



# Work and Performance Plan FY2020 (ATY)

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Tyrone C. Wade, Attorney's Office



## Key Initiative #1 -- Establish In-House Legal Department

**Link to Strategic Business Plan:**

No

**Description:**

Establish in house legal department: Determine broad scope of legal services that have typically been provided by outside counsel along with those currently provided by staff lawyers. Determine which of the services provided by outside counsel can be transitioned in-house and which should, at least for the present time, continue to be provided by outside counsel based on work load, budgetary demands, staffing levels, subject matter expertise and knowledge base. The process of establishing an in-house legal department will take some time and must be a deliberate process looking at cost vs benefit along with the demands of the County.

**Rationale:**

Mecklenburg County has always retained and used an outside firm through retained counsel to provide a substantial portion of the legal services required by the County including representing the Board of Commissioners. This attorney and the firm worked with one in-house Deputy County Attorney to handle the County's legal work. The in-house Deputy County Attorney supervised lawyers under her authority and worked closely with the firm and retained outside attorney to meet all of the other legal needs of the County. On occasion, on a case by case basis, it was necessary to retain the services of other law firms as well to meet the County's legal needs, depending on the nature and complexity of the issue. Effective March 2018, the retained attorney retired from the position of County Attorney and from providing County legal advice and representing the Board of Commissioners. The County, for the first time, decided to establish a County Legal Department and bring County legal representation "in-house," including representation of the Board of Commissioners. This requires a restructuring of the current arrangement and reassessment of how best to meet the legal needs of the County and Board representation.

**Completion Date:**

Ongoing: Phase I completed FY 2019-2020

**Updates/Project Milestones:**

Begin process of transition: (Develop Mission/Vision Statement)

- As appropriate, establish initial roles and responsibilities
- Determine organizational structure (Work with BPM to set up a workable organizational structure)
- Hire additional staff (assess initial business needs and hire additional staff accordingly)
- Build Department to meet business requirements (Work with BPM and OMB to develop Customer Service Satisfaction Survey questions and Key Performance Measures)
- Create satisfaction types of questions that can be administered (Engage staff for their input and suggestions to address the milestones - begin regular meetings with staff to provide updates and information)
- Participate in training
- Develop performance measures for leaders
- Begin process of assessing which legal services can/should be brought in-house vs contracted out

**Outcomes/Measures:**

- Establish in-house legal department
- Establish a management structure for how the department will function and provided services for day to day county operations
- Develop accountability measures for areas where legal is involved



## Key Initiative #2 -- Coordinate and Manage Lawsuits

**Link to Strategic Business Plan:**

No

**Description:**

Manage lawsuits against Mecklenburg County

**Rationale:**

Mecklenburg County, as is typical with any local governmental entity, is the subject of many lawsuits as a defendant, and on occasion must also file lawsuits in areas other than the health and human services divisions, where lawsuits are regularly filed to enforce statutorily mandated requirements. The County has to assess the most cost efficient way to handle lawsuits where the County is a defendant. Review the number of lawsuits that have been filed against the County over a designated period of time, determine the cost associated with defending the claims and assess whether continuing current model or looking at an alternative is the most economically feasible and best business decision. Look at cost benefit of outsourcing litigation (short-term) vs creating a litigation department (long term).

**Completion Date:**

Ongoing: FY 2021-2022 Phase II

**Updates/Project Milestones:**

- Begin tracking the number of cases filed against the County over a relevant period of time
- Determine the cost for handling the cases
- Assess the complexity of the case
- Estimate the time and manpower needed to defend the case
- Assess which cases (case types) might be handled in-house versus contracting with outside counsel

**Outcomes/Measures:**

- Reduce litigation cost to County to the extent possible



## Key Initiative #3 -- Coordinate public records request and E-discovery protocols

**Link to Strategic Business Plan:**

No

**Description:**

Streamline process for responding to public records and E-discovery requests.

**Rationale:**

Requests for public records have increased significantly and is a very time consuming process, now including emails and text messages, thus dramatically increasing the volume of information that must be review for legal compliance. The need to review emails and redact non-public information consumes a lot of staff time. Additionally E-discovery and litigation holds can be very tedious. Both processes typically involves several individuals to complete.

**Completion Date:**

FY 2020

**Updates/Project Milestones:**

Work with IT security and Public Information (PI) to coordinate online portal for handling public records request and e-discovery

**Outcomes/Measures:**

Successful implementation of technology tool to address handling public records requests and e-discovery



## Key Initiative #4 -- Work to manage relationship with judiciary and system stakeholders in area of Health Human Services

**Link to Strategic Business Plan:**

No

**Description:**

Mecklenburg County operates as a Consolidated Human Services Agency (CHSA). This means that departments which provide Health and Human Services to residents (e.g. Department of Social Services (DSS), Division of Youth and Family Services (YFS), Child Support Enforcement services (CSE), Health Department (H.D.), Behavior Health Division (B.H.D.)) are consolidated under one umbrella within the County. These services are typically heavily regulated with federal and state compliance mandates.

**Rationale:**

These services under the CHSA have a significant public facing and judicial involvement. Additionally, they carry significant financial penalties to the County for non-compliance. The judicial systems play a significant role in the County's ability to comply with statutory and regulatory mandates. Compliance with state and federal mandates is critical for revenue stream and reimbursement to the County. To the extent there is court involvement in these cases, it is critical for the courts and others who are a part of the system participants to understand and appreciate the role they play in the compliance scheme. Court decisions involving cases of abuse and neglect or child support enforcement, for example, can have a significant effect on the County's ability to meet federal and state regulations and thus draw down federal and state revenue/reimbursement.

**Completion Date:**

Ongoing

**Updates/Project Milestones:**

- Establish a process where lawyers regularly meet with judges to discuss statutory and regulatory mandates (educate the courts)
- Participate in child fatality team reviews - many system players are a part of this process. Affords an opportunity to discuss best practices (educate the system players)
- Develop a system to track and monitor case progression
- Lawyers to participate on committees addressing CHSA types of cases
- Conduct assessment of cases that are out of compliance with established mandates
- Arrange for lawyers to participate in CLE to learn best practice and keep abreast of current mandates in their respective area of expertise
- Establish practice where lawyers regularly train staff on law and court expectations

**Outcomes/Measures:**

Measure number of cases that are in compliance with federal and state mandates. There are specific compliance measures to be assessed

Record number of staff that participate in regular training

Gather feedback from courts on County preparation and performance



## Key Initiative #5 -- Chief Privacy/Compliance Officer

**Link to Strategic Business Plan:**

No

**Description:**

Mitigate Non-compliance in the Organization - Chief Privacy/Compliance Officer

**Rationale:**

County governments can only function and provide services to residents as authorized by law. There are any number of laws and regulations with which local governments must comply in order to receive federal and state funding to provide these services. And, there are consequences for failing to meet the mandates required by these laws. However, non-compliance with certain mandates, rules and regulations can be costly to the County resulting in significant fines or penalties. These laws govern the services delivered and the delivery process. Trying to determine which laws/rules/regulations are the most critical is an ongoing endeavor and could change should the laws change. All laws are important and critical to County operations; however, those with the greatest potential and risk for financial penalties are those identified to be a priority for the initial effort in compliance. Additionally, managing and protecting confidential information is critical to maintaining public trust as County services are being provided. In addition to potential fines/penalties, failure to protect confidential information can destroy public confidence as well. So part of compliance is to educate employees on the importance of maintaining confidential information and, to the extent possible, avoid situations where their actions might cause protected information to be inadvertently compromised.

**Completion Date:**

Ongoing

**Updates/Project Milestones:**

County governments are political sub-divisions of the state. They derive authority to provide services through the state or federal government. Therefore, Counties are compelled to comply with federal and state laws, rules and regulations. Failure to do so can result in huge fines or penalties. The initial phase is to identify and prioritize the most significant and potentially costly regulations if violations occur. And to identify those where staff might not be as aware of the consequences for a failure to comply.

First phase: Determine the most critical regulations that could potentially be the most costly and severe should there be a failure to comply. The initial assessment suggests that priority should be placed on the Health Insurance Portability and Accountability Act (HIPAA), Americans with Disability Act (ADA), Adoption and Safe Families Act (ASFA), Payment Card Industry Data Security Standard (PCI-DSS), Multi-ethnic Placement Act (MEPA), Family Medical Leave Act (FMLA), and Fair Labor Standards Act (FLSA). The goal is to develop training to educate staff on the importance of these regulations and potential consequences should an investigation revealed we did not comply.

In addition to federal and state mandates, there are also County policies that must be complied with as well. Review of the County's ethic's policy, and work with Internal Audit and Fraud Hotline to ensure compliance in an effort to reduce fraud and remind staff of the importance of public trust and ethical behavior.

**Outcomes/Measures:**

Put in place and/or revise training modules for staff as necessary to educate on need for compliance  
Develop methodology to determine who has/has not taken any required training



## Key Initiative #6 -- Equity and Inclusion Initiative

**Link to Strategic Business Plan:**

No

**Description:**

Begin the implementation of the County's Equity Action Plan adopted in FY19.

**Rationale:**

To address the challenge for Mecklenburg County to become a stronger pro-equity organization, strategies must be implemented that enhance the work Mecklenburg County has already completed to promote equity and inclusion.

The County aims to build upon the current organizational diversity training and has partnered with the Government Alliance on Race and Equity (GARE) to create both an equity training curriculum for County staff and an Equity Action Toolkit. To continue to build the capacity of the organization, it is critical that the County approaches equity work holistically and enterprise wide to advance equity.

With the adoption of a three-year Equity Action Plan, FY20 will begin the implementation of year one action items identified for each Department. Please refer to the Equity Action Plan Accountability memo dated August 22, 2019 for Department specific action items.

**Completion Date:**

This is a multi-year initiative.

**Updates/Project Milestones:**

Refer to the Equity Action Plan Accountability memo dated August 22, 2019 from the Equity and Inclusion manager.

**Outcomes/Measures:**

Successful accomplishment of established Equity Action Plan milestones.