

*COMMONWEALTH of VIRGINIA*

**DEPARTMENT OF SOCIAL SERVICES**



**LOCAL BOARD MEMBER HANDBOOK**

**June 2007**

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## PREFACE

This *Local Board Member Handbook* provides you, as a new board member, with a useful reference during your years of service with your local social services board. A brief review of the history and purpose of social services in Virginia and the present organizational structure are presented in this handbook. Also included are short descriptions of the various financial assistance, child care and family services programs. The role and responsibilities of the local board are discussed and suggestions on developing good working relationships with the local department director and other board members are offered. Special attention is given to performance efficiency and effectiveness standards and to the development of community resources. Every attempt has been made to provide a solid base of knowledge and ideas to help you carry out the responsibilities of board membership.

Although this handbook can serve as a practical reference during a board member's term of office, it does not provide all the answers. Social services' policies and procedures involve extremely complex issues. When questions arise which are beyond the scope of this handbook, please discuss them with your local director. In addition to his or her own knowledge and experience, the local director has ready access to state staff at the Virginia Department of Social Services (VDSS).

Efforts to provide a comprehensive handbook are somewhat hindered by the fact that every locality is different. The history of the community and surrounding area, the size and structure of the local department, city vs. county form of government and local community practices, policies and procedures combine to make each Virginia locality unique. While it is hoped that this handbook will serve as a guide along the way, it is up to each local board member to faithfully represent their local community and make the most of the local environment and available resources.

The VDSS thanks you for your commitment to serve on your local social services board and your willingness to help those that are less fortunate or in need of social services in your community.

## INTRODUCTION

### HISTORY AND PURPOSE OF SOCIAL SERVICES IN VIRGINIA

In contrast to the popular image of public welfare as a phenomenon of the last fifty years, the Commonwealth of Virginia has wrestled with the issue of the disadvantaged for more than three centuries. Early efforts included an Act in 1646 to establish a workhouse for the care and vocational education of poor children and a governmental child welfare program in 1661. Generally, Virginia followed the English almshouse system in dealing with its poor and dependent citizens. Almshouses were found in most Virginia parishes and counties in 1760.

In 1908, the State Board of Charities and Corrections was created by the Virginia General Assembly. Subsequent statutes ascribed more executive power to this board. In 1922, it was further strengthened and was renamed the State Board of Public Welfare. The position of the Commissioner of Public Welfare was established at this time. The Reorganization Act of 1922 also:

*Provided for local welfare units, where they are deemed expedient, each consisting of a juvenile and domestic relations court, a board of interested citizens, and a full-time, trained social worker or superintendent of public welfare.*

With the 1929 stock market crash and its tragic aftermath came increased recognition of the necessity of government involvement to help individuals who were in need. The landmark Social Security Act was passed by the federal government in 1935. It established three categorical assistance programs: Aid to Families with Dependent Children, Old Age Assistance and Aid to the Blind. Subsequently, two other categories were added: Aid to the Permanently and Totally Disabled, in 1950 (since dismantled) and Medical Assistance for the Aged (now under Medicaid), in 1960.

As federal involvement and funding grew, state involvement and organization increased. The state began to provide matching funds to reimburse part of the local costs. While the establishment of local agencies had been optional before, the Virginia Public Assistance Act of 1938 required every political jurisdiction to have local departments of public welfare, offering relatively uniform services. The beginning of our present system of a state supervised, locally administered welfare program was set in motion. In 1948, the State Department of Welfare and Institutions was created ("Institutions" meant the correctional system and its facilities).

The 1960s saw the declaration of a "War on Poverty" by Presidents Kennedy and Johnson which increased the complexity of requirements and regulations and required the development of monitoring and reporting procedures.

To better keep up with these increasingly complex issues, the State Department of Welfare and Institutions created regional offices to assist the localities. In July 1974, a separate Department of Welfare was established (Code of Virginia, §63.2-200) and a nine member State Board of Welfare also was established to advise the

Commissioner and to make such rules and regulations necessary to carry out the purposes of Virginia's social services legislation.

Since its designation by the Governor to be the single state agency for administering federal welfare programs, VDSS is subject to pertinent federal law and regulations and is held accountable for such programs. Virginia is one of only a few states which allow the localities to administer federally assisted programs under the state's supervision. There are now 120 local departments. The state is held responsible and accountable to assure that the required programs, policies and procedures are performed as required by the applicable laws and regulations.

In 1982, the General Assembly changed the name from the State Department of Welfare and Institutions to the Virginia Department of Social Services (VDSS).

### **SIGNIFICANT YEARS IN THE DEVELOPMENT OF SOCIAL SERVICES**

- 1908            The State Board of Charities and Corrections was created.
- 1922            The state board was changed and renamed State Board of Public Welfare.
- The state created the Commissioner of Public Welfare.
- Units of public welfare were created with Directors, Social Workers, Domestic Relations Court and Welfare Board.
- 1935            As a result of the 1929 stock market crash, the government became more involved in welfare.
- The landmark Social Security Act was passed and it established programs for Aid to Families with Dependent Children, Old Age Assistance and Aid to the Blind.
- 1938            The Virginia Public Assistance Act was passed that required every political jurisdiction to have a local Department of Welfare.
- 1948            The State Department of Welfare and Institutions was created.
- 1950            A program called Aid to the Permanently and Totally Disabled was added, but later dropped.
- 1960            Medical Assistance for the Aged was added to the list of programs being administered by the Department of Welfare.
- 1964            A Medicaid Program was created and President Johnson made a declaration of the War on Poverty.

- 1974 The Department of Welfare separated from institutions and a nine member State Board of Welfare was created.
- 1982 The General Assembly changed the name from Department of Welfare to Department of Social Services.
- 1988 The first attempt at welfare reform was signed into law as the “Family Support Act.” The Act was created to move people off welfare by providing transportation, child care, medical care and education. The idea was that education and training would prepare those on welfare to move into the work force.
- 1995 The U.S. General Accounting Office reported that only 11% of the 4.6 million people receiving Aid to Families with Dependent Children (AFDC) were participating monthly in any of the education, training or job search programs set up by the 1988 Act. Efforts began to let states develop their own welfare reform programs with a “work first” requirement. Virginia began its welfare reform program in July 1995 and subsequently recommended further changes in welfare reform laws.
- 1996 Federal legislation was signed into law as the Welfare Reform Bill that requires work for benefits with a five year lifetime limit.

VDSS is designated as the single state agency for administering federal welfare law and is held accountable for such programs. Virginia is one of a few states that allow localities to administer federally assisted programs under the state’s supervision. There are 120 local departments, five regional offices and the VDSS Home Office in Richmond established for the administration of social services in the state of Virginia.

## **LEGAL BASE**

The current legal base for the Virginia Department of Social Services is the Code of Virginia, Section 63.2 which:

- Provides for a local board and local director;
- Defines specific duties of the State Board and local boards of social services;
- Defines duties of the Commissioner and local directors, and
- Sets out in state law the structure and administration of social services in Virginia.

## TERMS AND DEFINITIONS:

The following are terms and definitions most commonly used in social services:

1. **Virginia Department of Social Services (VDSS)** – Referred to as state, state office or state organization. Includes the Home Office in Richmond, five regional offices, Division of Child Support Enforcement (DCSE) offices and state licensing offices.
2. **Local Departments of Social Services (LDSS)**– Referred to as local departments or local agencies. The social services system in Virginia is state supervised and locally administered. Local departments provide services directly to eligible clients/customers in their respective jurisdictions. VDSS staff provides support services to local departments. While the divisions of DCSE and licensing are located within VDSS, they provide services directly to the public and not through local departments of social services.
3. **Social Services/Welfare** – Prior to 1982 the state and local departments were called Departments of Welfare. In 1982 the General Assembly changed the name to the Virginia Department of Social Services. Reference on occasion is still made to “welfare”, “welfare reform”, “welfare laws”, etc. The names “social services” and “welfare” now refer to the work and programs assigned to the VDSS and to the local departments of social services.
4. **State Board** – Refers to the state Board of Social Services, a nine-member board consisting of citizen members from throughout different regions of the state who are appointed by the Governor.
5. **Local Board** – A local social services board consisting of citizen members of a county or city who are appointed by the local governing body.
6. **Division of Child Support Enforcement (DCSE)** – Referred to as support enforcement or DCSE. Part of the VDSS state system responsible for the establishment of court orders for child support and the collection of child support payments.
7. **Division of Licensing Programs** – Part of the VDSS that inspects and licenses Adult Living Facilities, Adult Day Care Facilities, Child Day Care Centers and Family Day Homes.
8. **Temporary Assistance for Needy Families (TANF)** – Usually referred to as TANF. Provides monthly payments to families who qualify for money payments through this federal block grant.
9. **Virginia Initiative for Employment Not Welfare** – Referred to as VIEW. Temporary Assistance for Needy Families (TANF) recipients who are not exempt are required to enroll in VIEW, the work component of Welfare Reform.

10. **Social Workers/Service Workers** – Local department workers that administer service programs such as Child Protective Services (CPS), Foster Care, Adoption and Adult Services/Adult Protective Services.
11. **Eligibility Workers** – Local department workers that determine eligibility for benefit programs such as Food Stamps, TANF and Medicaid.
12. **Customers / Clients / Recipients** – These terms are used to refer to the person or family receiving benefits and/or services within the Virginia social services system.

## CHAPTER 1

### VIRGINIA DEPARTMENT OF SOCIAL SERVICES ORGANIZATION

The present responsibilities and structure of the Virginia Department of Social Services (VDSS) are based on the Virginia Welfare Law, revised and re-codified effective October 1, 2002 (Code of Virginia, Title 63.2). The general intent of the Welfare Law is to assure that throughout the Commonwealth eligible persons receive financial assistance, other benefits and social services. The law continues to provide for local administration of assistance and service programs under state supervision.

Title 63.2 mandates a local social service department in every political subdivision of the state, or combination thereof, and specifies the duties and responsibilities of the local social services board and local director as well as the methods of discharging these responsibilities.

The law also defines the general and specific duties and responsibilities of the VDSS in relation to supervision of the local public welfare program. In addition, Title 63.2 defines certain direct responsibilities of the VDSS including licensure and establishment of standards for children's agencies, facilities and homes and day care centers for adults.

The VDSS submits a state "Plan" for each program to the federal agency to qualify for federal financial reimbursement and submits amendments, as necessary. This process assures uniform implementation of the "Plans" throughout the state.

The VDSS administers social services programs consistent with federal and state law and policy of the state Board of Social Services (Board). The VDSS is the liaison to federal, state and executive agencies and also to the local boards of social services.

VDSS develops policy, procedures and administrative support; evaluates programs, policies and operations of local departments; provides administrative supervision, training, technical assistance and policy interpretation to local departments of social services (LDSS); monitors and evaluates programs and agency operations; provides hearing officers for appeals and handles licensing, child support and other Home Office operations.

VDSS is responsible for the administration of social service programs consistent with federal and state law and policy of the state Board. The VDSS shall assist the state Board with program and policy development and evaluate these programs and policies on a continuing basis.

The VDSS shall also make necessary information available and assist the state Board with any inquiries or evaluations that the Board is conducting. The VDSS also provides administrative supervision, training, technical assistance and policy interpretation to the local departments of social services and monitors and evaluates social services programs and the agencies operating the programs.

VDSS has implemented a child protective services (CPS) differential response system (DRS) in all local departments. This system allows local departments to respond to valid reports or complaints of child abuse or neglect by conducting either an investigation or a family assessment. VDSS has developed and provides a training program for all state and local department staff persons involved in the CPS differential response system. (Code of Virginia, §63.2-1504)

## **FEDERAL AND STATE RELATIONSHIPS**

With respect to those benefit and service programs in which there is federal financial participation, state statutes provide that the VDSS shall cooperate with the federal Department of Health, Education and Welfare (reorganized as the Department of Health and Human Services (HHS) in 1980) and other agencies of the United States in “any reasonable manner that may be necessary” to enable the State to receive federal grants for such programs (Code of Virginia, §63.2-206 and §63.2-406).

Federal legislation requires that federal agencies deal exclusively with a single state agency in the administration of any one federally reimbursed program of assistance and/or services to individuals. The VDSS is the “single state agency” dealing with the federal (HHS) in the administration of the program of Temporary Assistance for Needy Families and social services to children and adults other than the blind, and is the “single state agency” with the United States Department of Agriculture in the administration of the Food Stamp program.

The Virginia Department of Medical Assistance Services (DMAS) is the “single state agency” dealing with the federal Department of Health and Human Services (HHS) in the administration of the Medical Assistance (Medicaid) programs, although the VDSS carries responsibility for determination of eligibility for this program and for the provision of related social services, as specified in the Code of Virginia, §63.2-405.

The responsibility of the “single state agency” to each federally reimbursed program consists of (a) submitting to the appropriate federal agency for approval a state “Plan” which meets the conditions required by federal law and regulations to qualify for financial reimbursement (b) submitting amendments as necessitated by changing federal law or policy or by changing conditions or needs within the state and (c) upon approval of the state “Plan” and amendments assuring uniform implementation of the “Plan” throughout the state.

Federal law and/or regulations frequently offer options to states in certain areas of policy. When a state has made its choice in such cases, the option selected becomes a part of the state’s “Plan” and, upon approval by the federal agency, the state “Plan” is the basis for federal financial participation in programs. Federal audits are made in relation to conformity of the approved state “Plan”. For this reason, state and local administration is based on state law and the approved “Plans” are the result of federal legislation or regulations.

## **STATE AND LOCAL AGENCY RELATIONSHIPS**

The VDSS is responsible for the administration of social service programs consistent with federal and state law and policy of the state Board. The Department shall assist the state Board with program and policy development and the VDSS shall evaluate these programs and policies on a continuing basis. The VDSS also shall make necessary information available and assist the Board with any inquiries or evaluations the Board is conducting. The VDSS shall also provide administrative supervision, training, technical assistance and policy interpretation to local social services agencies and monitor and evaluate social services programs and the agencies operating the programs. Other than being the supervisory authority for local program operations, the VDSS also has the responsibility of inspecting and issuing licenses to adult and child care facilities throughout the Commonwealth. The VDSS also has responsibility to establish and collect child support payments.

## **COMMISSIONER'S OFFICE POWERS AND DUTIES**

The executive head of the VDSS is legally designated as the Commissioner of Social Services. He/she is appointed by the Governor, subject to confirmation by the General Assembly, if in session when the appointment is made, and if not in session, then at its next session. The Commissioner shall hold office at the pleasure of the Governor for a term coincident with that of each Governor making the appointment or until a successor is appointed and qualified. Vacancies shall be filled in the same manner as original appointments are made (Code of Virginia, §63.2-200, §63.2-201 and §63.2-202).

The principal powers and duties of the Commissioner in relation to local department operations are set forth by Virginia law.

- The local boards shall allow the Commissioner, at all times, to have access to the records of the local boards relating to the appropriation, expenditure and distribution of funds for, and other matters concerning, public assistance under Title 63.2 (Code of Virginia, §63.2-102).
- Subject to the regulations of the Board, the Commissioner shall have all of the powers and perform all the duties conferred upon by law. The Commissioner shall supervise the administration of the provisions of Title 63.2 and shall see that all laws pertaining to the Department are carried out to their true intent and spirit. The Commissioner shall enforce the regulations adopted by the Board. (Code of Virginia, §63.2-203.)

- The Commissioner shall assist and cooperate with local authorities in the administration of Title 63.2. The Commissioner shall encourage and direct the training of all personnel of local boards and local departments engaged in the administration of any program within the purview of Title 63.2 and Title 16.1, chapter 11. The Commissioner shall collect and publish statistics and such other data as may be deemed of value in assisting the public authorities and other social services agencies of the Commonwealth in improving the care of these persons and in correcting conditions that contribute to dependency and delinquency. (Code of Virginia, §63.2-204.)
- The Commissioner shall require of local boards such reports relating to the administration of Title 63.2 as may deem necessary to enable the Board and the Commissioner to exercise and perform the functions, duties and powers conferred and imposed by Title 63.2. The Commissioner shall review budget requests submitted by local boards, make modifications consistent with the requirements of Title 63.2 and transmit the approved budget to each local board. (Code of Virginia, §63.2-205.)
- The Commissioner shall cooperate with the Department of Health and Human Services and other agencies of the United States and with the local boards, in relation to matters set forth in Title 63.2, and in any reasonable manner that may be necessary to this Commonwealth to qualify for and to receive grants or aid from federal agencies. This includes grants for public assistance and services in conformity with the provisions of Title 63.2 including grants or aid to assist in providing rehabilitation and other services to help individual to attain or retain capability for self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life. (Code of Virginia, §63.2-206.)
- The Commissioner is authorized to receive, for and on behalf of the Commonwealth and its subdivisions, from the United States and agencies thereof, and from any and all other sources, grants-in-aid, funds and gifts, made for the purpose of providing, or to assist in providing, for funds for child welfare services including day care for children, disaster relief and emergency assistance awards, Temporary Assistance for Needy Families, and General Relief, or any of them, including expenses of administration. All such funds shall be paid into the state treasury. (Code of Virginia, §63.2-207.)
- The Commissioner shall enforce the minimum education, professional and training requirements and performance standards as determined by the Board for personnel employed in the administration of Title 63.2 and remove each employee who does not meet such standards. (Code of Virginia, §63.2-208.)
- The Commissioner shall establish in the Department such divisions and regional offices as may be necessary. (Code of Virginia, §63.2-209.)
- The Commissioner shall appoint heads of the divisions, subject to the provisions of Title 2.2, Chapter 29. (Code of Virginia, §63.2-210.)

- The Commissioner shall delegate to the heads of the various divisions and to such other employees of the Department as deemed desirable any and all of the powers and duties conferred upon by law. (Code of Virginia, §63.2-211.)
- The Commissioner shall employ or authorize the employment of such agents and employees as may be needed by the Commissioner and the VDSS in the exercise of the functions, duties and powers conferred and imposed by law upon the Commissioner and the VDSS and in order to effect a proper organization and structure necessary to carry out its duties. (Code of Virginia, §63.2-212.)
- The functions, duties, powers and titles of the agents and employees and their salaries and remuneration, not in excess of the amount provided therefore by law, shall be fixed by the Commissioner, subject to the provisions of Chapter 29 of Title 2.2. (Code of Virginia, §63.2-213.)
- The Commissioner shall reimburse on a monthly basis each county, city, or district fiscal officer for the state and federal share, as appropriate, to the specific program of expenditures made for each program included in the law, including costs of administration, and prescribe the form in which claims for reimbursement must be presented. In addition, assistance may be paid to or on behalf of recipients based on rules or regulations of the State Board. (Code of Virginia, §63.2-401, §63.2-403 and §63.2-520.)
- The Commissioner shall pay to the federal government its proportionate share of the net amount collected by local boards from recipients. (Code of Virginia, §63.2-403.)
- The Commissioner shall provide, upon authorization by the State Board, payments, benefits or services required under law in any locality failing or refusing to provide such payments, benefits or services; file with the state Comptroller and local governing body a monthly accounting of such disbursements, including administrative expenditures; such expenditures to be deducted by the Comptroller from funds appropriated by the state for distribution to the locality. (Code of Virginia, §63.2-408.)
- The Commissioner shall withhold, upon authorization by the State Board, from any locality failing to operate assistance programs, income support programs (Medicaid or Food Stamps) or social service programs in accordance with state laws or regulations or failing to provide the necessary staff for the implementation of such programs, the entire reimbursement for administrative expenditures, or a part thereof, for so long as the locality fails to comply with the state laws or regulations. (Code of Virginia, §63.2-408.)

Any applicant or recipient aggrieved by any decision of a local board in granting, denying, changing or discontinuing public assistance may, within thirty days after receiving written notice of such decision, appeal to the Commissioner. The Commissioner may delegate the duty and authority to a qualified hearing officer to consider and make determinations on the appeal. Any applicant or recipient aggrieved by any decision of a local board concerning food stamps may appeal to the Commissioner in accordance with federal law and regulation. (Code of Virginia, §63.2-517.)

- The Commissioner shall report annually to the General Assembly on the operation of foster care services by local boards and on implementation of the standards required by Title 63.2. (Code of Virginia, §63.2-900, §63.2-903 and §63.2-1105.)
- The Commissioner has responsibility for the enforcement of licensing statutes and State Board regulations for homes for adults, adult day care centers, child placing agencies, child caring institutions, independent foster homes, child care centers and family day care homes. (Code of Virginia, §63.2-1701, §63.2-1703, §63.2-1732, §63.2-1802 and §63.2-1803.)

## **STATE BOARD OF SOCIAL SERVICES**

### **Organization**

The nine (9) member state Board of Social Services (Board) was created by the General Assembly in July 1974. There shall be a state Board of Social Services consisting of nine (9) members appointed by the Governor. In making appointments the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various problems that the Board may be required to consider and act upon. The Board shall include a member from each of the social services regions of the state established by the Commissioner and one member shall be a licensed health care professional.

- The appointments shall be subject to confirmation by the General Assembly if in session and, if not, then at its next session. (Code of Virginia, §63.2-215.)
- The members of the Board shall be appointed to four-year terms, except that appointments to fill vacancies shall be for the unexpired term. (Code of Virginia, §63.2-215.)
- No person shall be eligible to serve for or during more than two successive terms, however, any person appointed to fill a vacancy may be eligible for two additional successive terms after the term of the vacancy for which they were appointed has expired. Members of the Board may be suspended or removed by the Governor at his/her pleasure. (Code of Virginia, §63.2-215.)

- The Board shall select a chairperson from its membership and under rules adopted by it may elect one of its members as vice-chairperson. It shall elect one of its members as secretary. (Code of Virginia, §63.2-215.)
- The Board shall meet at such times as it deems appropriate and on call of the chairperson when, in their opinion, meetings are expedient or necessary; provided, however, that the Board shall meet at least six times each calendar year. (Code of Virginia, §63.2-215.)
- A majority of the current membership of the Board shall constitute a quorum for all purposes. The main office of the Board shall be in the city of Richmond. No director, officer or employee of an institution subject to the provisions of Title 63.2 shall be appointed a member of the Board. (Code of Virginia, §63.2-215.)

### **Powers and Duties**

- The Board shall act in a capacity advisory to the Commissioner and, when requested, shall confer and advise them upon such matters as may arise in the performance of their duties. When requested by the Commissioner, or by the Governor, the Board shall investigate such questions and consider such problems as they, or either of them, may submit and shall report their findings and conclusions. The Board may also initiate investigations and consider problems and make recommendations to the Commissioner or to the Governor, of its own motion. (Code of Virginia, §63.2-216.)
- The Board shall adopt regulations as may be necessary or desirable to carry out the purpose of Title 63.2. Prior to acting on a regulation to be published in the *Virginia Register of Regulations* pursuant to §2.2-4007, the Board shall examine the potential fiscal impact of such regulation on local boards. When a potential fiscal impact is found the Board shall share copies of the fiscal analysis with local boards prior to submission of the regulation to the state Department of Planning and Budget (DPB) for purposes of the economic impact analysis. The Board may also adopt such regulations to authorize local boards to destroy or otherwise dispose of such records as the local boards in their discretion deem are no longer necessary in such offices and that serve no further administrative, historical or financial purpose. (Code of Virginia, §63.2-217.)
- The Board shall adopt regulations to effectuate the provisions for human research, to be conducted or authorized by the Department, any agency or facility licensed by the Department, or any local department. The regulations shall require the human research committee to submit to the Governor, the General Assembly and the Commissioner, at least annually, a report on the human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from the proposals, as approved. (Code of Virginia, §63.2-218.)

- The Board shall establish and promulgate minimum entrance standards of education, professional requirements and training, and performance standards for personnel employed by the Commissioner and by local boards and local directors in the administration of the program. The Board makes rules and regulations necessary to maintain such entrance and performance standards (including those necessary to meet requirements of the federal Department of Health and Human Services with respect to a system of personnel administration) to assure qualified personnel to provide services to prevent dependency and to aid in restoring individuals and families to self-support and economic well-being. The Board shall provide that the VDSS and the local boards or local departments shall not employ any person in any social work position that provides direct client services unless that person holds at least a baccalaureate degree. (Code of Virginia, §63.2-219.)
- In the performance of its function, duties and powers under the provisions of Title 63.2, the Board is authorized to hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents, to administer oaths and to take testimony. (Code of Virginia, §63.2-220.)
- The Governor may direct the Board to investigate the management of any institution licensed by or required to be inspected by the Board under the provisions of Title 63.2. They shall have the power to administer oaths and to summon officers, employees or other persons to attend as witnesses and to enforce their attendance and to compel them to produce documents and give evidence. (Code of Virginia, §63.2-221.)
- The Board shall authorize and direct the Commissioner to provide for the payment of Temporary Assistance for Needy Families or Auxiliary Grants to aged or disabled persons, or for the furnishing of Food Stamp benefits or social services in any county or city in which the local authorities fail or refuse to provide for the payment of such assistance or the furnishing of such benefits or services, as required to meet federal standards in accordance with the provisions of title 63.2; such provision would continue for so long as the failure or refusal of the locality shall continue. (Code of Virginia, §63.2-408.)
- By rule and regulation, the Board may authorize the local director to provide immediate and temporary assistance to persons pending action of the local boards. (Code of Virginia, §63.2-503.)

## **VDSS OFFICES**

### **Organization**

VDSS operates from a home office in Richmond and five regional offices. The five regional offices are located in Virginia Beach, Henrico County, Warrenton, Roanoke and Abingdon.

VDSS program staff in regional offices work with local department staff to provide consultation, technical assistance and training in each major program area. They also monitor, evaluate and review program and operating performance; approve new and renewed licenses within each jurisdiction for child care centers and adult licensed facilities and provide for a central location for licensing and training. VDSS staff in these program areas assist local agencies with interpretation and application of federal and state regulations, compliance with program and data entry requirements, preparation for federal reviews and program funding issues. Through case reviews, case consultation, policy training and periodic meetings the benefit and service program teams provide direction to local departments of social services in carrying out their responsibilities while meeting legal and programmatic requirements. There are approximately 52 programs being administered in the Commonwealth in this fashion. Some of the major programs are:

### **State-Supervised, Locally Administered Programs**

#### Family Services Programs

Permanency (Foster Care and Adoptions)  
Child Protective Services  
Adult Protective Services/Adult Services  
Auxiliary Grants

#### Child Care and Development Program

Child Care Subsidy  
Head Start  
Child Care Quality Initiative

#### Benefit Programs

Food Stamps (EBT)  
Food Stamp Employment and Training  
Medical Assistance (Medicaid), FAMIS, State & Local Hospitalization (SLH)  
Self-Sufficiency (TANF and VIEW)  
Energy Assistance (Heating and Cooling)

### **State Administered Programs**

There are four program divisions within VDSS that are supervised and administered directly to the public by VDSS and not through local departments of social services:

## **DIVISION OF CHILD SUPPORT ENFORCEMENT (DCSE)**

The nation's Child Support Enforcement Program was created in 1975 when Congress required states to collect child support payments for children (Title IV-D of the Social Security Act). The Commonwealth's Child Support Enforcement Program is a highly regulated, federally-mandated, state-administered program, required to serve all eligible clients who apply for its services directly or are referred by the courts or local departments of social services. The program is also required to provide "pass-through" recording and disbursement for non-clients not otherwise using its services when referred by the courts. Virginia is an "administrative process" state, which means that many child support actions are taken without court involvement. About 68 percent of existing child support orders were issued by the courts. Following is a quick snapshot of Virginia's program:

Number of cases	363,294
Number of children served	484,000 (¼ of Virginia's child population)
SFY2005 collections	\$561 million (5 percent increase over FY2004)
Past due child support owed	\$2.2 billion (cumulative from 1975)

## **DIVISION OF LICENSING**

The Division of Licensing Programs (DOLP) is responsible for the administration of licensing and other regulatory programs for non-medical facilities for children and adults. The mission of the DOLP is to protect the health, safety, and well-being of children and vulnerable adults served in regulated care settings through a comprehensive program of regulatory oversight and related provider services. DOLP maintains 18 regulations under two policy boards, the State Board of Social Services and the Child Day Care Council. As of December 1, 2005, there were 7,366 regulated facilities with a capacity for 378,609 consumers. Licensed or non-licensed-regulated programs include:

- child day centers, family day homes and systems, voluntarily registered child care, and child care exempt programs
- assisted living facilities, adult day care centers,
- child placing agencies, children's residential facilities,
- child-caring institutions and independent foster homes.

## **DIVISION OF COMMUNITY AND VOLUNTEER SERVICES**

The Division of Community and Volunteer Services is one of VDSS' newest organizational units. Community and volunteer organizations are an invaluable resource in the delivery of services at the local level. The VDSS maintains close relationships with community organizations, faith based organizations, non-profits and local departments of social services. These relationships enable the Virginia Social Services System to pool resources in the provision of a unified safety net of services for those most in need. The Division is constantly seeking ways to partner with the Commonwealth, private, volunteer and community organizations to share information and fortify the VDSS statewide network of services. The Division of Community and Volunteer Services is primarily composed of the VDSS Regional Offices, Office of Community Partnerships, Office of Newcomer Services, Office of Community and Volunteer Services, Family and Children's Trust Fund, and 2-1-1 Virginia.

## **INTERDEPARTMENTAL REGULATION OF CHILDREN'S RESIDENTIAL PROGRAMS**

The Interdepartmental Regulation program ensures that a coordinated approach to the regulation of children's residential facilities is taken by the Departments of:

- Education
- Juvenile Justice
- Mental Health, Mental Retardation and Substance Abuse Services
- Social Services

This coordinated approach is critical to assure that the care, treatment, and education provided to the children placed in these facilities is adequate. This joint effort is intended to promote quality residential care through an effective and efficient regulatory process. The Office of Interdepartmental Regulation also processes all criminal background requests for staff and volunteers of children's residential facilities as required by the *Code of Virginia*.

## CHAPTER 2

### LOCAL DEPARTMENT OF SOCIAL SERVICES - ORGANIZATION

#### Local Governing Body

The local governing body:

- Appoints members to the local board of social services (LBSS); one member of the local governing body is usually included on the LBSS;
- Determines whether the LBSS is an Administrative Board or an Advisory Board;
- Appoints the local director when specified by law;
- Receives the annual budget, requests and reports prepared by the LBSS;
- May pay compensation and expenses to LBSS members from local funds; and
- May suspend or remove an LBSS member for just cause.

#### Local Boards of Social Services

As noted in the History section of the Introduction, every political jurisdiction in Virginia is required by state law to provide social services to their residents. Each agency has a corresponding LBSS (Code of Virginia, §63.2-300). In some cases, combinations of counties and cities may share both the local department and the local board.

The involvement of local citizens on these boards developed gradually. At first, citizens were directly involved with service delivery to clients. As the programs became increasingly complex and the numbers served dramatically expanded, the board's emphasis shifted to policy and administrative issues.

There are two types of local boards: **Administrative and Advisory**. The administrative board is the most common. The majority of localities have this type of local board. The powers and responsibilities of **ADMINISTRATIVE** boards include the following:

- Local policy decisions – establishing, reviewing and revising as needed;
- Discretionary power over local funding from both public and private sources;
- Preparation and submission of budgets and reports to state and local officials;
- Employment of legal counsel in civil matters;
- Review of programmatic and personnel performance;
- Provision of a variety of child welfare services, including child protective services, when not available through other community agencies;
- Provision of adult protective services;
- Placement of children and adults in foster homes or other facilities when appropriate;
- Determination of which optional services will be offered;

- Appointment of local department director (unless otherwise specified by local government) and assuring the professional qualifications of this officer; and
- Interest in all matters pertinent to local social services (See Code of Virginia, §63.2-313 thru §63.2-322 for additional details.)

In contrast, the governing bodies of a city or county may designate the officer in charge of the local department as the local board and will then appoint an advisory board to assist that officer. The officer in charge in these situations is usually the local director and will report to the designated city or county official(s) in charge. In compliance with the Code of Virginia, §63.2-305, the powers and duties of the **ADVISORY** boards shall be to:

- Display interest in all matters pertinent to the public assistance and social services needed by the people of the jurisdiction served by the local department;
- Monitor the formulation and implementation of public assistance and social services programs by the local department;
- Meet with the local government official who constitutes the local board at least four times a year for the purpose of making recommendations on policy matters concerning the local department;
- Make an annual report to the governing body or bodies, concurrent with the budget presentation of the local department, concerning the administration of the public assistance and social services programs; and
- Submit to the governing body or bodies other reports that the advisory board deems appropriate.

**Local Board Member Requirements:**

Local board members shall:

- Faithfully attend board and committee meetings
- Know the programs, goals and objectives of the LDSS
- Take an active interest in state and local social services issues
- Monitor and review program and personnel performance
- Avoid any hint of conflict of interest
- Enhance the public image of the LDSS
- Require presentation of written or oral reports of committee meetings at board meetings
- Share in the responsibility of administering an effective Equal Employment Opportunity/Affirmative Action (EEO/AA). Local agency EEO/AA plans must be accompanied by a signed statement from the local board chairperson acknowledging that the local board is aware of, responsible for, and fully supportive of everything that is contained in the Plan. It is the responsibility of the local board members to fully familiarize themselves with the local agency EEO/AA plan and to ensure the local agency is complying.
- Consider including management of equal employment opportunity and affirmative action in the local director's performance evaluation.

- Take advantage of training opportunities offered by the VDSS)
- Monitor fiscal performance as well as individual and programmatic performance.

Local board members need to find out about other community organizations; what services are available, eligibility requirements, and so on. Other steps in the process include determining how the local department and other agencies could be mutually helpful and what interest other agencies have in developing coordinated efforts.

### **Board Members as Liaisons**

Board members should have an active role in promoting interagency relations by acting as liaisons. Local board members are likely to have a variety of contacts throughout the community – perhaps through their regular jobs or through social or religious activities. Frequently, they are involved with other significant community organizations, either as employees or as members of boards or advisory councils.

While department staff often work directly with personnel from other agencies, a board member may be just the link necessary to establish or enhance interagency relationships. Keeping the informal lines of communication open, making each agency aware of the other's programs and updating them on any relevant changes are all conducive to interagency coordination. If the community and the local board seem to be open to moving in this direction, or perhaps already have, **BE SUPPORTIVE!** The local board also may be able to persuade the local governing body, other local service organizations, and/or business to lend their support, in terms of funding or personnel.

### **Board Members as Public Educators**

Education is a large part of the function of the liaison. Members of the local board should take advantage of any opportunities to further educate the public about the local social services, programs and activities.

Local board members are perhaps already aware that there are many misconceptions and disagreements about the need for social services and the ways it is managed. Frequently, people just don't know very much, factually, about how the department really operates. A local board member may be able to clarify or lay to rest some of these misunderstandings.

By participating on the local board, members should gain or increase knowledge about the scope of social services problems in the community and the ways in which the local department is trying to meet those needs. Informal sharing of this information helps build stronger community support. If the board members speak in general terms and remember to strictly adhere to rules of confidentiality, case histories may be shared which demonstrate how the programs have helped real people. Confidentiality is essential – the identities of clients must **ALWAYS** be protected.

The growing knowledge and understanding of local needs and local department operations by a new local board member, combined with the individual's stature in the community, can also give the member influence with the local governing body. A person who is committed to this cause and who knows what he/she is talking about gains respect. This respect can translate into stronger support for local directors and their efforts.

Local board members should always be ready to promote awareness and understanding of the department. In some counties, local boards have organized special orientation sessions for other community organizations.

## **BOARD SPECIFICATIONS**

### **Administrative Boards of Social Services**

- Most common type of board in the Commonwealth.
- Consist of three or more members. The local governing body may appoint a member of the Board of Supervisors to be one member of the Administrative Board.
- Terms are four years and a member may serve no more than two consecutive terms
- Must meet at least bi-monthly with at least one meeting annually for orientation and training for new members. Responsible to the community and works through the local director. Assists the local director in making requests to the local governing body.
- Accountable to each other, department staff, clientele and the community. Appoints the local director unless otherwise specified by the local governing body and assures performance standards.
- Prepares performance evaluations of the local director. The local board should have an understanding with the local director, preferably in writing, providing the local director's authority and the local board's authority.
- Maintain minutes through the local director who also takes minutes as the Secretary.
- Make local policy decisions with staff input. This policy must generate uniform and equitable treatment of clientele and comply with state and federal law.
- May serve as liaison with other local agencies. Review agency performance on a regular basis.
- Establish priorities and "mission" of the local board and LDSS. Board members and staff must be in agreement.
- Responsible for public relations, personnel policies and the Virginia Freedom of Information Act.
- Take advantage of opportunities to educate the public about social services.
- Exercise discretionary power over local funding. Preparation and approval of budgets and reports to state and local officials. Share accountability for funds allocated to the LDSS. Monitor LDSS expenditures.
- Review staff program and personnel performance.
- Employ legal counsel in civil matters.

- Administer programs in accordance with the law and State Board regulations. In matters not covered by state policy, the local board may adopt policies applicable to the LDSS. State and local policies, together, should cover all activities of the LDSS and the policies should be available to all staff.
- Provide services, including child and adult protective services; placement of adults and children in foster homes; determine which optional services are offered.
- Maintain interest in all matters pertinent to the LDSS.
- Work with the local director to assess community needs and resources. Determine what services are available through other community organizations. Establish and enhance inter-agency relationships by developing contacts through:
  - Regular jobs
  - Social or religious activities
  - Involvement with other community organizations
  - Persuading the local governing body and other service organizations to provide support in terms of funding and personnel
  - Keeping the lines of communication open and be supportive
  - Supporting orientation sessions for community organizations
  - Supporting recruitment and training of volunteers

### **Advisory Boards of Social Services**

- The local governing body may designate the local director as the local board and appoint an advisory board to assist the local director as per the Code of Virginia, §63.2-305.
- The board consists of no fewer than five and no more than thirteen members. Members serve four year terms and may serve no more than two consecutive terms.
- The board shall meet at least bi-monthly. In addition to regularly scheduled meetings it may meet at the call of the chairman or on petition of at least one-half of the members.
- The board has an Interest in all matters pertaining to public assistance and social services needed by the people in the community. It assists the local director in an advisory capacity with planning and development and meets with the local director at least quarterly. It shares the responsibility for administering an effective Equal Employment Opportunity/Affirmative Action Plan. It also monitors the formulation and implementation of these programs.
- The board submits an annual report to the governing body concerning the public assistance and social services programs.
- The board submits to the governing body, as needed, other reports that the advisory board deems appropriate.

### **Legal Counsel**

Per the Code of Virginia, §63.2-317, the local board of social services may employ legal counsel in civil matters to give advice to or represent the local board or any of

its members or the employees of the local department and may pay court costs and other expenses involved in the conduct of such civil matters from funds appropriated by the local governing body for the administration of the local department. The VDSS may reimburse the local board for all or any part of such expenditures at the same rate in effect for all other administrative costs at the time of the expenditure. The VDSS shall not reimburse the local board for any expenses for which payment was available through an insurance policy currently in force. Prior approval from VDSS must be obtained to claim reimbursement for legal expenses that are not client or case specific.

Per the Code of Virginia, §63.2-318, if any employee of a local department is arrested, indicted or otherwise prosecuted on any criminal charge arising out of an act committed in the discharge of their official duties and the charge is subsequently terminated by entry of an order of dismissal, or nolle prosequi or upon trial they are found not guilty, the local board may reimburse such employee for all or part of the legal fees and expenses incurred by the employee in defense of such charge. The VDSS may reimburse the local board for all or any part of such expenditures at the same rate in effect for all other administrative costs at the time of the expenditure.

### **Local Director of Social Services**

- The local director is appointed by the local board or other appointing authority where designated by city charter or statutes, subject to the personnel standards and regulations of the State Board. (Code of Virginia, § 63.2-325.) The VDSS provides assistance to local boards in selecting local directors as requested or as deemed necessary.
- The local director serves at the pleasure of the local board, or other appointing authority, subject to the provisions of the merit system plan as defined in the Code of Virginia, § 63.2-100. (Code of Virginia § 63.2-326.)
- A local director who does not meet the personnel entrance and performance standards established by the state Board may be removed by the Commissioner. (Code of Virginia, § 63.2-327.)
- The local director shall be the administrator of the local department and shall serve as secretary to the local board. (Code of Virginia, § 63.2-332.)
- The local director works with the local board to assess community needs and resources. The local director informs the local governing body of program objectives and policies.
- The director prepares an annual budget submission to local and state government and assists in securing needed funds.
- The local director ensures that programs are operated as intended and is responsible for the performance of the local agency.

- The local director's administrative duties include program and policy implementation, human resource planning, supervision and evaluation of staff, financial planning and securing and maintaining office space and office equipment.
- It is the intent of the law that the local department shall meet the general welfare needs of the community in cooperation with other public and private agencies.
- The local director interprets policies and regulations available to staff. He or she has a broad knowledge of community resources and takes an active role in promoting interagency cooperation. The local director cooperates with other agencies, public and private, in meeting the needs of the community. (Code of Virginia §63.2-334). The local director is responsible for public relations and is the liaison between the local board and staff.
- The local director is responsible for the Virginia Freedom of Information Act and the Equal Opportunity Act.
- The local director informs the local governing body and public officials regarding activities related to public welfare programs. The local director is accountable to the community and the VDSS.
- Additional responsibilities include the coordination of a multi-discipline team (MDT) for the provision of Child Protective Services. (Code of Virginia, §63.2-1503).

Under the general direction of the local administrative board, the local director is the administrator of the local department. In cooperation with other public and private agencies, the specific powers and duties are to:

- Render such information, services, assistance and cooperation as may be ordered by the Judge of the Juvenile and Domestic Relations District Court. Provide supervision to children on parole, returned by the State Department of Corrections. (Code of Virginia, §16.1-278.)
- If so authorized by the local board or other appointing authority, subject to the personnel standards and regulations of the state Board, employ other employees as may be required by the Commissioner in the county or city and participate in the annual evaluation of the services of such staff members. (Code of Virginia, §63.2-325.)
- Act as agent of the Commissioner in relation to any work to be done by the Commissioner within the county or city. (Code of Virginia, §63.2-333.)

- Foster cooperation between all public and private charitable and social agencies in the county or city to the end that public resources may be conserved and the social needs of the county or city be adequately met. (Code of Virginia, §63.2-334.)
- Keep records of cases handled and business transacted in such manner and form as may be prescribed by the State Board. (Code of Virginia, §63.2-335.)
- At the request of the local governing body, prepare each year and keep on file a full report of the local department's work and proceedings during the year. If such request is made, one copy of such report shall be filed with the local governing body and another with the State Board. (Code of Virginia, §63.2-336.)
- If the local board does not act on an application for assistance within the time limit specified by the State Board or circumstances require immediate assistance, the director may provide necessary assistance pending determination by the local board. (Code of Virginia, §63.2-503 and §63.2-504.)
- Review or cause to be reviewed, all assistance grants as frequently as required by the State Board. If the local board does not act within 30 days on information affecting eligibility or the amount of assistance, the local director may make the necessary adjustments in the amount of TANF and assistance or suspend assistance pending action by the board. (Code of Virginia, §63.2-514.)
- Supervise the placement in suitable homes of children entrusted or committed to the local board. (Code of Virginia, §63.2-901.)
- Prepare, or cause to be prepared, and submit to the circuit court the required report on each adoption case referred to the agency by the court, and a copy to the Commissioner. (Code of Virginia, §63.2-1208.)
- Cooperate with the Division of Child Support Enforcement in the location of responsible persons who have abandoned or deserted or are failing to support children receiving TANF. (Code of Virginia, §63.2-1902.)

### **Other Local Director Administrative Duties**

**Program Implementation** – The local director, as agent of the local board, is the administrator of all the programs for which the agency has statutory responsibility. The local director must have knowledge of all the programs, their relative importance and interrelationships in order to assure their effective implementation. They must be aware of management principles and techniques in developing methods and procedures for agency operation and establishing priorities. Proper channels of communication among staff members are essential to efficient operation.

**Personnel Planning** – The local director is responsible for determining the number and classification levels of staff needed to carry out agency functions and for making appropriate recommendations to the local board for the provision of adequate, qualified staff.

The local director must provide the type of supervision and in-service training that will foster the growth and development of the professional and support staff.

Depending upon the size of the agency, the degree of the local director's supervisory responsibility will vary. In very small agencies, it may be necessary for the local director to carry a specialized or limited caseload. It is the local director who can establish the quality of the agency atmosphere of cooperation and concern for client, co-workers and the community.

**Financial Planning** – The local director is responsible for the preparation of the initial budget. This involves an evaluation of programs as currently operated; recognition of new laws, regulations and policies which will affect program operations for the upcoming year; consideration of desirable improvements in programs or additional services to be included; and the assembling of data to support administrative and program estimates. The budget estimate is submitted to and discussed with the local board who is responsible for approval of the final budget. The local administrative board then presents the budget to the governing body with a copy to the Commissioner of Social Services.

When final approval of the budget is given, the local director is responsible to the local board for the proper expenditure of funds. This involves the keeping of adequate records, the completion of necessary reports and the establishment of monitoring procedures.

**Office Space and Equipment** – The local director is responsible for assessing the office space and equipment needs of the agency in relation to standards established by the State Board. Such standards include accessibility of the agency office to the public, adequate space for staff and clients, safety and health requirements, and equipment and furnishings necessary for efficient operation.

The following information helps to differentiate between the roles of the local administrative board and the roles of the local director:

### **Local Boards**

Policy planning and development  
Policy review and approval  
Program review  
Hire/fire director  
Evaluation of director  
Legal responsibilities  
Budget approval  
Public relations  
Personnel policies  
Virginia Freedom of Information Act

### **Local Directors**

Policy planning and development  
Implementation of policy  
Implementation of programs  
Hire/fire staff  
Supervision & evaluation of staff  
Legal responsibilities  
Budget operation and proposal  
Public relations  
Liaison between board and staff  
Virginia Freedom of Information Act

### **Local Department of Social Services Staff**

- Provide direct services to customers
- Issue some payments to customers and service providers
- Determine customer eligibility for benefits
- Arrange for and provide direct services to customers
- Are responsible to the local governing body, local board, local director, VDSS Regional and Home Office staff

Other responsibilities might include:

- Presenting information about cases and services to the local board, VDSS or State Board
- Discussing problems with the local board at staff request
- Conducting customer-related assignments without personal interference

### **Other Agencies**

- Local departments work closely with other local agencies' staff to meet the needs of the customers.
- Local board members may serve as liaisons with other local agencies.
- Local department staff promote use of local health department services
- Local department handle eligibility determination for Medicaid, but the program is administered by DMAS.
- The Commissioner and other VDSS staff may work out interagency agreements with other agencies at the state level.

## CHAPTER 3

### SOCIAL SERVICES PROGRAMS IN VIRGINIA

#### STATE-SUPERVISED, LOCALLY ADMINISTERED PROGRAMS

##### Division of Benefit Programs

Virginia statutes allow for an assortment of benefit (financial assistance) programs. Some are established and funded by the federal government; some are funded at the state or local level and some are funded jointly. States are required by the Social Security Act to supervise locally administered federal social services programs. Each state must submit a plan to the Secretary of the U.S. Department of Health and Human Services that demonstrates that the programs are operated in accordance with relevant federal laws and regulations and are uniformly available throughout the state.

According to federal and state law, any individual has the right to:

- Apply for benefits ;
- Have eligibility for benefits determined promptly and in conformity with established laws and policies;
- If found eligible, receive benefits promptly and in the entitled amount, according to established policy; and
- Appeal to the state agency if dissatisfied with the determination decision by the local department.

Applicants are held accountable by law for the provision of accurate and complete information concerning their financial situation and other circumstances which could influence eligibility. Some of the eligibility criteria for these programs can be found in Title 63.2 in the Code of Virginia. The number of eligible individuals in the household and their total net income, resources and available support affect the amount of benefits they will receive. Benefits programs provided at local departments of social services include:

**Temporary Assistance for Needy Families Program (TANF)** – Provides temporary financial assistance to families with children who have financial needs. The TANF program is the cornerstone of Virginia’s sweeping welfare reform initiative signed into law on March 20, 1995. The TANF program initiative has time-limited benefits, a strong work requirement and a social contract which sets out the responsibilities of and expectations for recipients of public assistance and the government. The family receives a monthly cash payment to meet basic needs. The Virginia Initiative for Employment not Welfare (VIEW) is the work component for TANF recipients and assists individuals to obtain employment. VIEW requires able-bodied parents with children over the age of 18 months to participate in unsubsidized or subsidized employment or the Community Work Experience Program. VIEW participants have a 24-month time limit to receive TANF benefits. VIEW participants may earn income up to the federal poverty limit, based on family size, and remain eligible for TANF.

After cash assistance is terminated, the family may receive 12 months of transitional assistance, including childcare, transportation and employment and training.

**Emergency Assistance** – Provides short term, limited financial assistance to families with children when a fire, natural disaster or other one-time emergency has created a hardship for a family.

**General Relief (GR)** – This state/local financed program provides limited financial assistance. This program includes medical care for the indigent, burial for the indigent and other emergency services. This program is administered as an option for each local department.

**Food Stamps** - This federal program supplements the food budgets of low income households to help assure needy persons a nutritionally adequate diet. Eligibility is determined by financial need, household size and non-financial criteria such as student and work registration. The benefits are issued and redeemed by the use of an Electronic Benefit Transfer (EBT) debit card.

**Medical Assistance (Medicaid)** – This federal/state financed program provides medical care for specified needy persons. Eligibility for Medicaid is determined by the local department according to criteria established by DMAS, which actually administers the program. DMAS makes direct payments to health care service providers for eligible individuals and families who are unable to pay for needed medical services. The Medicaid program pays for a variety of medical services, including prescription drugs, doctor visits, nursing facility care and hospital care.

**Children’s Health Insurance in Virginia (FAMIS/Medicaid)** – The Children’s Medical Insurance Plan (Title XXI) covers uninsured low-income children from birth through age 18. The program is designed to provide comprehensive health care benefits for working families who earn too much to qualify for Medicaid and too little to afford health insurance. This plan is divided into two income components. The first component covers children in families with income up to 150 percent of the federal poverty level (FPL). The second component covers children in families whose incomes are between 150 and 185 percent of the FPL. Individuals in the second component will be subject to the payment of premiums and co-pays.

**FAMIS** was created to help working families who do not have health insurance for their children. The following services are covered:

- Doctor and hospital visits
- Well-baby check-ups
- Vaccinations
- Prescription medicine
- Tests and x-rays
- Dental care
- Emergency care
- Vision care

**Energy Assistance Program** – Eligible low income households receive federal assistance with their home heating & cooling bills. Faulty or hazardous heating systems may also be repaired in households eligible for energy assistance.

**State and Local Hospitalization (SLH)** – State and Local Hospitalization provides direct payment to hospitals for individuals who do not qualify for Medicaid and who are unable to pay for required medical services. This program will pay for limited hospitalization, outpatient surgery and emergency room visits. In-patient and out-patient doctor visits are not covered.

### **Division of Family Services Programs**

The Division of Family Services is responsible for comprehensive social service planning in the state with the accompanying development of programs, policies and procedures. The Division provides program direction and technical assistance to regional offices in the supervision and monitoring of the local department service programs. The mission of the Division is to help individuals and families develop and use their own resources, gain access to and use existing resources so that people can move to their optimum well being. The legal base for these services is the Code of Virginia, Title 63.2.

### **Family Preservation and Family Support Services Program**

In 1993, Congress passed and began implementation of a new federal Family Preservation and Family Support Services Program. The program was part of the Omnibus Budget Reconciliation Act which established a new subpart 2 to Title IV-B of the Social Security Act.

The purpose of promoting the Promoting Safe and Stable Families (PSSF) program is to enable localities to develop or expand coordinated programs of community-based family support services, family preservation services, time-limited reunification services and adoption services.

**Family Preservation Services** refers to services for children and families designed to protect children from harm and help families at risk or in crisis including:

- Pre-placement preventive services such as intensive family preservation,
- Services designed to provide follow-up care for children returning home,
- Respite care for children to provide temporary relief for parents and other caregivers,
- Case management services to stabilize families such as health care, utility payments, housing payments, etc., and
- Services to improve parenting skills when needed.

**Family Support Services** are designed to promote the well-being of children and families and are designed to increase the strength and stability of families (including adoptive, foster and extended families) to increase parents' confidence and competence in their parenting abilities to enhance child development. These

services may include early developmental screening of children, mentoring, tutoring and health education among others.

**Time-Limited Reunification Services** are services and activities that are provided to a child who is removed from home and placed in a foster family home or a residential facility in order to facilitate the reunification of the child for up to 15 months from the time the child entered foster care. These services include:

- Individual group and family counseling,
- Substance abuse treatment if needed,
- Mental health services,
- Assistance to address domestic violence, and
- Transportation to and from activities and services described above.

**Adoption Promotion and Support Services** are designed to encourage more adoptions out of the foster care system when adoptions serve the best interest of the child.

**Funding the Safe and Stable Families Program** - There is a federal requirement to spend a minimum of 20% of PSSF funds on time-limited reunification services, 20% on family preservation and 20% on family support. Because funds are allocated directly to adoption programs by VDSS, the funding is not subject to the 20% limit. One funding stream is administered by the local agency through the Social Services Title XX Block Grant at a reimbursement rate of 80% federal and state funds and 20% local funds.

A second funding stream is managed by the Community Policy and Management Team (CPMT) of the Comprehensive Services Act (CSA) and has a reimbursement rate of 90% federal and state funds and 10% local funds.

### **Mandated Services for Families and Individuals**

Specific social services have been mandated by the State Board of Social Services and must be provided in every locality. The mandated services are:

Adoption Services – provides services and registries to bring together children and families for permanent placements.

Child Care Services– provides services of child care in approved facilities for a defined portion of a 24-hour day to enable parents to be employed or to provide services when they must be away due to an emergency. Services may also be provided for children needing protection.

Early and Periodic Screening, Diagnosis and Treatment (EPSDT) – provides information and supportive services to encourage children on Medicaid to utilize preventive health care and refers such children to medical providers for medical services.

Family Planning – provides information, counseling education and referral to medical services to individuals who want to limit their family size or space their children.

Foster Care Services for Children – provides counseling, supervision and supportive and rehabilitative services to, or on behalf of, children who are committed or entrusted to local boards of social services.

Protective Services for Children – receives and investigates complaints and reports concerning the abuse, neglect, or exploitation of children and provides preventive action when there is a threat of harm. Emergency services are available 24 hours a day, seven days a week, by contacting the Child Abuse Hotline at 1-800-552-7096.

Protective Services for Adults – receives and investigates complaints and reports concerning the abuse, neglect, or exploitation of those over age 60, disabled individuals over age 18, and their families, when necessary. Intervention may involve in-home services, counseling, transportation, day care, sheltered employment, legal proceedings and meal provision.

Home-Based Services – provides home-based services for those over age 60, disabled individuals over age 18, and their families when necessary. The goals include the maximization of self-sufficiency, the prevention of abuse and neglect, a reduction and delay in premature or unnecessary institutionalization, and aid when such a placement is appropriate. Some home-based services are mandated by state law, other services that may be offered include: counseling on an individual or group basis, transportation, day care, sheltered employment, legal proceedings and meal provision.

Auxiliary Grant Program (AG) – Financial assistance is available for certain needy, aged, blind or disabled persons who reside in adult living facilities or adult family care homes. The money received plus other income is used by the person to pay for care provided by the facility. Individuals who get money from the Auxiliary Grant Program also get a Medicaid card to use for medical bills.

### **Supportive Services**

After providing funding for the above services in the local plans, localities may choose to spend funds remaining from their block grant and state allocation on any of the following optional services and enhancements to mandated services.

These may be purchased from service providers where available. These elective programs are:

- Counseling and treatment
- Day care for adults
- Child care– Fee system block grant/At-risk programs
- Developmental day care for adults
- Developmental child care
- Education and training

- Family preservation and support services
- Foster care for adults
- Health related
- Home-based
- Legal
- Nutrition-based
- Substance abuse services
- Services to specified disabled individuals
- Socialization/recreation
- Transportation
- Prevention services

### **Comprehensive Services Act**

In 1993 the Virginia Comprehensive Services Act (CSA) provided for the pooling of eight specific funding sources that purchased services for high risk youths. These funds are returned to the localities with a required state/local match and are managed by the local interagency team. The purpose of this Act is to provide cost effective, child centered, family focused, community based services to high-risk youths and their families.

By law, each locality is required to have at least two interagency teams: the Community Policy and Management Team (CPMT) and the Family Assessment and Planning Team (FAPT).

**The Community Policy and Management Team (CPMT)** is made up of the agency heads or their designees from the Local Department of Social Services, School System, Community Services Board (mental health), Department of Youth and Family Services (juvenile justice), Local Health Department, a parent who does not work for a public agency receiving pool funds, a private provider representative and at least one elected or appointed official or designee. They have responsibility for developing policy and procedures and have responsibility for appointing members for the FAPT team.

**The Family Assessment and Planning Team (FAPT)** is comprised of staff from the same agencies as the CPMT and a parent representative. Participation of a private provider or appointed elected official, although encouraged, is not required. These teams work with the families to develop the Individual Family Services Plan (IFSP). If services, beyond what are available in the participating agencies are needed, they may be purchased from the local pool.

In general, the children who would have been served by one of the funding streams in the CSA state pool of funds are presumed eligible for services. In addition, the mandated service population as defined by Code of Virginia, §2.2-5212 must also have access to pool funds. If funds are available, localities may choose to serve any other child who has serious emotional or behavioral problems, especially those with multi-agency involvement.

Each locality has developed its own policies and procedures governing how families access the teams. Some localities allow parents to self-refer, some allow any local agency to bring a case and many require that one of the agencies who serve on the team be the point of contact for the family. In order to determine the requirements in your locality, you may call any of the members of your CPMT or the Office of Comprehensive Services.

### **Welfare Reform**

The federal Family Support Act of 1988 introduced significant changes in major social services programs. The Family Support Act consists of seven titles:

Title I	Child Support and Establishment of Paternity
Title II	Job Opportunities and Basic Skills Training Program
Title III	Supportive Services for Families
Title IV	Related TANF Amendments
Title V	Demonstration Projects
Title VI	Miscellaneous Provisions
Title VII	Funding Provisions

### **Virginia Initiative for Employment not Welfare (VIEW)**

In 1994 the Virginia General Assembly passed legislation that provided comprehensive welfare reform. The Virginia Independence Program (VIP) began on July 1, 1995. Congress passed the Personal Responsibility and Work Opportunity Act (PRWORA) that required all states to begin Welfare Reform in 1996. Virginia began requiring TANF clients to be involved in a work activity in July 1995 through the Virginia Initiative for Employment not Welfare (VIEW) program, one year ahead of the 1996 Act. The Act requires all able-bodied recipients enroll in VIEW within 90 days of receipt of benefits if they do not become employed. The VIEW program offers employment-related activities, education, training and needed support services. A work activity includes unsubsidized or subsidized employment, community work experience, on-the-job training and excludes education and job search. Title IV of the Family Support Act included changes in the TANF Program, the most significant of which was the establishment of a statewide TANF-Unemployed Parent Program (TANF-UP), effective October 1, 1990. The Act provides the states with several options for TANF-UP, which enables states to limit program benefits and thus reduce program expenditures. Parents in TANF-UP households are required to participate in VIEW.

Getting public assistance recipients on the road to self-sufficiency has been only the first step in redirecting our welfare system. The “work first” focus of Virginia’s welfare reform has been effective in moving many individuals into the competitive labor market and off welfare. However, former welfare recipients are extremely vulnerable in the new world of employment expectations. As job security erodes in certain labor markets, they will have increasing need for skills and information to help them help themselves and remain within the labor force. The time limits on cash assistance

and work requirements mean that cycling back and forth between welfare and employment is no longer a viable option for individuals.

Other needs of the TANF recipient and their families must be addressed to obtain their long-term self sufficiency. These initiatives should also encourage programs and services that will assist those who have multiple barriers and are considered hard-to-employ.

To benefit the state's new low-income and low-skilled workforce, new strategies are needed to promote:

- Education,
- Skill development and career advancement,
- Work attachment, and
- Family life.

These services include strengthening parenting skills, improving work ethic and employment status, improving education and skills attainment and developing more nurturing families for children. Families should be supported, encouraged and challenged by the intensive integrated array of personalized services.

This initiative will be linked closely with the Workforce Investment Act (WIA) and Virginia's development of a new workforce system. It will complement and enhance coordination of employment and training programs through providing the necessary support and wrap-around services for those existing social services programs due to employment and time limits. We must focus on the broader issues and promote efforts that address the root causes of public dependency and systemic social problems. It is expected that effective services and partnerships will lead to changes and increase the fathers' and mothers' capacities to be financial, emotional and nurturing resources to their children.

### **Key Principles of Welfare Reform**

The key principles in this effort are:

**Innovation** - This initiative must look at new and enhanced ways of providing services, achieving results and maintaining partnerships.

**Consistency with Virginia's Welfare Reform** - Personal responsibility, work, short-term assistance and continued economic advancement remain the cornerstones of the Virginia Independence Program and VIEW.

**Family System** - Promoting programs that are focused on the entire family system and the best interest of children. Programs should recognize that fathers possess the capacity to change, contribute to their families and have the right to be treated with respect. They should be included as part of this effort.

**Service Strategy** - Identify clients' issues and barriers early and build on assets of clients; organize the system around people and their families. Services should be

available for individuals but not mandated; access to these services should remain their choice.

**Prevention and Sustained Commitment** - Successful and comprehensive services require a sustained commitment from the provider and community partners, as well as prevention programs, to change conditions that negatively affect the child and family well-being.

**Community Involvement** - Collaboration and coordination within communities play an important role in promoting family well-being. Public and private partnerships between employers, employment and training agencies, chambers of commerce or other business organizations and supportive services organizations can provide transportation, counseling services, day care and mentors as models of good parenting and citizenship. Churches also play special roles in this effort.

**Outcomes** - Clearly stated performance measures and outcomes for job retention, career advancement, increased earnings, customer satisfaction, and furthering independence, as well as measures and outcomes for family well-being (such as children remaining within the family) should be identified.

VDSS has an obligation to develop and implement a comprehensive plan for serving participants in VIEW who have difficulty in finding and maintaining employment. The VDSS is supporting program development at the community level and is providing funding for these initiatives. Many of the collaborating partners include:

- Education
- Health
- Workforce development
- Community action agencies
- Housing agencies
- Employers
- Local departments of social services
- Community colleges
- Private for profit or non-profit organizations
- Transportation providers
- Child care providers
- Volunteer programs
- Adult-to-adult mentoring programs
- Rehabilitative services
- Mental Health, Mental Retardation and Substance Abuse Services
- Virginia extension programs
- Churches
- Non-profits (Goodwill, Salvation Army, etc.)
- Fatherhood initiatives
- Insurance industry
-

## **Division of Child Care and Development**

The Division of child Care and Development implements the federal Child Care and Development Fund (CCDF) block grant with the goal of increasing the availability, affordability and the quality of child care. The three major areas of focus are: Subsidy, Early Childhood Initiatives and Quality.

Over 58,000 Virginia families receive subsidies to help with the cost of child care so they can maintain employment, education or training. Subsidies are provided to eligible TANF recipients, families transitioning off TANF, Head Start families and low-income non-TANF families. Subsidies also assist with child care costs for eligible families with children who have special needs and families in homeless shelters. There is an extensive number of families on waiting lists for subsidies.

Early Childhood Initiatives promote the statewide development of collaboration and education on early care and education. The Division works with the Virginia Early Childhood Foundation, a public-private partnership, to provide grant funding and technical assistance to local communities and to provide the infrastructure for policy and programmatic improvements for children from birth to five years.

The Quality unit implements the CCDF goal to enhance and develop quality child care services for all families. Activities include training and professional development for child care providers, development of a career infrastructure for child care professionals, consumer education for parents and the public, educational grants to providers, development of quality rating standards for child care and grants and loans to providers to assist in meeting state and local health and safety standards. They also provide financial support to the Virginia Child Care Resource and Referral Network to help parents locate child care, expand training for providers and conduct a statewide needs assessment of child care availability.

## **STATE-ADMINISTERED PROGRAMS**

### **Division of Licensing**

The Department's Division of Licensing handles licensing for adult care, child care and residential facilities. They set standards and regulations and monitor over 7,366 facilities statewide. These include:

- Adult day care centers,
- Assisted living facilities,
- Private child placing agencies,
- Child caring institutions,
- Independent foster homes,
- Family day homes,
- Family day home systems, and
- Child day centers

### **Division of Child Support Enforcement (DCSE)**

The Division of Child Support Enforcement has the task of finding the absent parents of children who are receiving TANF and collecting child support payments from them. These payments go directly to the state as reimbursement for TANF funds paid on behalf of the child. The DCSE is also required to provide child support obligation and collection services to non-TANF clients. The following is a list of functions performed by DCSE:

- Locate absent parents and collect child support,
- Garnish wages, attach property, intercept federal and state taxes and other receivables from the Commonwealth and take other actions as necessary for unpaid obligations,
- Utilize the Electronic Funds Transfer and the Electronic Data Interchange processes with companies and government agencies with multiple child support customers,

### **Interdepartmental Regulation of Children's Residential Facilities**

The Interdepartmental regulation program ensures that a coordinated approach to the regulation of children's residential facilities is taken by the Departments of:

- Education
- Juvenile Justice
- Mental Health, Mental Retardation and Substance Abuse Services, and
- Social Services

This coordinated approach is critical to assure that the care, treatment and education provided to the children placed in these facilities is adequate. This joint effort is intended to promote quality residential care through an effective and efficient regulatory process.

### **Division of Community and Volunteer Services**

The Division of Community and Volunteer Services work with community and volunteer organizations as valuable resources in the delivery of services at the local level. VDSS maintains close relationships with community organizations, faith-based organizations, non-profits and local departments of social services. These relationships enable the social services system to pool resources for the provision of a unified safety net of services for those most in need. The Division partners with the Commonwealth, private, volunteer and community organizations to share information and fortify the statewide network of services.

Within the Divisions is the oversight of the Department's five field offices. Field office staff assist local directors in performing their duties and assuring that federal and state social services mandates are carried out. Operations Directors and program consultants provide oversight of local department administration and delivery of services and programs. This oversight is accomplished through the provision of

training, program consultation, monitoring technical assistance and coaching of local staff to assure that federal and state policies and regulations are properly implemented. Field offices link program policies and the implementation of those programs that serve the eligible citizens of the commonwealth. Field offices also house and provide administrative support for the Office of Appeals and Fair Hearings and Division of Licensing Programs.

### **Office of Community Services**

The Office of Community Services administers the Community Services Block Grant (CSBG) and the Neighborhood Assistance Program (NAP).

The Community Services Block Grant provides core funding for the community action network to help reduce the causes and effects of poverty. Local community action agency boards determine what programs will be operated to meet local needs. Programs operated by local community action agencies include child care; educational services; emergency assistance, including services to the homeless and victims of domestic violence; employment services; ex-offender services; financial counseling and asset development; housing development and preservation; transportation services; water/waste water projects; youth services and community and economic development projects. The Virginia community action network consists of 27 local community action agencies and three statewide community action organizations.

### **Neighborhood Assistance Program**

The Neighborhood Assistance Program (NAP) is a state tax credit program created in 1982 to encourage donations from businesses and individuals to organizations assisting low-income families. Non-Profit organizations, whose primary function is to provide assistance to low-income families, must apply annually to participate as an approved project.

### **Family and Children's Trust Fund (FACT)**

The Family and children's Trust Fund was created by the General Assembly (Code of Virginia §63.2-2100-2103) in 1986 as a public-private partnership to raise funds for the prevention and treatment of family violence. FACT coordinates activities with other state efforts to prevent and treat family violence and promotes public awareness of family violence issues.

### **Office of Newcomer Services**

Newcomer Services provides administration and oversight of services and benefits to refugees who are resettled into the commonwealth. The program promotes refugees' early economic self-sufficiency and successful assimilation into Virginia's communities through employment services, English language training, support services, case management services, health screening and unaccompanied minors program.

### **Office of Community and Volunteer Services**

This office works to promote and develop all types of citizen service and volunteerism in the Commonwealth. Volunteerism covers a broad spectrum of activities including social services, environmental safety, disaster activities and others.

This office also houses 2-1-1 Virginia, a system that provides access and information about health and human services such as child care resource and referral centers, energy assistance, financial assistance, senior services and volunteer opportunities.

### **Office of Community Partnerships**

This office promotes partnerships between public agencies and others to meet local needs. Many special programs involving collaboration among agencies are nurtured by this office.

## **Program Support Areas**

### **Office of Appeals and Fair Hearings**

The role of Appeals and Fair Hearings is to ensure that individuals who believe that the local department of social services has taken inappropriate action in the application of a policy or law have impartial hearing officers who will review the case, hear their concerns and make decisions. Hearing officer decisions can be appealed to the appropriate court. The local departments are required to follow up on all complaints promptly and a process has been established to handle these. This includes the right to appeals and fair hearings for customers who feel they have been unfairly treated. At the same time, the VDSS is always concerned about fraud and designated workers have been trained to look into complaints of welfare abuse.

The Office is responsible to:

- Follow-up on all complaints promptly;
- Advise customers of their right to appeal if they disagree with the Department's action.

Appeals concerning services or money payments must be in writing and made within 30 days of the action. Appeals should be sent to:

Appeals Program Manager  
Virginia Department of Social Services  
7 North Eighth Street  
Richmond, VA 23219

Appeals concerning Food Stamps must be made within 90 days and can also be made by calling the appropriate local department or VDSS at 1-800-552-3431. The appellant in all cases will receive a written decision from the hearing officer

### **Division of Finance**

The Division of Finance provides expert and diversified financial planning, budgeting and management in support of social services delivery statewide. The Division of Finance works in conjunction with other state agencies, local governments and private organizations.

The Office of General Services is a unit within the Division of Finance and provides critical support to the Department of Social Services. Responsibilities include procurement; property and facilities management and leasing; and mail distribution and photocopying services.

### **Division of Human Resource Management**

The Division of Human Resource Management (DHRM) provides comprehensive human resource management services to the Department of Social Services and the 120 local departments of social services.

Providing human resource assistance to local departments is unique to VDSS. DHRM staff members serve as planners, consultants and strategists in providing advice and support on a variety of human resources issues.

### **Division of Information Systems**

The Division of Information Systems develops and maintains automated information systems in support of the Department's Strategic Plan and the State's Information Technology Strategic Plan. The division operates and maintains three statewide systems (ADAPT, OASIS and APECS) which support service delivery by more than 10,000 local social services staff. The Division also supports the 40-plus automated applications used daily by local, field and Home Office staff in support of targeted business needs. Other Division functions include system operations, customer support, network services, application database management, business intelligence, software quality assurance and system and application security.

### **Office of Legislative and Regulatory Affairs**

The Office of legislative and Regulatory Affairs provides oversight of all legislative and regulatory activities of the VDSS. Primary responsibilities include:

- Monitor VDSS-related legislation during each General Assembly session and coordinating your-round legislative activities.
- Ensuring departmental compliance with state and federal mandates in the development and promulgation of social services regulations.
- Providing technical support to the State Board of Social Services and the Child Day Care Council.

### **Division of Public Affairs**

The Division of Public Affairs communicates critical information to a variety of target audiences in an accurate and timely manner. By disseminating focused, complementary messages, the Division facilitates communications that are clear and effective, assisting all divisions in the department with their efforts and providing information to employees, clients, field offices, local offices, elected officials media representatives and the general public. Under the division's purview are the Citizens Services unit and maintenance of several VDSS related websites.

The Citizens Services unit responds to citizen inquiries made by telephone or through written correspondence. Citizens Services staff receive, research, resolve and document customer inquiries and complaints concerning the benefits and services administered by VDSS and the 120 local departments of social services. A key role of the Citizens Services unit is to coordinate the resolution of constituent request received by the Office of the Governor, Secretary of Health and Human Resources, legislators and the Office of the Commissioner.

### **Division of Strategy Management and Research**

The division of Strategy Management and Research (SMR) manages and facilitates all aspects of the strategic planning process, planning best practices and performance measurement within the Department and the entire Virginia Social Services system. In conjunction with the Division of Public Affairs, SMR will also work to develop an effective communication and marketing plan. SMR is comprised of four functional units: the Enterprise Change Management Office, Office of Research, Office of Emergency Planning and Community Response and Strategic Planning.

The Enterprise Change Management Office must accomplish four general objectives:

- Understand the enterprise's strategic direction, communicate that vision, stay involved and informed as the direction shifts over time and remain focused on business objectives,
- Understand the new business model, plan the organizational structure changes that are needed, appoint project managers and form work groups chartered to carry out specific tasks,
- Anticipate, recognize and resolve the barriers to change that will sprin up in reaction to change, and
- Evaluate new transitions throughout the transition for relevance to the enterprise's strategic direction.

The Office of Research provides high-quality information and research expertise that helps state and local staff and partners of the VSSS by providing expertise in research and survey design; developing databases to facilitate research; analyzing data and providing technical assistance on data analysis; conducting and managing comprehensive program evaluations. The Office of Research also produces the

performance indicators system for local departments and operates the VDS' Institutional Review Board.

The Office of Emergency Planning and Community Response coordinates the Department's emergency preparedness, response and recovery efforts in compliance with federal and state regulations, policies and procedures by :

- Providing information and guidance to protect life and property;
- Managing the development and maintenance of business continuity and contingency plans,
- Staffing and conducting training for the Human Services/Mass Care function at the Virginia Emergency Operations Center to ensure provisions for basic human needs during Commonwealth emergencies, and
- Administering the Individuals and Households Program/Other Needs Assistance Program upon receipt of a federal disaster declaration.

### **Division of Training Management**

The Division of Training Management coordinates and monitors the development, implementation and evaluation of a comprehensive training delivery system and professional development program for state and local staff. The Division manages the Memorandum of Understanding with Virginia Commonwealth University (VCU) for the Virginia Institute for Social Services Training Activities (VISSTA); establishes and manages cooperative partnerships with colleges and universities to achieve maximum financial advantage and productivity in training programs; and assists with the development and approval of training plans and contracts for training delivery.

### **Office of Civil Rights**

The Office of Civil Rights ensures that VDSS customers are treated fairly and in accordance with Title VI of the Civil Rights Act. This office develops policies and procedures related to civil rights and reports to the VDSS Commissioner.

### **Other Key Partner—Office of the Attorney General**

The Office of the Attorney General provides direct legal services to the VDSS at the Home Office and Regional Offices as follows:

#### **Assistant Attorneys General for the State Department of Social Services**

These attorneys act as counsel for the State Board, the Commissioner and the VDSS, including representation in any litigation, as appropriate; review policy for legal consistency before promulgation and implementation; handle legal aspects of legislation affecting the VDSS; recommend needed changes in legislation; advise on constitutionality of pending legislation affecting the VDSS; and plan, direct and coordinate legal services to the VDSS, including supervision of the Special Attorneys General in the Regional, DCSE or Licensing Offices.

**A Special Assistant Attorney General** is assigned to some Regional Offices. Their responsibilities include: acting as counsel for the Regional Office, including representation in litigation not handled in the Home Office; coordinating fraud and nonsupport activities with the local departments and Commonwealth's Attorneys; answering legal questions referred to Regional Office staff by local departments; and, as appropriate, assisting in reviewing policy for legal consistency.

## CHAPTER 4

### BUDGETING SOCIAL SERVICES FUNDS

Funds appropriated from local, state and federal sources for providing social services and financial assistance to needy persons are administered by the local boards of social services under the provisions and requirements of federal regulations, the statutes (Code of Virginia) and the rules and regulations prescribed by the State Board. The reason for the requirements of state law and rules and regulations of the State Board is to provide for efficient use of public funds for their intended purposes and to safeguard them.

#### Roles and Responsibilities

- **Local Governing Body**

Funds for public welfare are made available to a local department of social services by the following budget processes. The local director, in conjunction with the local board, estimates the need for funds for each of the activities and presents the budget to the local governing body and to the Commissioner of the VDSS for review and approval. The local governing body appropriates funds from the general fund. The appropriation is earmarked for public social services purposes.

- **Treasurer or Fiscal Officer in Charge**

The local county or city treasurer or a corresponding fiscal officer is the custodian of all funds in the local treasury. The funds expended for public welfare purposes are disbursed only on authorization of the local board.

- **General Assembly/State Office**

State appropriations are made by the General Assembly to the VDSS for reimbursing the counties and cities for a portion of the cost of providing social services and benefit programs. Reimbursement from state funds to the counties and cities for social services expenditures is limited to the funds allocated by the Commissioner of the VDSS for each purpose or activity. State appropriations include funds received from the federal government as reimbursement for a share of the expenditures in various mandated federal programs. Reimbursement is received by the state from the federal government, provided the requirements of the various federal regulations of the federal agencies are met. An electronic funds transfer is sent to each local Treasurer on the last business day each month for an amount equal to the federal and state share of reimbursable expenditures for the prior month.

- **Local Boards/Directors/Agency Staff**

Local boards of social services, local directors and agency staff have responsibilities under the Virginia statutes for administering these programs in their community. Federal agencies and the VDSS conduct both fiscal and administrative audits of the

records of the local departments of social services to determine whether or not the standards and regulations of the State Board adopted for the purpose of conforming to federal requirements are being carried out. Under state statute, the VDSS is required to take exception to any payments made which do not conform to federal or state regulations.

### **Annual Budgeting Process**

The Code of Virginia, §63.2-316 thru §63.2-318, provides that the local board shall submit annually to the governing body of the county or city a budget, containing an estimate and supporting data setting forth the amount of money needed to carry out the provisions of Title 63.2 of the Code. Such budgets shall be based upon need insofar as the same may be estimated.

Local social services budgets need to be planned as accurately and realistically as possible. This requires forecasting changes in economic conditions for federal and state programs. This planning and controlling of future activities is the basic principle of the budgetary process.

The annual budget should be prepared using a schedule which allows a final budget to be submitted to the VDSS by the specified deadline or adopted for presentation to the governing body at the time specified locally for presentation of budgets, whichever occurs first. In order that the budget estimate may be properly interpreted it should be submitted to the governing body in person by the chairman of the local board of social services or by the superintendent/director of social services.

- **Preparation of the Annual Budget**

A budget transmittal with instructions is issued annually by the Budget Director of the VDSS. Future planning can best be accomplished by comparisons with past experience and taking into account changes in economic conditions, and changes in programs and caseloads. Operating policies of the local board and regulations of the state Board must be given first consideration.

The factors to be taken into account in the preparation of financial assistance and social services budget estimates are as follows:

- Number of recipients and cases currently receiving assistance,
- Rate of decrease or increase in the number of recipients and cases,
- Estimated average number of recipients and cases for the budget period,
- Average current payment per recipient or case,
- Effects of changes in policies and procedures in regard to payments per recipient or case, including proposed percentage of need to be met, and
- Estimated average monthly payment per recipient or case for budget period, based on individual requirements, resources and the proposed percentage of need to be met

The administrative budget estimates should be considered in three parts:

1. **Personnel Services** – includes the cost of the continuation of the present salaries, the cost of planned salary increases and the cost of reclassification or regrading of positions. Proposed salaries should be in conformity with the compensation plan adopted by the local board. Adequacy of staff should be considered, and if new positions are needed, consideration should be given to the cost of establishing the new positions.
2. **Other Operating Expenses** – includes such items as contractual services, supplies, materials, rents, insurance and other recurring costs. Actual expenditures for the preceding fiscal year and amounts budgeted for like items for the current fiscal year generally provide a sound basis for estimating future requirements. Changes in unit rates of costs, expansion or decrease in services must be taken into consideration. Additional expenses to be incurred because of the establishment of additional positions should also be taken into consideration.
3. **Capital Purchases** – includes such equipment as motor vehicles, furniture and fixtures, and office equipment. The need of the agency for such equipment should be determined on the basis of promoting efficient and effective program operations. A policy for replacing equipment in use should be established.

Such a policy should be based upon the intensity of usage and the resultant estimated economic life of the equipment. It is necessary to consider the usage of each piece of equipment planned to be replaced, as equipment used only part-time or at irregular intervals should not depreciate as rapidly as equipment which is used full-time. Financial constraints may require extending the service life of presently owned equipment.

Budget exhibits containing supporting and explanatory data concerning the estimates should be submitted with the budget forms. Additional financial and statistical tables setting forth past experience and data to support the budget estimates are desirable and assist in the interpretation and evaluation of the request.

### **Allotments**

Funds are allotted to local offices by the VDSS based on allotment formulas, projected prior year expenditures, prior year allocations, approved plans and local offices' requests. Funding to localities is dependent on federal allocations granted to Virginia, the funds made available through the state legislature and the matching funds made available by the local governing body.

In certain mandated programs funds are required by law as long as there is a need. In some other programs funds are only available until the available state allotment has been expended. Once allotments are made to the local department, the local

director should monitor the expenditures to determine if allotment adjustments are necessary.

### **Source of Funds**

Public Assistance and Social Services – Code of Virginia, §63.2-400, provides that the governing bodies of the counties and cities shall appropriate each year such sum or sums of money as shall be sufficient to provide for the payment of public assistance, and provide services, including the cost of administration. The local appropriations may be out of funds in the general fund of the county or city treasury. If the amount appropriated to the local board of social services has been exhausted, and if additional funds are necessary for operation of the program, the governing body may make an additional appropriation. If sufficient funds are not available in the general fund, the governing body has authority to borrow, in anticipation of reimbursement thereof, the additional funds necessary.

It is mandatory upon the local governing body to appropriate the amount required by the local department budget and to make an additional appropriation, if necessary, to provide this sufficient sum as required by this section. Failure to do this will result in noncompliance with the requirements of the Code of Virginia, §63.2-408.

The Code of Virginia, §63.2-401, provides for reimbursement to localities by the Commonwealth for the federal and state shares of program and administrative expenditures.

Planning for a local department's budget can be very complicated.

1. The counties/cities budget year is from June 1 through May 31.
2. The state budget year is from July 1 through June 30.
3. The federal fiscal year is from October 1 through September 30.

In many instances, federal funds received in a new federal fiscal year (beginning October 1) must have legislative review and approval prior to being allocated to local departments. Generally, counties and cities in Virginia request planning figures from their county/city office, including social services, prior to the legislative action being taken on certain funding. These differing timelines in federal/state/local fiscal years plus the process of legislative review and approval can make the local social services budgeting process very complicated in estimating funding requirements.

## CHAPTER 5

### DEVELOPMENT AND USE OF COMMUNITY RESOURCES

#### Interagency Cooperation

It is increasingly evident that the funding and manpower resources of the VDSS and local departments are not unlimited. Budget limitations and cutbacks make it ever more essential that agencies work together. It is important to expand our ideas of the ways to get things done for the clients – to “stretch the policy envelope” – and think creatively about how the local department can work with other local agencies. Studies have demonstrated that such coordination can have big payoffs.

In 1995, Virginia began the welfare reform program and local departments throughout the Commonwealth have developed collaboratives with other supporting community partners. Also, as a result of the 1993 Comprehensive Services Act (CSA), local departments began intensive planning with other community organizations to provide services to high-risk youth and their families. The following is a list of some agencies/organizations that have formed partnerships with local departments:

- Department of Mental Health, Mental Retardation and Substance Abuse Services
- Area Agencies on Aging
- Family and child service organizations
- Virginia Employment Commission
- Vocational education programs
- Community action agencies
- Corrections agencies
- Church-sponsored agencies
- Housing and redevelopment agencies
- Community service boards
- Business community
- Department of Education

#### Benefits

The benefits of agencies working together are a great incentive to encourage the effort to promote such links. Interagency cooperation can result in:

- Increased efficiency and cost effectiveness
- Less fragmentation of services, fewer service gaps
- More client awareness of services
- Better public image
- Better use of resources, including personnel

Interagency cooperation may be formal or informal. Ways in which agencies can work together include:

- **Information processing**
- **Information clearinghouse/dissemination/exchange**
- **Cross referrals** – agencies refer clients to other agencies
- **Case consultation** – agency staff contacting another agency to see what services a client might be eligible for, or is already receiving, etc.
- **Loaner staff** – agency staff works temporarily for another agency
- **Out-stationing** – staff from one agency conducts their own work in the office of another organization to increase access to clients
- **Joint location** – two or more agencies are located at the same site so clients can visit all necessary agencies in one stop
- **Joint intake** – two or more agencies combine to conduct initial assessments of new clients, which frequently makes it easier for the client and aids coordination of services
- **Joint transportation** – cooperative interagency system to help clients travel to services

The benefits of interagency coordination are many and varied. It might be thought, that these avenues would be eagerly pursued and readily accepted. However, administrators and staff of the various community agencies may not see it that objectively or clearly. Lots of factors can stand in the way.

### **Obstacles**

Some of the obstacles to interagency cooperation include:

- Different organizational structures and systems (bureaucracy)
- Inconsistent eligibility requirements
- Reporting, monitoring and control procedures may not allow for coordination due to competition for funding
- “Turf” guarding (competitiveness)
- Tradition (“but we’ve always done it this way!”)
- Lack of models (every community is different)
- Staff turnover (breaks in continuity and contacts)
- Politics and pressure groups
- Difficulty taking time from short term problems to think on the broader scale

Some of these may be surmountable; others may not. The first step is for the local board and local director to work together to assess community needs and resources. Recruitment and involvement of volunteers is another way to spread the word: “people helping people”.

### **Volunteer Programming/Resources**

The VDSS recognizes the value of involving volunteers in meeting the needs of the community served by local departments. The VDSS encourages local departments to involve volunteers in all aspects of department operations, from administrative functions to service and benefit program delivery. Indeed, a local department’s involvement of citizen volunteers starts at the very top of its organizational chart – with its local board members!

The role the local board takes in fostering citizen involvement in the work of the local department is very important.

- The local board can assure that the agency adopts a posture of openness to citizen participation. Volunteers represent a valuable resource, one that must be invited into the organization.
- The local board can insist that any effort to tap, develop and manage volunteer resources be undertaken with the same level of investment and attention devoted to any other of the agency’s programs.

Local board members acting as liaisons to other community organizations and public agencies have a unique opportunity to promote volunteerism in the local department and to be a catalyst in the development of community-wide volunteer resources.

VDSS supports volunteer programming in local departments in the following ways:

- VDSS has developed policy that supports and guides the creation of volunteer programs in local departments. In addition, statistics on local volunteers and donations are collected from and disseminated to local departments.
- State staff in the Office of Community and Volunteer Services are available to offer local departments on-site technical assistance and training on how to develop and manage volunteer programs.
- The Office of Community and Volunteer Services will provide descriptive and how-to materials in every aspect of volunteer program administration in answer to a local department’s specific questions.

## **Volunteer Program Administration**

The Code of Virginia, §2.2-3603, states that each department utilizing the services of volunteers shall:

1. Take actions necessary and appropriate to develop meaningful opportunities for volunteers to be involved in its programs and to improve public services;
2. Develop written rules governing the recruitment, screening, training, responsibility, utilization and supervision of volunteers;
3. Take actions necessary to ensure that volunteers and paid staff understand their respective duties and responsibilities, their relationship to each other, and their respective roles in fulfilling the objectives of their department;
4. Take actions necessary and appropriate to ensure a receptive climate for citizen volunteers;
5. Provide for the recognition of volunteers who have offered exceptional service to the Commonwealth; and
6. Recognize prior volunteer service as partial fulfillment of state employment requirements for training and experience established by the Department of Human Resource Management.

## CHAPTER 6

### THE VIRGINIA FREEDOM OF INFORMATION ACT

The Code of Virginia, §2.2-3700 states that:

***By enacting [The Virginia Freedom of Information Act], the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.***

#### Enforcement

The Virginia Freedom of Information Act is enforced by the filing of a Petition for Mandamus or injunction in a circuit court.

If the court finds a violation of the Act, costs and attorney's fees from the public body shall be awarded if the petitioner substantially prevails, unless special circumstances make the award of costs and attorney's fees unjust. The reliance on an Attorney General's Opinion or a court opinion may be considered. Sanctions also may be imposed in favor of the public body.

The willful and knowing violation of the Act results in a civil fine of \$25 - \$1,000.

#### Public Records

In reference to public records, the Code of Virginia, §2.2-3701, states:

***“Public records” means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.***

#### Disclosure Principles

- All official records generally are open for inspection and copying during the regular office hours of the records custodian.

- Precaution must be taken by the records custodian for the preservation and safekeeping of all official records.

## Requests for Records

### The Request

- The request must be made with reasonable specificity.
- Specific reference to The Virginia Freedom of Information Act or a particular statute is not necessary.

### The Response

A response by the records custodian for a request for official records must be made within five work days after the receipt of the request. The Code of Virginia, §2.2-3704, states that one of the following four responses must be made.

1. The requested records shall be provided to the requester.
2. If a statutory exemption applies to ALL of the requested records, a written explanation must be given to the requester why the records are not being produced. Specific reference to a statutory exemption must be made.
3. If a statutory exemption applies to SOME, but not all, of the requested records, the exempted portions of the records may be deleted and the remainder of the records disclosed. A written explanation must be given to the requester as to why the deleted portions of the records are not available, with specific reference to the statutory exemption claimed.
4. If the records custodian determines that it is practically impossible either (a) to provide the records within the five-work-day period or (b) to determine whether the records are available within the five-work-day period, the requester should be so notified. When this response is made to the requester, the records custodian then has an additional seven work days to provide one of the preceding responses.

### Billing the Requester

Reasonable charges, not exceeding the actual cost to the public body, may be made to the requester for copying, search time, and computer time in supplying the records. If the requester asks for an estimate of these charges, the charges must be estimated in advance. Advance payment of these charges may be required by the public body.

If the charges are likely to exceed \$200, the requester may be required to agree to pay the charges prior to the records custodian processing the request. (In this case,

charges may not exceed the estimate by more than 5%). Time limits are suspended until the requester responds. (Code of Virginia, §2.2-3704)

### **Exemptions to Disclosure**

The Freedom of Information Act does not prohibit the disclosure of any official record. The “Act exempts [certain] records of public bodies from required disclosure... The fact that such records are not subject to required public disclosure does not prohibit their disclosure”. Specific exemptions to the disclosure requirements of the Act are detailed in Code of Virginia, §2.2-3705. Other statutes also provide for the confidentiality or the exemption of specific documents from the Act. Some exemptions to the required disclosure of records pursuant to the Act include:

1. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other records protected by the attorney-client privilege;
2. Legal memoranda and other work products compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under §2.2-3711;
3. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to §2.2-3711;
4. Records of active investigations being conducted by the Department of Medical Assistance Services;
5. Reports and court documents required to be kept confidential; and
6. Personal information, including electronic mail addresses, furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information.

### **Board Meetings**

The Code of Virginia, §2.2-3701, states that:

***“Meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to §2.2-3708, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The gathering of employees of a public body shall not be deemed a “meeting” subject to the provisions of this chapter.***

***“Public body” means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body.***

## **General Principles**

The Code of Virginia, §2.2-3701 et seq. states that:

- Except for closed meetings, and meetings of the Virginia Parole Board, the Virginia State Crime Commission, petit and grand juries, all meetings shall be public meetings, including work sessions where no votes are taken or decisions made.
- Notice of the time, date and place of a meeting is required to be furnished to any citizen requesting it. Requests for continuing notification should be made at least annually.
- At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection.
- The photography, filming, recording, or other reproduction of an open meeting is permitted. A public body may adopt rules to regulate this activity.
- Voting by secret or written ballot is prohibited.

Minutes are required to be taken at all public meetings, except by standing and other committees of the General Assembly; legislative interim study commissions and committees, including the Virginia Code Commission; study committees or commissions appointed by the Governor, or subcommittees appointed by the governing bodies or school boards or counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board. Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter. Audio or audio/visual records of open meetings shall be public records that shall be produced in accordance with §2.2-3704.

## Local Board Meetings

### Agenda

- Give advance notice of board meeting to the public;
- Distribute agenda to board members and designated senior staff;
- Maintain a public file copy (on a website if available);
- Upon request, provide the agenda to individuals, media, etc.; and
- Include as a handout at the board meeting

### Usual order of business

- Reading and approval of minutes
- Reports of Officers, Boards and Standing Committees
- Reports of Special Committees
- Special Orders
- Unfinished business and general orders
- New business

### Minutes

- Indicate the kind of meeting;
- Provide the name of the board;
- Record the roll call and quorum;
- Report the date, time and place of the meeting;;
- Include all legally required supporting items;
- Record votes and discussion of items;
- Record the fact that the chairman and secretary were present or, in their absence, the names of the persons who substituted for them;
- Report whether the minutes of the previous meeting were read and approved, as read, or as corrected and the date of that meeting if it was other than a

regular meeting. Any correction is made in the text of the minutes being approved; the minutes of the meeting making the correction merely state that the minutes were approved “as corrected”.

- The last paragraph should state the hour of adjournment.
- Additional rules and practices relating to the content of the minutes are:
  - The name of the person who seconded the motion should not be entered in the minutes unless ordered by the assembly.
  - When a count has been ordered or the vote is by ballot, the number of votes on each side should be entered; and when the voting is by roll call, the names of those voting on each side and those answering “present” should be entered..
  - When a question is considered informally, the same information should be recorded as under the regular rules, since the only informality in the proceedings is in the debate..
  - The name and subject of a guest speaker can be given, but no effort should be made to summarize their remarks..
  - Minutes should be signed by the Secretary and can also be signed by the Chairman.
- Commonly included items:
  - Motions
  - Votes
  - Directives to staff
  - Attachments
  - Points of order
  - Local government attorney’s opinions
  - Summary of concerns for individuals addressing the Board
  - Matters requested for inclusion

### **Style of Minutes**

- Include only facts

- Objectivity versus tone
- Notes on debate should be impersonal
- Do not convey a bad image of anyone
- Do not include any derogatory language or statements unless stated specifically by the person as “for the record”

### **Format of Minutes**

- Be consistent from meeting to meeting
- Easy to follow
- Important recurring items are recorded consistently and easy to identify
- Limit special formatting (underlines, bold, etc.)
- Short paragraphs
- Separate paragraphs for each speaker when recording discussion
- Verbatim notes are not necessary
- Meet the preference of the Board’s discretion

### **Reading and approval of the minutes**

Procedures relative to the reading and approval of the minutes are:

- The minutes of the meeting are normally read and approved at the beginning of the next regular meeting immediately after the call to order and any opening ceremonies. A special meeting does not approve minutes; its minutes should be approved at the next regular meeting.
- Corrections, if any, and approval of the minutes are normally done by unanimous consent. The chair calls for the reading of the minutes, asks for any corrections and then declares the minutes approved.
- A draft of the minutes of the preceding meeting can be sent to all members in advance, usually with the notice. In such a case, it is presumed that the members have used this opportunity to review them, and they are not read unless this is requested. Correction of the minutes and approval is handled in the usual way.

## **Closed Meetings**

Closed meetings are permitted by the Code of Virginia, §2.2-3712. They may be held to discuss the following:

- Discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, disciplining or resignation of public officers, appointees or employees of any public body, and evaluation of performance of departments. The reference to salaries has been interpreted to mean salary of an individual employee, i.e., whether or not a merit raise is or isn't appropriate.
- Discussion or consideration of the condition, acquisition or use of real estate for public purpose or of the disposition of publicly held property. This would include the discussion of possible sites for location of new office space.
- The protection of privacy of individuals in personal matters not related to public business unless the affected individual requests that the meeting not be closed. This has been interpreted to include individual case actions.
- Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or potential litigation or other legal matters within the jurisdiction of the public body.

It would be inappropriate to use a closed session for the following discussions:

- Salary ranges
- Systems of classification for payment of salaries
- Budget matters
- Exercising an option to initiate new programs
- Implementation of new programs

## **Motion for Closed Meetings**

- A motion that a public body meets in a closed meeting must specifically state the purpose for the meeting and reasonably identify the substance of the matter to be discussed. Specific reference also should be made to the statutory authority for the executive meeting. A general reference to the statutory authority alone is not sufficient. Nothing may be discussed in the closed meeting except matters included in the motion.
- Minutes of a closed meeting may be taken, but are not required. Any minutes taken are not subject to public disclosure.

### Reconvening in Open Session

- When the closed meeting is completed, the public body must reconvene and take a recorded vote of members present that the members in the closed meeting discussed only:
  1. Public business matters lawfully exempted from statutory open meeting requirements; and
  2. Public business matters identified in the motion to convene the closed meeting.
- Any member who cannot certify these items shall so indicate prior to the vote, with specific details on the unauthorized discussion. All this must be recorded in the minutes.

### Certification of Closed Meeting

WHEREAS, the [public body] has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the [public body] that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the [public body] hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the [public body].

### REFERENCES FOR CONFIDENTIALITY CODES: Following are Department of Social Services Code of Virginia Confidentiality Law references:

<b>Code Section</b>	<b>Area Covered</b>
63.2-101	Information from other agencies
63.2-102 and 63.2-104	Access to Local Boards
63.2-102	Public Assistance and Service Clients
63.2-1607	Adult Protective Services
51.5-69, 63.2-102 and 63.2-104	Public Assistance

63.2-1706 and 63.2-1708	Adult Care Residents
63.2-1247	Adoptees and Relatives
63.2-1236 and 63.2-1246	Adoptions
63.2-1503 and 63.2-1515	Child Protective Services
63.2-103, 63.2-1906 and 63.2-1919	Child Support

## CHAPTER 7

### EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION (EEO/AA)

#### Introduction

The effective management of EEO/AA is a responsibility that is shared throughout all levels of administration within the VDSS. Board members of local departments also share in the task of ensuring that equal employment opportunity is extended to all employees and applicants for employment of local social services agencies. This is not a responsibility that can be delegated. This chapter is intended to provide local board members with a brief overview of EEO/AA in order to enhance understanding of the issue and to emphasize that shared responsibility at all levels is essential for the success of an EEO/AA program.

The chapter begins with a definition of EEO/AA. Often, these two terms are used synonymously when, in fact, they have two different meanings. Next, some of the federal and state laws and directives providing the legal basis for EEO/AA are explained. This is followed by a section on the specific EEO/AA responsibilities of the local departments. A description of the methods available for reassessing the progress of Affirmative Action programs in local departments is then provided. The chapter concludes with an examination of some of the common misconceptions regarding Equal Employment Opportunity and Affirmative Action.

Additional information regarding EEO/AA in the local departments may be obtained by referring to Chapter F of the Virginia Department of Social Services Administrative Manual for Local Departments of Social Services Human Resource Manual.

#### Definitions

“Equal Employment Opportunity” is an employer’s position that all personnel activities will be conducted in a manner to assure equal opportunity for all. Such activities will be based solely on individual merit and fitness of applicants and employees related to specific jobs and without regard to race, color, religion, sex, age, national origin, physical disability, political affiliation, or other non-merit factors.

Affirmative Action” is the planned, aggressive and coherent management program to provide equal employment opportunity. The Affirmative Action Plan (AAP) is the written document through which management assures that all persons have equal opportunities in recruitment, discipline and related managerial areas. The plan is specifically tailored to the employer’s work force, available skills and contains specific actions with goals, timetables, responsibilities, and resources to meet identified needs. It is a results oriented program designed to achieve equal employment opportunity rather than simply a policy to assure non-discrimination. As an ongoing management program, it requires periodic evaluation.

## Legal Basis and Authority

Listed below are some of the laws and directives constituting the legal basis for EEO/AA:

- **Civil Rights Act of 1964** – as amended by the Employment Opportunity Act of 1972, Title VII, prohibits discrimination in hiring and employment because of race, color, sex, religion, or national origin.
- **Equal Rights Act of 1963** – requires equal pay for men and women doing “substantially equal” work in cooperation with the Wage-Hour Law administered by the EEOC.
- **Age Discrimination of 1967 Employment Act** – as amended in 1978 and 1986, prohibits discrimination against individuals based on age (40 and older) in employment decisions.
- **Rehabilitation Act of 1973** – as amended in 1974 requires government contractors to take affirmative action to employ and advance qualified handicapped persons.
- **Pregnancy Discrimination Act of 1978** – requires that a female applicant and employee may not be treated differently from a male applicant and employee because of the female’s pregnancy or capacity to become pregnant.
- **Uniform Guidelines on Employee Selection** – established by the federal government in 1978 to provide employers with detailed instructions on how to comply with Federal Employment Opportunity laws.
- **Federal Standards for a Merit System of Personnel Administration** – The merit principle pertaining to EEO is “Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, or handicap, and with proper regard for their privacy and constitutional rights as citizens. This fair treatment principle includes compliance with the federal employment opportunity and non-discrimination laws”.
- **The Governor’s Executive Order Number One** – issued by each Governor at the beginning of his term of office stating the policy of the Commonwealth regarding Equal Employment Opportunity.

## Responsibility

The VDSS has developed policies, procedures and administrative rules for the effective management of equal employment opportunity and affirmative action within the local agencies. The specific requirements local departments are to follow are contained in Chapter 1 of the *Virginia Department of Social Services Human Resource Manual for Local Departments of Social Services*, revised July 2005.

All local departments shall prepare their own or comply with a written local jurisdiction plan which provides a planned, aggressive and coherent management program for equal employment opportunity on the basis of fitness and merit without regard to race, color, religion, sex, age, handicap, national origin, or political affiliation (except where sex is a bona fide occupational qualification). The plan shall be specifically tailored to the employer's work force and available skills. It should contain specific actions with goals, timetables, responsibilities and resources to meet identified needs.

Plans are due every other year in accordance with a published schedule, and it is the local director's responsibility to update and revise the plan as appropriate and submit the plan on schedule. Additional responsibilities include monitoring the progress of the plan and disseminating affirmative action data to staff. Finally, the local director is responsible for reviewing the local board member handbook with local board members annually with particular emphasis on affirmative action and equal employment opportunity.

### **Equal Opportunity and Hiring**

**Objective:** It is the Commonwealth's objective to utilize an efficient and consistent hiring process that promotes equal employment opportunity.

**Request to fill a position:** The local department sends the VDSS a request to fill a position. Once the VDSS approves this request, the local department may begin the process of advertising the position.

**Job Announcement:** A statement or advertisement that a position is to be filled. The announcement contains educational and skill requirements, as well as closing date for the position. The statement "an equal opportunity employer" must appear in job announcements to be distributed to the media. Qualifications should not be stated in a way to discourage otherwise qualified applicants from applying or automatically to preclude an applicant from consideration.

**Recruitment:** Notifying individuals about job opportunities. There are four types of recruitment: internal, state employees only, open and continuous. Local departments must determine which recruitment method best suits their needs. Whichever method is chosen, local departments must maintain documentation outlining the agency's recruitment efforts.

**Selection:** The interview may be conducted by either the hiring authority, a person designated by the hiring authority or an interview panel.

**Panel Procedures:** Interview panel members should become familiar with the basic responsibilities of the position, follow the interview guidelines and be in the same grade or higher than the position for which they will be interviewing. Panel members shall make a recommendation regarding their choice of applicant(s) to the individual making the final hiring decision.

**Screening:** Local departments must screen applicants according to job related criteria, specifically, the desired knowledge, skills and abilities that are required for the position. These criteria must be applied consistently for all applicants. Local departments must screen applicants without regard to race, color, religion, national origin, political affiliation, disability, sex or age. Any person, who has served in the armed forces of the United States, having an honorable discharge, shall be assured that his or her service will be taken into consideration by the local department. Local departments have more than one option in the initial screening of applicants. The local department may send the applications to the VDSS for the initial certification or they may screen the applicants locally.

**Interviews:** Interviews are a required step in the selection process. No person may be hired without having been interviewed for the position. Local departments must interview all applicants who have been identified for an interview before making a final selection and job offer. If an applicant is not able to make the scheduled interview, a local department is not required to reschedule the interviews. The interviewer(s) must develop a set of interview questions to be asked of each applicant. Questions should be related to the applicant's knowledge, skills and abilities to perform the job. Questions that are not job related or that violate EEO Standards are not permissible. Interviewers may ask additional questions in response to any statements or questions from the applicant or to clarify information provided by the applicant.

**Reference Checks:** The reference check, at a minimum, should attempt to obtain the following information:

- Name
- Employment dates
- Position title
- Position duties
- Beginning and ending salaries
- Training completed
- Whether the employer would rehire the applicant
- Verification of any license, certification or degree

Local departments are not required to allow applicants to examine reference checks or recommendation letters. Documentation of this information can be maintained in a confidential file.

**Employment offer letters:** The letter of the job offer should avoid being interpreted as a contract or guarantee of employment for a particular period of time. It is recommended that the salary be stated as a semi-monthly amount, from which the annual amount can be computed. The letter should also explain the probationary period.

**NOTE:** Local departments must verify whether each new employee is paying child support. This information must be reported to the VDSS.

## **Record Keeping Requirements**

The following records must be maintained for a period of at least three years from the date the position is filled:

- Position description
- Records related to recruitment efforts
- Copies of advertisements
- Employment applications
- Race and sex data on all applicants
- Screening and selection criteria applied
- Interview questions and notes on applicant responses

## CHAPTER 8

### PERFORMANCE INDICATORS

#### Policy Monitoring and Control

The general model for all monitoring and control systems involves the following steps:

1. Establish performance standards
2. Observe performance periodically
3. Compare actual performance with established standards (plans)
4. Take corrective action as appropriate to assure performance is as planned

Since local administrative boards are publicly accountable and responsible for local social services, it is essential that board members give attention to local performance. Such performance may be divided into two categories: individual and programmatic. Both involve the monitoring of pertinent policies and procedures. Although programmatic performance is dependent upon individual employee performance, the latter frequently involves more than direct programmatic activities. In either case, both kinds of performance require set standards (planned performance) by which actual performance may be monitored and controlled. In many situations, goals and/or objectives provide the basis for standards.

#### Defining Performance

The process of defining performance often begins with a review of a local department's mission statement, mandated and optional programs, and goals and objectives. The following are the fundamental requirements for defining performance:

- Clearly identify desired performance by establishing realistic standards
- Agree on the performance which is desired and its indicators
- Develop mechanisms for securing performance information
- Monitor and control performance to desired policy standards

Before going further, it may be helpful to clarify some of the key terms.

#### **Mission Statement**

Identifies the basic reasons (including problems, opportunities, conditions and needs) for an organization's existence.

It answers the question of "Why organization X ?"

#### **Goal**

States intended results, and addresses the question of "Why should organization X be performing the activity?"

<b>Objective</b>	A specific, single measurable or verifiable result which will contribute by a target date to the achievement of a goal; it answers the question of “What is to be accomplished and when?”
<b>Strategy</b>	A means to achieve the result, a plan of activities or tasks.
<b>Measures</b>	Provide the basis for monitoring and controlling performance; they address the questions of “How well are we doing (versus intended results)?” and “How well did we do (versus intended results)?” The answers to both questions provide the basis for programmatic and individual performance evaluation.

Measures are often classified as:

**Input** --resources to perform an activity

**Workload**-- work to be done in performing the activity

**Output**-- work done in performing the activity

**Efficiency**-- the relationship of inputs to outputs or workload

**Effectiveness**-- the extent to which an objective is achieved

**Benefit**-- the value to the community or society of achieving the objective

It should be noted that the performance hierarchy emphasizes systematic planning of programs. The local department that uses a sound performance hierarchy will develop integrated strategic, management and operating plans. These plans serve as a guide to help in monitoring and controlling activities so that desired performance does take place. It is appropriate and necessary for local boards and their local directors to be involved in the development and review of the local mission statement, goals, objectives and measures. At the same time, local boards must also ensure the effective and efficient delivery of mandated programs consistent with state policy.

**First Example:** The child protective services (CPS) program is part of the responsibility of the VDSS and is a mandated local service program. One of the goals of this program shall be to assure that child cases are handled in a timely manner. To state that 100% (measure of effectiveness) of child protective service cases will comply with the 45-60 day departmental disposition policy (standards), pursuant to §63.2-1505(B5) of the Code of Virginia, is to establish two programmatic standards. Each individual case worker in this activity must achieve 100% of the objective in order for the program to achieve its objective. Thus, the local board should be getting periodic reports as to local performance in this policy area so that they can make informed decisions regarding programmatic performance.

**Second Example:** A local board may establish an individual performance objective for its local director by submitting timely and accurate reports. While the reports might deal with programmatic matters, it is the submission of timely and accurate reports by the local director that is the desirable performance.

In some instances, there may be no basis for establishing a standard. When this is the case, the acceptable practice is to establish a baseline of information in the desired performance area for the purpose of developing a realistic standard.

### **Assessing Performance**

Realistic performance standards are not easy to develop; they require a great deal of forethought and discussion. One of the major reasons for the failure of many performance programs is the lack of realistic, objective standards. If a standard is set so high that no one or only a very few can achieve it, the reaction of most people is to give up trying to achieve the desired performance level. The lesson is clear; establish standards that are feasible and for which there are reliable indicators.

Feasible and reliable does not mean that the standards should be easily achievable. In fact, a number of authorities suggest that a good standard should have “stretch” built into it. In other words, such a standard requires a higher level of performance than before (a challenge, but not an impossibility).

Another major reason for the failure of performance programs is poor communication to employees. Obviously, if employees do not know what the programmatic and individual performance standards are, it is rather difficult for them to work towards their achievement. Thus, it becomes important for the local board to clearly and effectively communicate programmatic performance standards and policies to the local director so these can be communicated to other employees.

Except for those standards that deal with the local director’s performance, the local board should not be involved in establishing individual employee performance standards. These are more appropriately negotiated between employees and their supervisors in consideration of programmatic plans and objectives. However, local boards should establish policies regarding individual performance standards in consultation with their local directors.

A final reason for many failed performance programs is lack of commitment. If a performance program is to be effective, it must focus on what really counts as evidences by follow-up on those things that are counted. People generally want to succeed in doing what is expected of them. They also are very quick to learn what “really counts”. Thus, if a performance program is to be effective it must focus on the performance that really counts (the substantively desired performance), rather than the rhetorically desired performance or trivial aspect of the job.

## **Reviewing Performance**

Performance reviews should be a regular board activity that focuses on the comparison of desired versus actual results; that is, performance evaluation. The results can be compared in terms of, for example, resources consumed, planned schedules and planned results. The focus of performance reviews should not be fault finding but performance improvement. For local board members, this means that they will need to be especially clear as to what constitutes good performance.

It is usually considered a good personnel practice to praise in public and to constructively criticize only in private. State policy avoids public review of individual performance. Therefore, local boards should publicly focus on programmatic performance and reserve discussions of individual performance for closed sessions.

It is critical that board discussions focus on explicit standards and facts rather than implicit standards and suppositions. The emphasis on substantive performance thinking should be evident in the development of performance standards by local boards. Examples of evaluating performances by explicit measures might include agency error rates, timely processing of applications, public complaints or use of allocated resources.

## **Recognition and Incentives**

In comparison with the private sector, public employee recognition and incentives for performance are limited. This does not necessarily mean, however, that these limited mechanisms are without merit. When pay, pay raises and benefits are tied to satisfactory performance, there is merit.

It should be remembered such tangible rewards are but one type of mechanism. Tangible rewards can be equally or even more important factors to encourage performance, particularly in the public service. Public praise for a job done well, a social event, simple courtesy and recognition of an employee's role in performance also serve as incentives. In fact, better managed public agencies give a great deal of attention to tangible and intangible rewards. Scarce resources should not be used as an excuse for denying deserving employees and programs due recognition and incentives. Rather, it should be seen as a challenge to develop creative rewards for desired performance.

## **Communicating Performance Achievements**

Performance achievements need to be effectively communicated to employees, the community, the state and other interested parties. Such communications are best accomplished through personal recognition in public settings (particularly where peers are present), through press releases and through formal and informal discussions. For example, a formal board resolution recognizing exceptional individual or programmatic performance lays a strong foundation for building future achievements. Performance rewards should be based on public, objective indicators rather than personal, subjective and private criteria.

### **Other Policy Performance Reviews**

One special area of performance is fiscal performance. As in other performance areas, the general model of monitoring and control applies, but particular attention is given to the budget.

Budgets can be used for planning, control and management purposes. Budget formats include the line-item, performance, program and so-called “zero-base” budget. While there are a variety of budget formats (and variations thereof) in use in Virginia local governments, the state government uses a program budget format. Whichever format is chosen, in Virginia an agency budget is considered its operating plan. As a result, it can be used for program planning, implementation, monitoring, control and, therefore, evaluation. Local boards need to give careful attention to the development of the local budget to assure that they understand the corresponding implications.

While there are at least as many different types of budget processes and calendars as there are budgets and localities, most budget processes involve the steps of:

- Development
- Review
- Approval
- Implementation

Since local board budgets are affected by state and federal budget processes and decisions, they are frequently even more complex. In part, this complexity is a reflection of the fact that more than one level of government is involved in funding.

Multi-source funding, however, does not excuse local boards from exercising their responsibility for developing a local budget (with local director assistance), reviewing and approving it, seeking the approval of the local governing body (and other governmental entities) for the proposed budget, and implementing, monitoring and controlling the budgetary performance of their local department. Obviously, the expertise of the local director and staff are critical to the board’s effective execution of its budget responsibilities and they should be very much involved in these. Some portion of every board meeting should be devoted to monitoring fiscal performance on mandated and local programs so that, as in individual and programmatic performance reviews, there are no surprises at the end of the fiscal year.

Budgets are based on fiscal years. A fiscal year is the effective period of the budget and not the calendar year. For example, a fiscal year for the federal government runs from October 1 to the following September 30, while for Virginia’s local departments of social services, the fiscal year begins on June 1 and ends on May 31.

In developing a budget, the local board should assure that its efforts are responsive to budget standards, including those of mandated submission schedules and that the board does not become involved in operating details. If this occurs, the board may find itself entangled in unresolved differences of opinion regarding the most appropriate strategy for accomplishing a result, rather than focusing on desired

results/performance, priorities and fiscal requirements. In this event, the board may find that it loses its budgetary initiatives to other decision makers. It may be helpful to keep in mind that the local director is responsible for assisting the board in executing its budget responsibilities and for developing and justifying effective and efficient strategies to achieve desired results.

It should be remembered, too, that the budget is a plan. As with all plans, this means that if circumstances change which have ramifications for the plan, then the plan should be adjusted within state and local policy to reflect those changes.

Performance reviews can be encompassing. However, given the limited time and other resources of local boards, it is recommended that individual performance reviews (evaluations), whether they be programmatic, individual, managerial, or fiscal, focus on the priority concerns of the federal, state and local levels of government and the concerns of the local board.

### **Employee Performance Evaluations**

Local social services standards and sample forms for employee and local director performance evaluations are provided in Chapter 6 of the *Virginia Department of Social Services Human Resource Manual for Local Departments of Social Services*, revised July 2005 and in Chapter 8 of the *Virginia Department of Social Services Director's Human Resource Manual for Local Departments of Social Services*, revised July 2005.

- **Local Employee Evaluations**

All employees in permanent status, with the exception of the local director, are required to have performance evaluations completed annually by their supervisor and reviewed by the local director. The evaluations standards must be developed for each job in a local department using the following guidelines:

1. Set the standard for performance at the beginning of the evaluation period;
2. Through group or individual discussion arrive at unit purpose, goals and objectives;
3. Agree upon the major work assignments and responsibilities of individuals within the organizational structure;
4. Determine the tasks involved in the major work assignments;
5. Establish accountability levels for tasks or groups of tasks; and
6. Make certain that the employee and supervisor have the same understanding of the performance standards as they relate to tasks and the employee's accountability level.

- **Local Director Performance Evaluations**

The Local Director Performance Evaluation is to be completed by the local board at the end of a 12-month probationary period after the local director is initially hired, annually for two subsequent years and then at three year intervals thereafter. Local boards may also ask the VDSS for assistance, advice and/or consultation prior to each of the local director performance evaluations being completed.

In accordance with State Board requirements, local directors in non-jurisdiction wide local departments are to be evaluated by the local board using the nine performance standards listed below. Because each local department has its unique challenges and local performance expectations, some of the identified standards within each of the nine performance areas can have differing rank order, can be combined, deleted and/or augmented to reflect program emphasis and direction that the local department is undertaking for the evaluation period. The required and expected performance standards should be given to the local director by the local board at the beginning of the performance year.

**A. Leadership**

1. Inspires confidence both internally and externally in the local department, its employees, operational procedures and programs;
2. Is creative in implementing state and federal mandates within the programmatic and financial constraints;
3. Is recognized by other local directors as a mentor;
4. Inspires subordinates to emulate the values and work ethic of the director;
5. Continues to hold the confidence of the local board in the directions that are being taken;
6. Recognizes the needs of the major stakeholder groups and delivers the product that they want; and
7. Appoints department heads or managers and assigns or delegates responsibilities to them.

**B. Planning and Partnerships**

1. Develops and successfully implements short-term and long-term goals and objectives for the local department;
2. Develops collaborative partnerships with other agencies and individuals to further the local department and community programs and goals; and

3. Is resourceful in obtaining necessary funding for the programs and services that will better assist the clients.

### **.C. Program Execution**

1. Organizes operation activities to deliver services efficiently and effectively;
2. Knows who the customer is and delivers a product to the customer that is well received;
3. Develops program policies and procedures to assure that program objectives are met;
4. Identifies the obstacles to successful program delivery and is creative in arriving at solutions;
5. Develops program performance standards that will measure process outputs and outcomes in the achievement of the department's goals and objectives; and
6. Accomplishes goals, timeliness accuracy, depth of analysis and quality of presentation.

### **D. County/City Representation and Public Relations**

1. Attends meetings to represent city/county participation in job-related organizations;
2. Serves as a representative for the locality on committees and/or boards; and
3. Provides informational opportunities for public awareness of social services programs.

### **E. Budget Control**

1. Proficient in developing the local department's annual budget and is resourceful in obtaining the necessary financial support;
2. Coordinates the development and implementation of budgetary control systems, record-keeping systems and other administrative control processes;
3. Directs and coordinates the local department's financial and budget activities in order to fund operations, maximize investments and increase efficiency;
4. Monitors and controls funds within the budget; and
5. Forecasts the need for budgetary changes.

## **F. Human Resources Development**

1. Supervises, develops and directs all personnel in the agency;
2. Ensures commitment to equal employment in personnel management;
3. Ensures a consistent and fair personnel system;
4. Identifies needs for staff development and provides appropriate resources and training;
5. Reviews employees' performance ratings; and
6. Reviews and supports training, career development and management development programs.

## **G. Local Department Knowledge**

1. Advises other agencies, the city manager, county administrator and boards of local department activities;
2. Reports to boards on the local department's programs and policies;
3. Serves as a representative of the local department on local, regional and state committees and boards; and
4. Advocates for the local departments and programs within the state social services system.

## **H. Communication Skills**

1. Expresses ideas or viewpoints with the public and other business representatives;
2. Negotiates and/or mediates with various constituents and parties;
3. Maintains open communication with the VDSS;
4. Serves as liaison between organizations and the locality;
5. Handles inquiries from the press and public with skill and finesse; and
6. Assures that local department publications and communications are well-written and edited and look professionally prepared.

**I. Executive Duties and Skills**

1. Monitors community and client issues and trends to establish priority areas for services and directions;
2. Establishes goals, objectives, plans and directions for the local department;
3. Establishes an effective working relationship with key community leaders; e.g., the local department's administrative and/or advisory board, Board of Supervisors members, City Council members, City Managers, County Administrators and other community leaders;
4. Utilizes abilities and resources to create opportunities and capacities for community programs and activities;
5. Advocates for the local department and programs to assure success; and
6. Analyzes and modifies, as required, local department and community programs.

## APPENDIX

The material in this section of the *Handbook* consists of supplements to be provided to the local board by the local director. This information is subject to periodic changes. Suggested exhibits consist of the following:

- Local Department of Social Services Organizational Chart
- Virginia Department of Social Services Organizational Chart
- Current Year VDSS Department Budget Letter and Budget
- Current Chart of Program Funding (Federal/State/Local)
- Performance Evaluation form to be used for employees
- Performance Evaluation form to be used for the Local Director
- Other material deemed necessary by the Local Director