

Powers and Duties of the DSS Governing Board

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Powers and Duties

Determined by State law

Statutes enacted by General Assembly

Administrative rules adopted by Social Services Commission

Ordinances adopted by county commissioners



Statutory Powers and Duties

Director	<ul style="list-style-type: none">• Hire, salary, advise, evaluate, discipline/dismiss
Advise public officials	<ul style="list-style-type: none">• Identify, advise, assist, advocate
Establish local policies	<ul style="list-style-type: none">• Limited in scope
Monitor and evaluate programs	<ul style="list-style-type: none">• Includes access to confidential information; fraud investigations
Budget and funding	<ul style="list-style-type: none">• 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?

