HANDBOOK
Ohio County Commissioners
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CHAPTER 43

COUNTY HUMAN SERVICE AGENCIES

LASTEST REVSION
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43.01 INTRODUCTION (ORC Chapters 329, 5101, 5107, 5108, 5111, 5115)

The county administers a variety of human service programs aimed at helping county residents achieve and maintain gainful employment. Because the state supervises this administration, the counties are partners with the state. The county houses four distinct major agencies to administer programs, which are the county department of job and family services ("CDJFS"), public children service agency ("PCSA"), child support enforcement agency ("CSEA"), and workforce development agency ("WDA"). Collectively, this Chapter will refer to all of these agencies as "county human service agencies."

Each county has each of these four human service agencies. But, depending on how the commissioners designate the agencies, each county may structure them differently. A CDJFS almost always administers public assistance programs, such as Temporary Assistance for Needy Families (TANF), Medicaid and Food Assistance (formerly known as Food Stamps, and known federally as the Supplemental Nutrition Assistance Program). As will be discussed later in this Chapter, a CDJFS also may administer children services, child support, and workforce development. Or, separated PCSAs, CSEA, and WDAs may provide those programs.

Over time, human service programs have changed on the federal, state, and local levels. At one time, townships and cities had a hand in providing human service programs in Ohio. Beginning in 1946, as a result of state legislation, counties alone operated the county welfare department under supervision from the Ohio Department of

Public Welfare. In the 1980's the name of the state department was changed to the Department of Human Services and the name of county departments was also changed.

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act, commonly referred to as welfare reform, and a few years later the current designation as Departments of Job and Family Services occurred when the Ohio Department of Human Services and the Bureau of Employment Services were merged at the state level. Out of welfare reform, states implemented Temporary Assistance to Needy Families ("TANF"), which replaced the Aid to Families with Dependent Children ("AFDC") program.

Welfare reform transformed public assistance from a cash entitlement program to a program focused on personal responsibility and employment. This philosophical shift led to county departments of human services being renamed to county departments of job and family services. Additionally, the state agency was renamed the Ohio Department of Job and Family Services ("ODJFS") as a result of the merger between the Ohio Bureau of Employment Services and the Ohio Department of Human Services into one agency.

This Chapter will deal generally with all human service agencies and functions. Subsequent Chapters of this *Handbook* will deal with each of the agencies in more detail. Please see the following Chapters for more detailed information:

- Chapter 44 – County Department of Job & Family Services
- Chapter 45 – Public Children Services Agency
- Chapter 46 – Child Support Enforcement

43.02 SELECTION OF HUMAN SERVICE AGENCY DUTIES (ORC 307.981, 307.982, 329.04, 330.04, 3125.10, 5153.02)

County commissioners are given broad discretion with respect to how various human service programs are administered at the local level. Commissioners may have the CDJFS administer not only public assistance programs, but also children services, child support, and workforce development. Conversely, commissioners may designate stand alone PCSAs, CSEAs, and WDAs to fulfill the child support, children services, and workforce development functions. Commissioners also have the option to designate any public or private entity to serve as the CDJFS, PCSA, CSEA, or WDA, but eligibility must be determined by staff that meets federal merit system personnel standards (commonly referred to as "state merit staff.")

To date, no county has opted to designate a private entity to serve as the CDJFS, PCSA, or CSEA. Some counties have chosen to assign workforce development duties to private entities, such as nonprofits. However, many counties have opted to use the CDJFS to perform child support, children services, and workforce development functions required by statute. Often these county departments are referred to as single, double, triple, or quadruple combined agencies. (See Table 43-1 for chart of each county's organization.) Yet, regardless of which entities a county designates to perform these roles, each entity must follow all legal requirements.

If commissioners choose to combine a CDJFS, CSEA, PCSA, and WDA, the CDJFS director has responsibility for all traditional CDJFS, CSEA, PCSA, and WDA programs. If an agency is combined, the agency has common personnel, purchasing, and support services. The costs of administrative personnel, rent, equipment, supplies, and computers are spread to the programs by Random Moment Sample (RMS), explained below.

Some advantages to a combined agency are that there is one layer of supervision only, meaning the CDJFS director settles coordination issues at the program instead of sister agency level; program administrators can be paid less than agency directors; no contracts are required between the programs; and dollars can be managed and shifted more easily to support the common functions of the agency. Some disadvantages can be shared costs hitting more than one program disproportionately under RMS (explained below,) and the public perception of the CDJFS as the county welfare agency, as opposed to separate children services or child support agencies.

If the CDJFS, CSEA, PCSA, and WDA remain separate agencies, each agency will function on its own with its own director, and, in the case of a PCSA or WDA, its own governing board. In the case of a separated CSEA, commissioners may designate the county prosecuting attorney, a bureau within the court of common pleas, or a separate, free-standing agency under the commissioners' control. For a separated PCSA, commissioners may designate a children service board or other private entity. For stand alone WDAs, commissioners may designate a separate agency under the commissioners' direct control and administered by an official the commissioners appoint or any other private or government entity.

43.03 REDESIGNATING A COUNTY HUMAN SERVICE AGENCY (ORC 307.981; OAC 5101:9-1-22 and 5101:9-1-23)

A board of county commissioners may change the programs a CDJFS administers. Commissioners may add responsibilities, such as children services, child support, or workforce development, or remove those responsibilities.

If a county does not have a combined CDJFS and has separated agencies administering the programs listed above, and wishes to make the CDJFS programs combined with one or more of those programs, the commissioners may do so. The commissioners also may remove CSEA, PCSA, or WDA duties from the CDJFS, create separate agencies for the programs, and give those separate agencies authority to administer those programs.

Not less than 90 days before commissioners redesignate a CDJFS, PCSA, CSEA, or WDA, the commissioners must notify the ODJFS director and publish notice in a newspaper of general circulation in the county of the board's intention to make the designation and reasons for the designation. Additionally, if redesignation requires a change in the grant agreement between the county and ODJFS, the ODJFS director may require the county to enter into a new grant agreement. Upon commissioner approval, combining agencies must develop a plan outlining the changes necessary to remain in compliance with the ODJFS federally-approved cost allocation plan (CAP). The county must submit final plans to ODJFS no later than 60 days before the proposed merger date.

Also, if the commissioners abolish a separated PCSA and combine duties with the CDJFS, the board must follow additional separate requirements. Commissioners must do all of the following before they combine a PCSA and CDJFS:

1. Notify the county children services board of its intent to redesignate the PCSA. In its notification, commissioners must provide the county children services board a written explanation of the administrative, fiscal, or performance considerations that caused the commissioners to redesignate the agency.

2. Provide the county children services board an opportunity to comment on the proposed redesignation before it occurs.

3. If the county children services board, not more than 60 days after receiving notice of redesignation, notifies the commissioners that the county children services board has voted to oppose the redesignation, the commissioners must vote unanimously to proceed with the redesignation.

43.04 RELATIONSHIP TO THE STATE (ORC 5101.21)

Ohio operates human service programs through a state-supervised, county-administered system, which is how the state-county partnership is formed. Counties are sub-recipients of federal funds, and the state provides monitoring through subgrant agreements and county monitoring plans. Before sub-recipiency, the counties functioned as an arm of the state through fiscal, instead of subgrant, agreements. In the world of sub-recipiency, counties are responsible directly to the appropriate federal agency for proper expenditure of federal funds. Millions of dollars flow into counties to implement human service programs and county commissioners are responsible for making sure these funds are spent appropriately.

Counties continue to be responsible to the state for proper expenditure of state funds. Practically, a county human service agency functions the same under a subgrant agreement as the previous fiscal agreement. Instead of ODJFS auditing the county agency, the State Auditor performs the audit. As part of that audit, the State Auditor ensures that all human service programs the county administers meet federal and state statutory and regulatory requirements.

Generally, the state's role under the subgrant agreement model is to provide federal grant management reviews, technical assistance, and training to the counties, as well as set and implement state and federal programmatic policy when appropriate. A county agency, then, is supposed to have the flexibility it needs to tailor human service and workforce programs to meet local needs and provide face-to-face delivery of services to county residents. The county agency reports data, through data systems the state usually implements, to the state in order to maintain federal compliance. (See Table 43-2 for listing of data systems for each program.)

Fourteen other states, including California, New York, and North Carolina, have systems similar to Ohio's state-supervised and county administered structure. But, most states operate a completely different system where the state both supervises and administers almost all human service programs, including public assistance.

In Ohio, keeping the state-county relationship in balance from the county perspective often requires constant attention. Maintaining county flexibility to implement human service programs is crucial to address the different approaches counties need given Ohio's varying demographics.

43.05 ROLE OF COUNTY COMMISSIONERS (ORC 307.02, 329.02, 329.04)

While each human service agency director or board has control of the agency's functions, commissioners may set local policies and procedures for the agencies as long as they do not conflict with state and federal law.

Commissioners are responsible for personnel decisions, such as appointing a CDJFS director or appointing members to the children service board. Commissioners also are required to furnish adequate office space for the CDJFS and are responsible for purchasing equipment.

43.06 PERSONNEL (ORC 329.01, 329.02, 329.021, 329.022)

The number and types of human service agency employees vary widely from county to county based on caseloads, local organization, and local variations in specific community needs. Comparing staff sizes and needs from county to county, however, can be difficult. In some counties, a worker may handle new applicants on several programs and then pass the case on to workers who handle ongoing cases. In other counties, a worker may handle intake and ongoing cases, but be limited to one program.

1. AGENCY DIRECTORS

    a. CDJFS DIRECTOR (ORC 329.01, 329.02, 329.021, 329.022)

        County commissioners must appoint the CDJFS director. Any director appointed on or after October 5, 1987, is in the unclassified civil service and serves at the pleasure of the commissioners. If a person holding a classified position in the department is appointed as director on or after that date and is later removed by the board, the person so removed has the right to resume the position the person held in the classified service immediately prior to being appointed as director. Or, if that position no longer exists or has become an unclassified position, the person must be appointed to a position in the classified service that the board, with the director of the Ohio Department of Administrative Service's approval, determines is equivalent to the position the person held immediately prior to being appointed as director.

County commissioners may enter into a written contract with a CDJFS director specifying the terms and conditions of the director's employment. The contract's period cannot exceed three years. In addition to any review specified in the contract, the contract is subject to review and renegotiation for 30 days, from the 60th to the 90th days after the beginning of the term of any newly elected commissioner. Such a contract must in no way abridge the right of the board to terminate the director's employment as an unclassified employee at will, but may specify terms and conditions of any such termination. Examples of CDJFS director job descriptions and pay information are available upon request. Before the director begins employment, the director must give a bond, conditioned for the faithful performance of the director's official duties, in an amount the commissioners specify.

b. SEPARATED PCSA DIRECTOR (ORC 5153.03, 5153.04, 5153.06, 5153.10, and 5153.13)

If commissioners designate a children service board to administer the PCSA, the commissioners appoint the board members. The board members serve without compensation, but are entitled to their necessary expenses and are considered county officers. The children services board appoints the PCSA's director. The board may enter into a written contract with the board's executive director specifying terms and conditions of the executive director's employment. The executive director shall not be in the classified civil service. The period of the contract cannot exceed three years. Such a contract cannot in any way abridge the right of the county children services board to terminate the employment of the executive director as an unclassified employee at will, but may specify terms and conditions for any such termination.

Before the director begins employment, the director must give a bond to the county in an amount the PCSA fixes, with sufficient surety, conditioned upon the faithful performance of official duties and the full and faithful accounting of all funds and properties of the agency or county coming into the director's hands. Additionally, the director must give a bond to the probate court, with sufficient surety, conditioned upon the full and faithful accounting of all trust funds that the director holds on behalf of wards. The court will determine and may modify the bond amount provided that the minimum amount of the bond is $5,000.

c. SEPARATED CSEA AND WDA DIRECTORS (ORC 124.11)

Ohio law does not detail hiring and bond requirements for separated child support and workforce development agency directors. However, ORC Section 124.11 guiding unclassified and classified service applies. Under this provision, heads of all departments the commissioners appoint serve in the unclassified civil service. This would include separated child support and workforce development directors.

2. OTHER EMPLOYEES

a. CDJFS EMPLOYEES (ORC 309.02,OAG 1983-023)

County commissioners have joint appointing authority with the CDJFS director for CDJFS employees. The power to appoint a CDJFS employee is a two-step process, requiring the CDJFS director to make the initial appointment and then having the county commissioners approve or disapprove the appointment. Unless the employee is appointed an administrator, as explained below, or is one of five administrative positions the director creates, all CDJFS employees are in the classified civil service. Additionally, the director may require any CDJFS assistant or employee to give a bond in an amount the commissioners determine.

b. SEPARATED CSEA EMPLOYEES (ORC 124.11 and 3125.17)

Generally, CSEA employees other than the director serve in the classified service. Ohio law does not give commissioners co-appointing authority for these employees, as it does for CDJFS employees. But, the Ohio Revised Code specifically allows the CSEA to hire staff attorneys to advise, assist, and represent the agency in enforcing support orders. The option to employ the staff attorneys is in addition to any other options available to the agency to obtain necessary legal services.

c. SEPARATED PCSA EMPLOYEES (ORC 5153.11, 5153.111, 5153.112, 5153.12, 5153.13)

The PCSA director has the authority to appoint all other PCSA employees without commissioner approval. These employees must submit to criminal records checks and meet certain educational qualifications. The employees are in the classified civil service. Additionally, the agency director may require employees to post a bond in an amount the children service board determines.

3. CDJFS ADMINISTRATOR OPTION (ORC 329.021)

Commissioners have the option to appoint one or more administrators for the department. The commissioners can appoint an assistant director, fiscal officer or director, personnel officer or director, social services administrator, income maintenance administrator, child support administrator in a combined agency, children services administrator in a combined agency, and workforce development administrator in a combined agency as an administrator. Commissioners cannot appoint directors of a separated PCSA, CSEA, or WDA as an administrator.

The following are the population requirements to appoint administrators:

a. If a county has a population of 500,000 or more, the commissioners may appoint up to five administrators.

b. If the county has a population of 250,000 to 499,000, the commissioners may appoint up to four administrators.

c. If the county has a population of 100,000 to 249,999, the commissioners may appoint up to three administrators.

d. If the county has a population of 40,000 to 99,999, the commissioners may appoint up to two administrators.

e. If the county has a population of less than 40,000, the commissioners may appoint one administrator.

Any administrators the commissioners appoint are in the unclassified civil service and serve at the pleasure of the commissioners. Commissioners may appoint a person who holds a certified position in the classified service within the CDJFS as an administrator. A person appointed to serve as an administrator and later removed by the board retains the right to resume the position in the classified service held by that person immediately prior to being appointed administrator for six months after being appointed administrator. An employee forfeits the right to resume a position in the classified service when the employee is removed from the position of administrator due to a number of poor behaviors, including incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or conviction of a felony. If the position the person previously held in the classified service no longer exists or has been placed in the unclassified service, the person must be appointed to a position in the classified service of the department that is equivalent to the classified position the person previously held as determined by the board of county commissioners with the approval of the director of Administrative Services.

Some advantages to exercising the administrator option are the CDJFS, CSEA, and PCSA having one contact person and voice for the agencies to the commissioners; minimizing disputes; combining purchasing, personnel, labor relations, and insurance; and having each agency retaining a separate identity in the public for public relations and levies. Some disadvantages are the administrator's salary, which comes from the county general fund; still having essentially three directors pay plus the administrator's pay; and lack of program focus.

4. NUMBER OF EMPLOYEES

The numbers of employees in the CDJFS and the job descriptions they hold vary widely based on funds available, county caseloads, local organizational structure and local needs. If a county engages in a comparison of CDJFS staff ratios to that of another county, keep in mind not only seeking a county of similar population, but also how the CDJFS is organized (see Selection of CDJFS Duties below) and comparable socio-economic conditions.

43.07 STATE AUTHORITY TO SUPERSEDE COUNTY COMMISSIONERS (ORC 5101.24)

In addition to being under the "direction and control" of county commissioners, the operation of the county human service agency also is under ODJFS's supervision. ODJFS has several mechanisms available to it if a county human service agency (hereinafter "county grantee") does any of the following:

1. Violates a requirement of a grant agreement.

2. Fails to develop, submit to ODJFS, or comply with a corrective action plan, or ODJFS disapproves the agency's corrective action plan.

3. Fails to comply with one of the following:

    a. Federal or state law and regulations.

    b. A state plan for receipt of federal financial participation.

    c. A grant agreement between ODJFS and a federal agency.

    d. A governor's executive order.

4. Is found solely or partially responsible, as determined by the Director of ODJFS, for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty.

If a CDJFS commits any of the above violations, ODJFS may do any of the following:

1. Require the county grantee to comply with a corrective action plan.

2. Require the responsible entity to share with ODJFS a final disallowance of federal financial participation.

3. Impose an administrative sanction.

4. Perform, or contract with another government or private entity to perform, the CDJFS's duties until ODJFS is satisfied that the county grantee ensures that the duty will be performed satisfactorily.

5. Temporarily withhold funds allocated or reimbursement due to the responsible county grantee until the department determines that the responsible county grantee is in compliance with the requirement if the department imposes an administrative sanction.

ODJFS also may request that the Attorney General bring mandamus proceedings to compel the county grantee to take or cease the action that leads ODJFS to take action. ODJFS may take action against whichever county grantee it determines is appropriate. This means that ODJFS may take action against a board of county commissioners rather than a PCSA and CSEA, and must take the action against the board of county commissioners rather than the CDJFS. Before taking action, however, ODJFS must notify the director of the appropriate county human services agency even if ODJFS must take the action against the board of county commissioners rather than the county human services agency.

43.08 OFFICE SPACE (ORC 133.07, 307.02, and 329.04)

Commissioners are required to furnish adequate office space for the county's human service agencies. The cost of the space is reimbursable within the human service agencies' allocation as long as each agency follows federal and state guidelines for that reimbursement. The space may be in a county-owned building or rented from a public or private provider.

If the building is county-owned, the commissioners can recover buildings costs either by direct charge or indirect cost recovery. If the county chooses to build or purchase and renovate a building, the cost of the needs study, architectural fees, construction, and interest costs are reimbursable by depreciating the costs in accordance with the county's depreciation policies. Land acquisition costs, however, are not reimbursable.

Note that if commissioners issue debt for a building, and the bond retirement period is less than the depreciation period, which is likely, then the reimbursement based on depreciation will be less than the bond payment, and the commissioners will need to fill the gap with other funds. Also note that all costs that are reimbursable are exempt from the county statutory debt limit because repaying the debt is guaranteed from an outside source.

The commissioners also may lease office space for human service agencies and will be reimbursed if the lease costs are comparable to other like rentals in the community. A lease may include such things as utilities, maintenance, parking facilities, and snow removal.

43.09 EQUIPMENT PURCHASES (ORC 307.02)

Commissioners are responsible for purchasing equipment that will be reimbursed through amortization and depreciation. In 2006, ODJFS lowered the financial threshold for depreciation of equipment and supplies used to administer federal programs at the local level. The threshold was lowered from $25,000 to $5,000.

This is a critical issue for commissioners because any items above the threshold have to be purchased with county general funds and then paid back by the federal government over the established depreciation period. Practically speaking, this means many counties will not have the means to acquire the equipment and supplies necessary to administer programs.

Strangely enough, counties could avoid general fund liabilities by leasing equipment because the policy allows for immediate federal reimbursement of lease costs. While that option may save dollars in the short term, leasing will cost more than purchasing in the long term.

43.10 REGIONAL PLANS OF COOPERATION (ORC 307.984)

A board of county commissioners has the option of entering into regional plans of cooperation with one or more other boards of commissioners or the chief elected official of one or more municipalities, or both commissioners and chief elected officials. Commissioners enter into these plans to enhance the administration, delivery, and effectiveness of family service and workforce development duties. A regional plan must specify how the private and government entities in the plan will coordinate and enhance these duties.

Often times, commissioners use plans of cooperation for workforce development. For example, 43 counties in Ohio are part of the Area 7 Workforce Investment Board. These 43 boards of commissioners have entered into a regional plan to more effectively administer federal Workforce Investment Act programs and services.

43.11 HUMAN SERVICES FUNDING (ORC 5101.144, 5101.161, 6301.03; O.A.C. 5101:9-6-83; ODJFS County Monitoring Advisory Bulletin 2009-001)

County commissioners are responsible for approving the CDJFS, PCSA, CSEA, and WDA budgets and appropriating county, state, and federal dollars for all programs. Until 2004, funding came in the form of a "consolidated allocation." Instead of receiving separate amounts to spend on all of the different programs offered, counties received flexible funding to use based on what the citizens in each county needed. ODJFS then would put all the funds back in the proper federal silos at the end of each fiscal year.

Unfortunately, due to mistakes in putting funds back into the correct federal silos, and overspending in Food Assistance and Medicaid, the consolidated allocation became a thing of the past. Currently, the county agencies receive funds from various silos and have the difficult task of keeping track of different funding ceilings.

A CDJFS, CSEA, PCSA, and WDA are funded by a combination of federal, state, and local dollars. Generally, however, county human service agencies use five different funds at the county level to administer programs: the Public Assistance, or PA Fund, Children Services Fund, Child Support Enforcement Agency Administrative Fund, Workforce Development Fund, and county General Fund.

The PA Fund requires a county to deposit all funds the commissioners appropriate and ODJFS allocates for public assistance programs to this special fund in the county treasury. Public assistance programs are Medicaid, Food Assistance, and TANF programs. The Children Services Fund is the special county fund for the PCSA. Likewise, the Child Support Enforcement Agency Administrative Fund is used to account for receipt and disbursement of child support funds. The Workforce Development Fund houses all funds appropriated for workforce development purposes, such as Workforce Investment Act dollars. Lastly, the county General Fund also is a funding source to support county human service agencies.

The mix of these funds in a CDJFS or their use in separated agencies is different county to county because the makeup of funding depends on many different factors, such as the following: basic agency structure (i.e. whether the CDJFS is combined in any manner); internal agency structure, such as whether workers spend their time on only one or more than one program; and the needs of the community, such as the local economy, demographics, and local demand for services. If a county has separated CDJFS, PCSA, CSEA, and WDA, then each of those agencies will manage and draw from their respective funds. But, even if a county combines a CDJFS, CSEA, PCSA, and WDA, the county must maintain separately a PA fund, CSEA fund, Children Services Fund, and Workforce Fund as required by state law. While one entity can manage all four funds and draw funds from each to pay shared administrative costs, the four funds must be maintained and accounted for separately.

Because each of these funds are required to remain separate and each fund has many limitations for exactly which services they can provide monies, transferring monies between these funds can be confusing and sometimes creates problems. County human service directors often times struggle to find adequate funding for one program, but have more than needed for another, but cannot use the excess funding to fill in the holes because of very complex federal and state guidelines. But, in an effort to be more flexible, some counties occasionally use temporary advances to help fill small voids.

For example, a county's General Fund might advance cash to any number of funds because there are few restrictions on General Fund money. However, monies in special revenue funds, including the PA Fund, the Children Services Fund, the CSEA Administrative Fund, and the Workforce Development Fund, are limited in their uses to the purposes for which the funds were established, and may not be advanced to other funds. Thus, a CSEA Administrative Fund may not advance cash to a Children Services Fund.

Additionally, levy monies have restrictive language limiting their use to certain types of expenditures. Revenue from levies cannot be advanced or loaned to other funds where it will not be subject to the same restrictions. Similarly, restricted monies from federal or state grants may be used only for their prescribed purposes and may not be advanced or loaned to other funds where they might be used for other purposes.

43.111 COUNTY GENERAL FUNDS AND HUMAN SERVICE FUNDING

a. MANDATED SHARE OF PUBLIC ASSISTANCE
ORC 5101.16 – 5101.163)

On an annual basis, county boards of commissioners must provide an appropriation from the county general fund to defray part of the cost of county departments of job and family services' (CDJFS') administrative costs in Medicaid, food assistance, and disability financial assistance programs. This is known as the county's mandated share. The amount is specified through a formula in the revised code and is based on 10% of the nonfederal share (5% of the total) of the administrative expenditures in Medicaid and food assistance programs, and 25% of the administrative and program expenditures of the disability assistance program made in the state fiscal year that ended in the prior calendar year. The amount is capped at 105% of the prior year's mandated share. In addition, the commissioners must pay a maintenance of effort for TANF which consists of the amount the county was paying for Aid to Dependent Children in FFY 1994. This amount has not changed since 1998, and will not change until Congress changes the federal law. Every year in May, the Ohio Department of Job and Family Services notifies each board of commissioners of the amount of the county's mandated share for the following state fiscal year.

b. CHILDREN SERVICES AGENCIES
(ORC 5153.162, 5153.20, 5153.35)

Commissioners are ultimately responsible for the delivery of children services such as investigating abuse and neglect, accepting custody of children, and arranging for foster care and adoption. While sufficient appropriations must be provided, the level of service required is not well-defined in law. Counties with children services levies often do not appropriate general funds to the delivery of services; however, counties without levies will likely find it necessary to do so.

A few counties still maintain a local Children's Homes (referred to in statute as "training schools") to provide placement and/or treatment needs of local children. Over the years, most counties that had children's homes closed or transferred them to private provider agencies, as they struggled with the costs of maintaining such homes, and ensuring quality services.

Finally, commissioners may be charged for the services provided by another county children services agency if the child for whom services were performed is a legal resident of their county. These expenses would likely be funded by the county's general fund in those counties without a children services levy.

c. CHILD SUPPORT ENFORCEMENT AGENCIES (ORC 3125.14, O.A.C 5101:12-1-80, 5101:12-1-60, and their supplemental rules)

Boards of county commissioners are not statutorily obligated to provide funding to child support enforcement agencies beyond federal and state funds specifically received for the agency. However, most counties do provide a local share of child support enforcement provider contracts (i.e. law enforcement or court orders) through either a direct investment to the child support administrative fund or by absorbing the 34% of the contract cost, thereby charging 66% of the contract amount to the local CSEA.

In addition, commissioners may want to consider investing additional general fund money in the child support enforcement program if typical funding streams taper; for every local dollar invested in the child support enforcement program, federal match provides an additional 2 dollars. Funds that counties receive through Title IV-D of the Social Security Act for reimbursement of allowable IV-D program costs are often times a critical part of the county's law enforcement and court budgets. Furthermore, child support payments collected by the CSEA and disbursed to child support obligees can also reduce the burden counties may see through job and family services programming.

43.12 THE REIMBURSEMENT AND ADVANCE SYSTEM (ORC 5101.161; O.A.C. 5105-9-6-82)

Technically, a human service agency earns reimbursement at varying rates from the federal and state governments by spending money appropriated for human service programs. Since no county could afford the cash flow for a human service system based on reimbursement entirely, the state advances money based on estimated expenditures and reconciles yearly.

Each quarter, the county agency receives a statement of estimated monthly advances based on its expenditures from the previous quarter. At the beginning of each month, the county auditor gets one state warrant for most state funds advances. Around the 15th of every month, the county receives the federal funds advance. The checks equal the total of advances in each ceiling minus the estimated county share of the month's expenditures (explained below). If the county does not put in its share, it creates a cash flow problem over a period of time.

When a county agency reaches its ceiling in a given area, advances stop for that area for the fiscal year. County directors pay very close attention to their ceilings for each program because if a director spends more than the ceiling amount, the county General Fund must pick up the overage. At one time, ODJFS permitted counties that overspent to receive underspent dollars from other counties, thus giving counties some breathing room. At the state level, ODJFS simply would shift dollars from one county to another. With the state's current fiscal situation, ODJFS no longer permits this practice.

However, counties still have some ability to move dollars between counties. The "eBay" program allows one county to enter into an agreement with another county to reallocate unused human service dollars to a county in greater need. County JFS directors utilize this program to make the most of the allocations they receive, particularly since many times the dollars are contained in silos that may be used only for specific purposes. One county may need dollars for Food Assistance administration while another county needs money for TANF. These counties can agree to move parts of their allocations to suit their needs, and both counties benefit. Commissioners are involved because the county directors must get the commissioners' approval by resolution to reallocate the money.

43.13 ALLOCATIONS

A human service agency relies on its allocations of state and federal dollars to determine how much that agency may spend on each program. Allocations are forwarded to counties quarterly based on the fiscal year program ceiling, as explained above. If a county agency exceeds their allocations and ceiling, the county is responsible to pay for the overspending.

These allocations also are referred to as silos because each program's money is in a separate silo and often times cannot be mixed with dollars from other silos. These silos of money can create headaches for a human service agency in many respects. Not only does the agency have to spend administrative time and money tracking each of these silos, but the rigidity of each funding stream means one program may run out of dollars while another program's funding is underspent.

43.14 SHARED COSTS AND RANDOM MOMENT SAMPLE ALLOCATIONS

If a CDJFS caseworker's activities fall exclusively into one program, that caseworker can charge his or her activities to that one program only. This charge is called direct charge. If a caseworker's activities benefit more than one program, then that caseworker has shared costs and cannot have direct charges.

The federally-approved system for determining to which program shared costs are allocated is Random Moment Sample ("RMS"). RMS provides a statistical sample upon which shared costs can be charged to each program area. Costs of administrative personnel are distributed to each program area (TANF, Medicaid and Food Assistance administration, social services, children services, and workforce development) based on the number of employees in each program area as a percentage of the department's total employees. Within each program area, RMS distributes costs to individual programs.

For example, if a caseworker codes a RMS hit to Food Assistance, that hit drives the cost of the caseworker's activity to Food Assistance rather than some other program. Also, that hit drives the caseworker's shared costs within the Medicaid and Food Assistance administration category to the Food Assistance program. Thus, the caseworker's hit not only affects the source of dollars for his or her activity, but all of the shared costs within the Medicaid and Food Assistance administration category of funding. Conversely, if that worker codes a RMS hit "common to all programs," that hit is thrown into the pool to be divided by other RMS hits that specified a particular program area, like the Food Assistance hit described above.

43.15 INDIRECT COSTS

As mentioned above, while most funding for human service agencies and programs comes from federal and state dollars in silos, the county General Fund supplements those programs as well. Medicaid and Food Assistance require a county mandated share that the state specifies. Child support often is supplemented with county dollars for cases that are not eligible for federal reimbursement. While a large percentage of the children services is funded at the local level (almost 40%), most of that funding comes from children service levies. But, the General Fund at times fills in some gaps for child protective services.

Commissioners can make up some of those costs by charging human service agencies indirect costs. Countywide indirect costs are those allowable costs other county offices incur (primarily the auditor, prosecutor, and treasurer) for the benefit of the human service agency. Commissioners must prepare an indirect cost plan and submit it to ODJFS for approval no later than December 31 of the year for which the county uses the report as a basis of claim.

Indirect costs are charged to the human service agency's ceilings. If the agency does not have sufficient dollars in the ceiling to support the indirect cost payment, the insufficiency will create an excess over the ceiling that will be back charged to the county general fund. In other words, if an agency does not have the ceiling money to cover the indirect costs, charging the costs will not help the county general fund. If the agency is close to its ceilings, holding indirect cost billings until close to the end of the fiscal year to insure reimbursement may be an option, though it should be carefully considered. Some of these costs may be eligible for federal reimbursement even if they exceed the state-set ceilings. The county could file a claim and collect only the federal portion.

When indirect costs are paid into the county general fund, this payment offsets, to a degree, the county general fund money appropriated to the PA fund. Commissioners should not overlook the value of this offset for the health of the general fund.

43.16 CONTRACTS

While a human service agency receives funding for program services, often the agency must contract with outside providers for those services. While most of these contracts are exempt from statutory competitive bidding requirements, the agency must still choose contract providers with care, and monitor these on-going contracts.

Pursuant to OAG Opinion 2004-031, a board of county commissioners may, by resolution, assign to the CDJFS powers and duties relating to family services duties or workforce development activities, including the authority for the director to enter into contracts necessary to perform these powers and duties. The commissioners, then, do not have to sign these contracts. Instead, the CDJFS director may exercise that authority.

43.17 HUMAN SERVICES LEVY OPTION (ORC 5705.191; various OAG opinions, including OAG 1963-154, 1956-7001)

While commissioners and voters in many counties approve separate levies for developmental disabilities (DD), behavioral health (ADAMH), and children services, only two counties to date have exercised their option for a general human services levy. This levy may be used to supplement the county general fund for "public assistance, human or social services, relief, welfare, hospitalization, health, and support of general hospitals…."

This type of levy may not exceed a 10 year period in length, and may not be used for purposes other than specified in the levy language. Thus, if the levy language the voters pass specifies that the levy funds may only be used for children services, then those levy funds only may be used for those purposes. But, if the levy language is broad to include children services, senior services, mental health, developmental disabilities, etc., then the commissioners may choose to allocate the levy funds as they see appropriate for each of those purposes.

Table 43-1
County Human Service Agency Organization

County	Public Assistance	Children Services	Child Support	Workforce Development
Adams	CDJFS	Stand Alone	CDJFS	Stand Alone
Allen	CDJFS	Stand Alone	Stand Alone	CDJFS
Ashland	CDJFS	CDJFS	CDJFS	CDJFS
Ashtabula	CDJFS	Stand Alone	CDJFS	CDJFS
Athens	CDJFS	Stand Alone	CDJFS	CDJFS
Auglaize	CDJFS	CDJFS	CDJFS	Stand Alone
Belmont	CDJFS	CDJFS	CDJFS	CDJFS
Brown	CDJFS	CDJFS	Stand Alone	Stand Alone
Butler	CDJFS	CDJFS	Stand Alone	CDJFS
Carroll	CDJFS	CDJFS	Prosecutor Office	CDJFS
Champaign	CDJFS	CDJFS	CDJFS	CDJFS
Clark	CDJFS	CDJFS	CDJFS	CDJFS
Clermont	CDJFS	CDJFS	CDJFS	CDJFS
Clinton	CDJFS	CDJFS	CDJFS	CDJFS
Columbiana	CDJFS	CDJFS	CDJFS	Stand Alone
Coshocton	CDJFS	CDJFS	CDJFS	CDJFS
Crawford	CDJFS	CDJFS	CDJFS	CDJFS
Cuyahoga	CDJFS	CDJFS	CDJFS	Stand Alone
Darke	CDJFS	CDJFS	CDJFS	CDJFS
Defiance	CDJFS	CDJFS	Stand Alone	CDJFS
Delaware	CDJFS	CDJFS	Stand Alone	CDJFS
Erie	CDJFS	CDJFS	CDJFS	CDJFS
Fairfield	CDJFS	CDJFS	CDJFS	CDJFS
Fayette	CDJFS	CDJFS	CDJFS	CDJFS
Franklin	CDJFS	Stand Alone	Stand Alone	Stand Alone
Fulton	CDJFS	CDJFS	CDJFS	CDJFS
Gallia	CDJFS	Stand Alone	CDJFS	CDJFS
Geauga	CDJFS	CDJFS	CDJFS	Stand Alone
Greene	CDJFS	Stand Alone	CDJFS	CDJFS
Guernsey	CDJFS	Stand Alone	CDJFS	CDJFS
Hamilton	CDJFS	CDJFS	CDJFS	CDJFS
Hancock	CDJFS	CDJFS	CDJFS	CDJFS
Hardin	CDJFS	CDJFS	Stand Alone	Stand Alone
Harrison	CDJFS	CDJFS	Stand Alone	CDJFS
Henry	CDJFS	CDJFS	Stand Alone	CDJFS
Highland	CDJFS	Stand Alone	CDJFS	CDJFS
Hocking	CDJFS	Stand Alone	CDJFS	CDJFS
Holmes	CDJFS	CDJFS	CDJFS	CDJFS
Huron	CDJFS	CDJFS	CDJFS	CDJFS
Jackson	CDJFS	CDJFS	CDJFS	CDJFS

County	Public Assistance	Children Services	Child Support	Workforce Development
Jefferson	CDJFS	CDJFS	CDJFS	CDJFS
Knox	CDJFS	CDJFS	CDJFS	CDJFS
Lake	CDJFS	CDJFS	CDJFS	CDJFS
Lawrence	CDJFS	CDJFS	CDJFS	CDJFS
Licking	CDJFS	CDJFS	Stand Alone	CDJFS
Logan	CDJFS	Stand Alone	CDJFS	CDJFS
Lorain	CDJFS	Stand Alone	CDJFS	Stand Alone
Lucas	CDJFS	Stand Alone	CDJFS	Stand Alone
Madison	CDJFS	CDJFS	CDJFS	CDJFS
Mahoning	CDJFS	Stand Alone	CDJFS	Stand Alone
Marion	CDJFS	Stand Alone	CDJFS	CDJFS
Medina	CDJFS	CDJFS	Stand Alone	Stand Alone
Meigs	CDJFS	CDJFS	CDJFS	CDJFS
Mercer	CDJFS	CDJFS	Stand Alone	Stand Alone
Miami	CDJFS	Stand Alone	CDJFS	CDJFS
Monroe	CDJFS	CDJFS	CDJFS	CDJFS
Montgomery	CDJFS	CDJFS	CDJFS	CDJFS
Morgan	CDJFS	CDJFS	CDJFS	CDJFS
Morrow	CDJFS	CDJFS	CDJFS	CDJFS
Muskingum	CDJFS	Stand Alone	CDJFS	CDJFS
Noble	CDJFS	CDJFS	CDJFS	CDJFS
Ottawa	CDJFS	CDJFS	CDJFS	CDJFS
Paulding	CDJFS	CDJFS	Stand Alone	CDJFS
Perry	CDJFS	Stand Alone	CDJFS	CDJFS
Pickaway	CDJFS	CDJFS	CDJFS	CDJFS
Pike	CDJFS	Stand Alone	CDJFS	Stand Alone
Portage	CDJFS	CDJFS	CDJFS	Stand Alone
Preble	CDJFS	CDJFS	CDJFS	CDJFS
Putnam	CDJFS	CDJFS	CDJFS	CDJFS
Richland	CDJFS	Stand Alone	Stand Alone	CDJFS
Ross	CDJFS	CDJFS	CDJFS	CDJFS
Sandusky	CDJFS	CDJFS	CDJFS	CDJFS
Scioto	CDJFS	Stand Alone	CDJFS	Stand Alone
Seneca	CDJFS	CDJFS	CDJFS	CDJFS
Shelby	CDJFS	CDJFS	CDJFS	CDJFS
Stark	CDJFS	CDJFS	CDJFS	Stand Alone
Summit	CDJFS	Stand Alone	Prosecutor Office	CDJFS
Trumbull	CDJFS	Stand Alone	CDJFS	CDJFS
Tuscarawas	CDJFS	CDJFS	Prosecutor Office	Stand Alone
Union	CDJFS	CDJFS	CDJFS	CDJFS
Van Wert	CDJFS	CDJFS	CDJFS	Stand Alone
Vinton	CDJFS	CDJFS	CDJFS	CDJFS
Warren	CDJFS	Stand Alone	Prosecutor Office	Stand Alone

County	Public Assistance	Children Services	Child Support	Workforce Development
Washington	CDJFS	Stand Alone	Stand Alone	CDJFS
Wayne	CDJFS	Stand Alone	Prosecutor Office	CDJFS
Williams	CDJFS	CDJFS	CDJFS	CDJFS
Wood	CDJFS	CDJFS	Stand Alone	CDJFS
Wyandot	CDJFS	CDJFS	CDJFS	CDJFS

Table 43-2
ODJFS Information Systems

	Description	County Input	State Input	County Access	State Access
CRIS-E: ***Client Registry Information System – Enhanced***	Public Assistance database. Major functionality includes application intake, eligibility determination, and issuance of benefits to clients for Medicaid, Food Assistance, and Ohio Works First (Cash Assistance.)	Yes	Limited	Yes	Yes
SACWIS: ***Statewide Automated Child Welfare Information System***	Functions include: intake management, case management, court processing, administration, eligibility, resource and financial management, and interfacing with SETS, CRIS-E and MMIS.	Yes	Limited	Yes	Yes
SETS: ***Support Enforceme nt Tracking System***	Assists in locating absent parents, as well as establishing, enforcing, tracking and reporting child support cases.	Yes	No	Yes	Yes
MITS: ***Medicaid Information Technology System***	Launched in August 2011 to replace MMIS (Medicaid Management Information System.) Functions include processing Medicaid provider claims and payments. Interfaces with CRIS-E and SACWIS to provide Medicaid providers with recipient eligibility and demographic information.	No	Limited	No	Yes