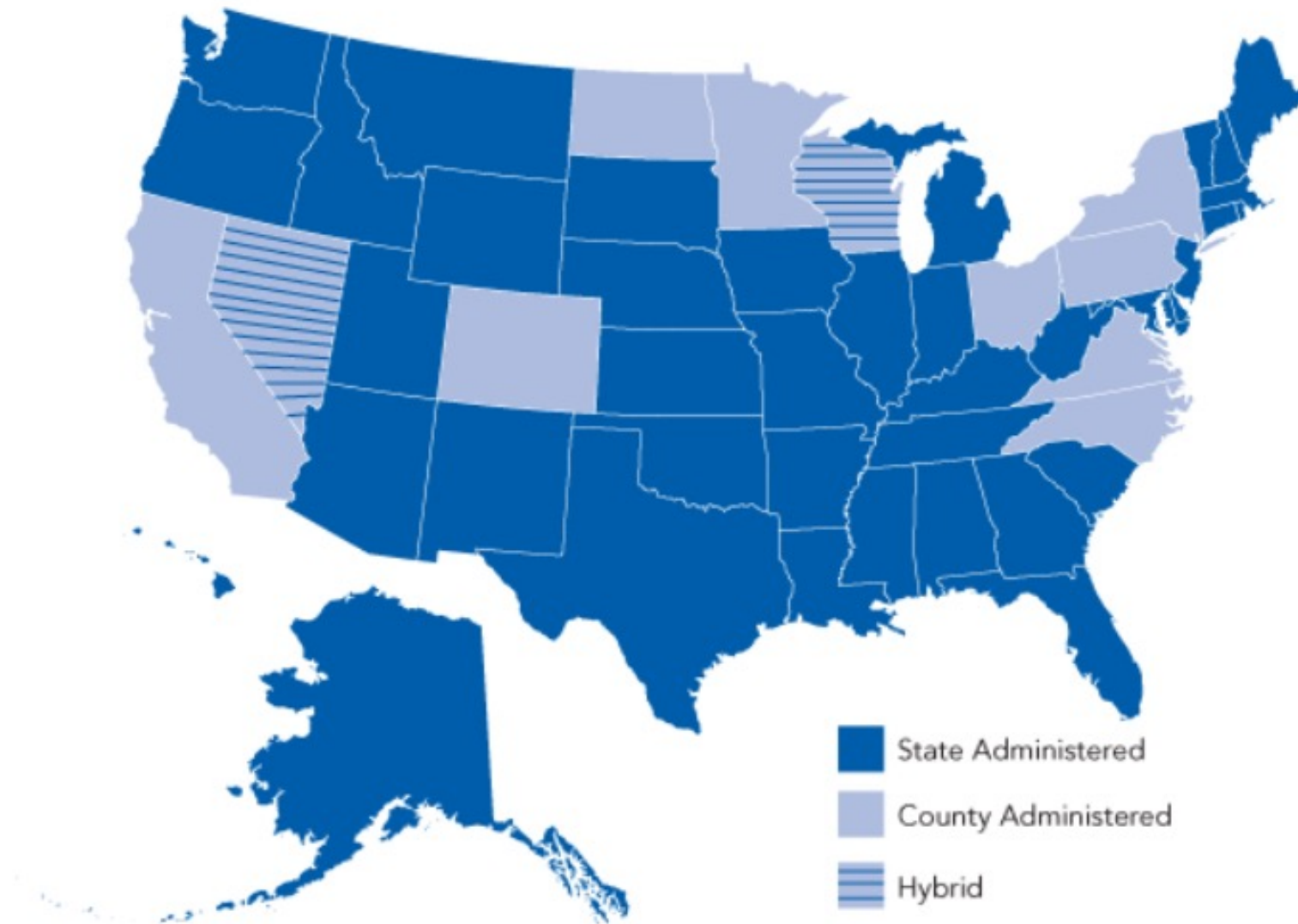
Other duties

- 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.

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

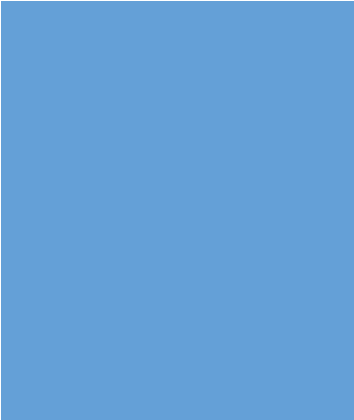
- Appointed, not elected, officials
- Must take oath of office
- Subject to state law regarding qualifications & conduct
- May receive per diem

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

Board of County Commissioners

Appointed DSS Board

Department of Social Services

OPTION B

Board of County Commissioners as a DSS Board

Department of Social Services

OPTION C

Board of County Commissioners

Consolidated Human Services Board

Consolidated Human Services Agency

OPTION D

Board of County Commissioners as a Consolidated Human Services Board

Consolidated Human Services Agency



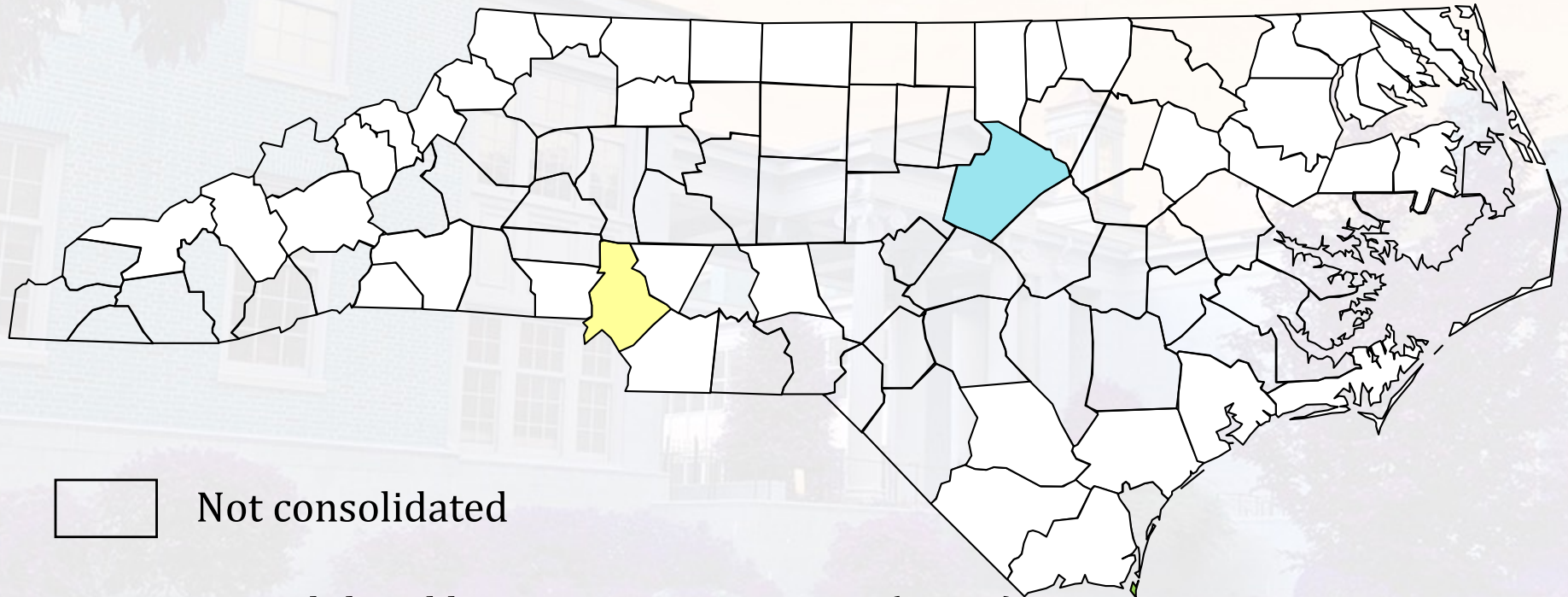
Key Differences

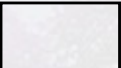
		BOARD	DIRECTOR	EMPLOYEES
Traditional Model	DSS w/ DSS Board	Appointed; 3-5 members	Board hires	SHRA
	Health Dept. w/ Board of Health	Appointed; 11 members	Board hires	SHRA
Options Available Since 2012 to Counties with a County Manager	BOCC as DSS and/or PH Board	Elected*	BOCC hires	SHRA
	CHSA with CHS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

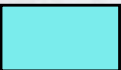
** If public health affected, must appoint health advisory committee*

PH and SS Organization and Governance

June 2012



 Not consolidated

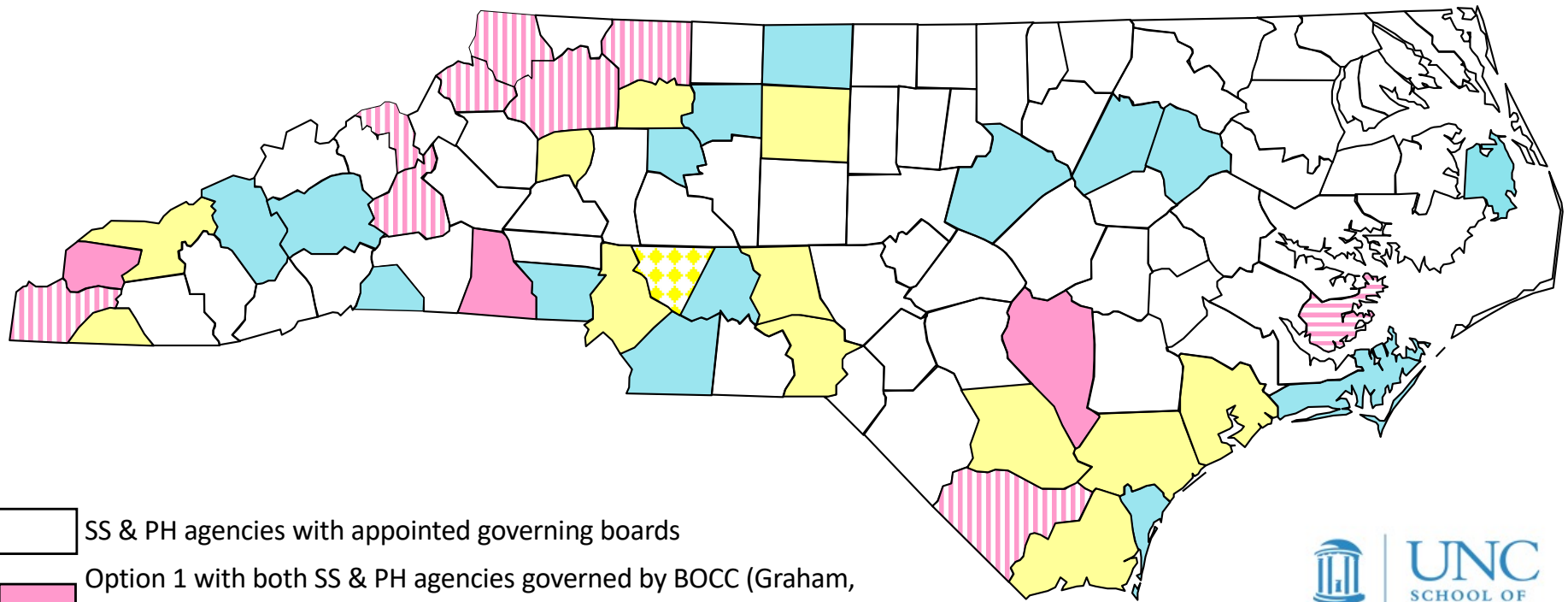
 Consolidated human services agency (CHSA)
with a consolidated human services board (Wake)

 CHSA with BOCC as governing board (Mecklenburg)



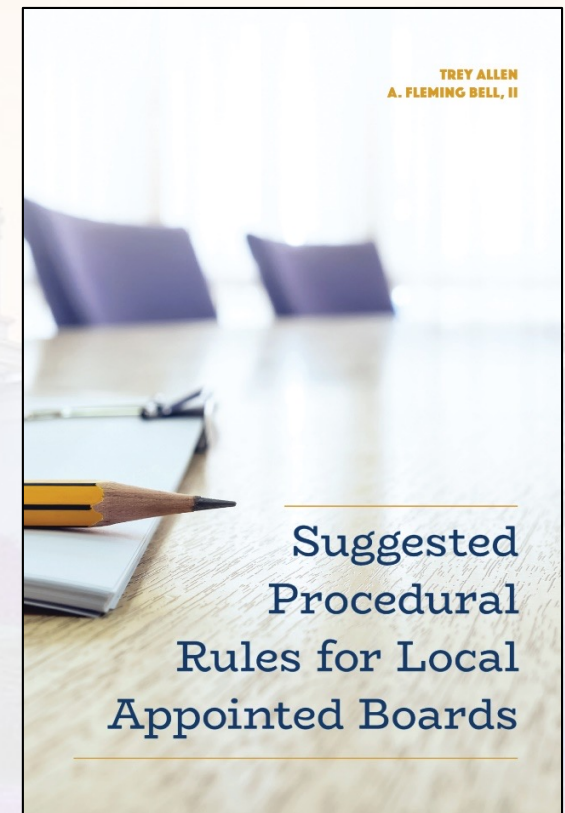
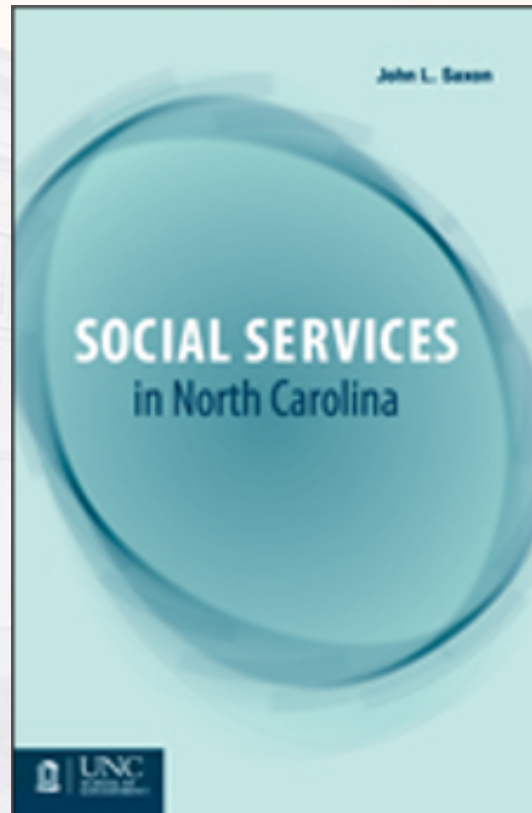
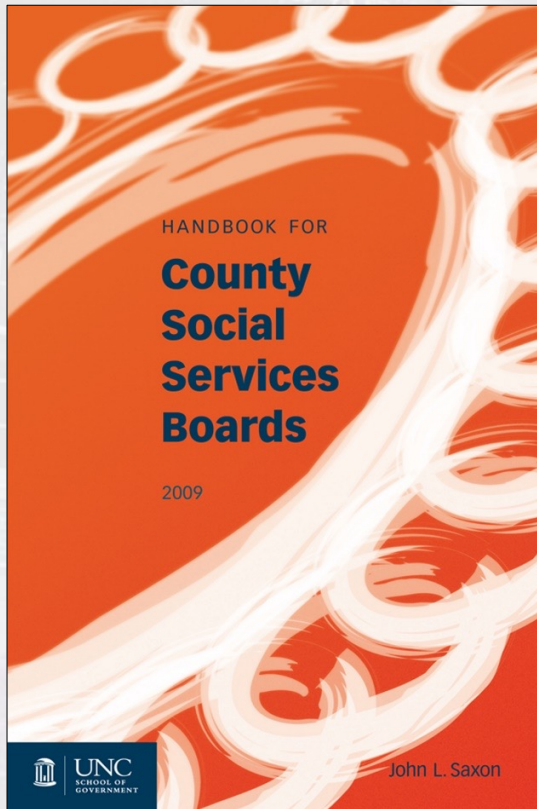
Social Services and Public Health Organization and Governance

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>

Questions?



Kristi Nickodem
UNC School of Government
919.962.2762
nickodem@sog.unc.edu

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



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