

## RULES AND REGULATIONS FOR THE OPERATION OF COUNTY BOARDS OF HUMAN RESOURCES

### I. Membership

County Boards and Departments of Human Resources are provided for in §§38-2-7 and 38-2-8, Code of Alabama 1975. (See Appendix A.) These statutes also provide for appointment of a County Director of Human Resources to serve as executive officer of the County Department.

The County Board consists of seven members; at least two of who must be women. The term of office of Board members is six years, but the number of terms an individual may serve is not limited. Board members are selected by the County Commission from the citizenship of the county on the basis of recognized interest in public welfare. In counties with cities having populations of 60,000 or more, the governing body of the city has equal authority with the County Commission in selecting the membership of the County Board. Vacancies for unexpired terms are filled in the same way appointments for new terms are made.

Alabama law specifically prohibits the following from serving on County Boards of Human Resources:

1. Anyone holding an elective public office.
2. Anyone who is a candidate for election to a public office.
3. Anyone who is an employee of the County Department of Human Resources.
4. Anyone who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to an elected public official or an employee of the County Department of Human Resources.

### II. Duties and Responsibilities of the County Board

The County Boards of Human Resources are primarily advisory bodies, Moore v. Watson 429 So.2d 1036 (Ala. 1983). However, some duties and responsibilities are provided by law subject to certain limitations. They are as follows:

1. The County Board appoints the County Director of Human Resources subject to provisions of the State merit system. Upon appointment, the County Director becomes the appointing authority for County Department staff and assumes full executive and administrative control and responsibility over all

County Department programs, operations, and functions subject to the instructions of the State Department. The County Director may be dismissed by the Board only for cause and is a merit system employee entitled to procedural due process. At the same time, the County Director works under the supervision of the State Department and must carry out instructions and responsibilities assigned by the State Department.

2. The County Board holds meetings under rules to be established by it in conformity with regulations of the State Board.
3. The County Board selects from its membership a Chairman and a Secretary to serve at its pleasure.
4. The County Board meets with the County Director from time to time to provide information, advice, and assistance in assuring an effective and efficient public welfare program in the county.
5. The County Director is the appointing authority for all county staff. The County Board has authority, subject to the provisions of the merit system, to approve such staff positions as are allocated by the State Department and as may be necessary to administer the County Department activities within the county. This authority extends only to the establishment of staff positions in specified classifications (i.e. Social Worker, Welfare Supervisor, Clerk Stenographer position, etc.). This approval does not include authority to review, approve, or disapprove individuals whose names appear on registers certified by the Personnel Department, nor does it extend to review of promotions, transfers, leave, or other decisions which are within the discretion of the County Director as the chief executive officer of the County Department charged with administrative responsibility over such matters. County Board refusal to approve a staff position must be for cause and must be stated in writing. The County Board's decision can be overridden by the Commissioner of the Department of Human Resources if the Commissioner makes a determination that the staff position in question is necessary to carry out the mandates of State or Federal Law.

6. The County Board may make a recommendation regarding the number and kinds of employees needed in the County Department. Recommendations are submitted to the Commissioner for consideration.
7. The County Board meets regularly with the County Director to give advice regarding the formulating of policies, rules, and regulations necessary for the operation of the County Department. When inconsistencies occur, County Department policies, rules, and regulations must conform to those of the State Department.
8. The County Board receives reports from the County Director on activities of the County Department.
9. The County Board has no authority to intervene in internal County Department administrative decisions, personnel matters, employee grievances, or program eligibility determinations, or to require a report of case activity by the County Department other than statistical reports of general program activity, to review cases, or to approve or disapprove program eligibility determinations or awards. Federal and State law has designated the State Department exclusively to administer such programs and make eligibility and benefit determinations.
10. Due to restrictions found in Federal Law and an Attorney General's Opinion, the County Board has no authority to file quarterly with the Probate Judge lists of recipients of assistance and the amount they receive.

### III. Policies, Rules, and Regulations of County Boards

#### A. Certification of Members

The County Director shall advise the appointing authority (county governing body and, where applicable, city governing body) of the requirements for Board membership. The County Director shall report to the State Department legal violations in Board membership.

The County Board shall furnish proof to the State Department of the correct appointment of County Board members. In doing so, the County Board shall use the following procedures:

1. The County Board shall send the State Department a certificate signed by the appointee and certifying that he meets the qualifications set out in §38-2-7, Code of Alabama 1975. (See Appendix B for sample certification statement.)
2. The County Board shall certify annually to the State Department the composition of the County Board.
3. The County Board shall furnish to the State Department copies of minutes of the county governing body, and where applicable, city governing body, appointing County Board members.

#### B. Officers

As required by law, the County Board shall select from its membership and Chairman and a Secretary. Although not required by law, the County Board shall also select a Vice-Chairman to serve in the Chairman's absence. Officers shall be elected for a definite term of office, preferably for the fiscal year, but the number of terms for any one individual is not limited. Officers are expected to participate in discussions and cast votes.

#### C. Meetings

The County Board shall meet at least quarterly. The Chairman may call additional meetings. The County Board shall adopt bylaws designating time and place of regular meetings, method of calling special meetings, and provisions for notifying the State Department of the time, place, and purpose of special meetings.

Meetings shall be held in accordance with Alabama public meeting laws. The County Director shall be present at all meetings, unless specifically excused by the Board or where the Board is meeting to fill a vacancy in the position of County Director. While it is not necessary to adhere to parliamentary procedures, accepted rules for transacting business should be followed.

Pursuant to the requirements of §38-2-7, the County Board, whenever a vacancy of the position of County Director occurs, shall request a register pursuant to the requirements of law at its next quarterly meeting after the Board is made aware of the vacancy of the position of County Director and shall fill the position of County Director as required by statute. Provided that the County Board may call an additional meeting before the next regularly scheduled quarterly meeting as provided in Section C and may fill the position of County Director at such special meeting. The requirement of

timeliness in appointing County Directors shall apply to all present and future vacancies in the position of County Director.

#### D. Quorum

The presence of four members of the Board constitutes a quorum for the transaction of business. No action of the Board is binding unless (1) the meeting is attending by a quorum, (2) the action is approved by not less than a majority of the quorum, and (3) these conditions are recorded in the minutes.

#### E. Minutes

A record of the official activities and transactions of the Board shall be made at each meeting. Minutes shall be kept accurately, concisely, clearly, and completely. The Board and proper authorities shall retain them in files at the County Department of Human Resources for use. While the Board may delegate to the County Director the task of recording minutes, they cannot be considered as official until signed by the Secretary and approved by the Chairman (or Vice-Chairman acting in his place). Minutes shall include, but not necessarily limited to, the following information: (1) date, place, and time of meeting; (2) names of members and identification of others present; and (3) actions taken and the effective dates. All subjects discussed shall be noted in the minutes, together with a full report of action taken, if any, by the Board. A copy shall be furnished the Commissioner<sup>1</sup> of the State Department of Human Resources.

#### F. Agenda

An agenda shall be followed at each meeting. The agenda shall be prepared in advanced by the Chairman and the County Director.

#### G. Review of Leave

The Chairman, acting for the Board and in keeping with State Personnel policies, shall approve or disapprove leave requests of the County Director. Such decisions shall be reviewed by and approved or disapproved by the Deputy Commissioner for Field Administration or other designated State Department personnel to ensure conformity with State Personnel policies and legal requirements.

<sup>1</sup> Mailed [or faxed (334.242.2237)] to the Deputy Commissioner for Field Administration, Office of Field Administration.