

**Nebraska Commission for the Deaf and Hard of Hearing**  
**Full Commission Board Meeting**  
**Conference Room 4A**  
**4600 Valley Road, Lincoln, NE**

**March 6, 2015 Meeting Minutes**

**A. OPENING**

Chairman Mike Brummer called to order the March 6, 2015 meeting of the Nebraska Commission for the Deaf and Hard of Hearing full commission board meeting at 8:32 a.m. in conference room “4A” located at 4600 Valley RD in Lincoln, NE.

**B. NOTICE OF OPEN MEETING**

Chairman Brummer announced the notice of the meeting was duly given, posted, published, and tendered in compliance with the Open Meetings Act, and all board members received notice simultaneously by email. Publication of official notice of the meeting appeared in the February 27, 2015 edition of the Lincoln Journal Star, the Grand Island Independent, the North Platte Telegraph, the Omaha World Herald and the Scottsbluff Star Herald, legal newspapers of general circulation in this state, as required by the Open Meetings Act. The agenda was kept current in the Nebraska Commission for the Deaf and Hard of Hearing’s office and on the Board’s website. Materials generally used by the Board for this meeting were available in the public folder for inspection by the public, and in accordance with the Open Meetings Act. A copy of the Open Meetings Act was available for the duration of the meeting.

**C. ROLL CALL**

For the record, Board Members Michael Brummer, Regina Frerichs, John Hogue, Carol Lomicky, Steve Manning, Jan Moore, Margie Propp and Frank Turk were present. Board Member Diane Muelleman was absent and excused. Also present were Director, John Wyvill, Business Manager, Natasha Olsen. Interpreters present were Ben Sparks and Lorelei Waldron. Diane Head was present for CART Services.

**D. REVIEW OF AGENDA**

Executive Director Wyvill reviewed the agenda with the Board Members.

**E. ACCEPTANCE OF AGENDA**

Chairman Brummer reminded those present for the meeting that the agenda cannot be altered 24 hours prior to the meeting except for emergency items according to the Open Meetings Act. Board Member Hogue moved to adopt the agenda as printed. Board Member

Manning seconded the motion. With no further discussion, the motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

#### **F. ACCEPTANCE OF MINUTES**

Board Member Lomicky asked for any additions or corrections to the December 12, 2014 minutes. Member Lomicky indicated that on page eight under the Helen Keller Event that Merriman Performing Arts Center is spelled Merryman. With no other corrections to be made Board Member Lomicky moved to adopt the December 12, 2014 meeting minutes as amended. Board Member Turk seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

#### **G. CHAIRMAN OF THE BOARD'S REPORT**

1. Director Wyvill gave a brief update on LB287 (LR517). He pointed out that we have had very positive articles about raising the interpreter standards in education. NCDHH has received six letters of support for LB287 and does not believe there will be any resistance. If there is any opposition, Director Wyvill will meet with anyone regarding their concerns. Board Member Propp and Board Member Turk expressed interest in being involved on any committees if it is open to Board Members. He also stated that over the spring and summer the Department of Education will present a proposal to the Board about the increase in standards. The Department of Education will also propose rule changes to Rule 51. Crystal Pierce, Interpreter Program Assistant, is going to meet with interpreters in the Omaha and Lincoln area to discuss the changes to the proposed requirements and standards. Chairman Brummer asked how the Board will deal with unlicensed interpreters if LB287 passes. Director Wyvill stated that himself, Peggy Williams and Crystal Pierce with work on the rule making process to outline a process to deal with unlicensed interpreters. One example is that if an interpreter is not licensed but accepting assignments and the Board receives a complaint on the interpreter, the Board can send the interpreter a cease and desist letter to stop accepting assignments until they become a licensed interpreter.
2. The June Full Commission Board Meeting will be held in Columbus, NE. NCDHH will host a town hall meeting on Thursday, June 11<sup>th</sup> at the Columbus Community Center. The Full Commission Board Meeting will be on Friday, June 12, 2015 at 8:30 a.m. at the Holiday Inn Express. Board Member Frerichs explained that the Community Center is in the old Columbus hospital and asked if there was going to be topics discussed at the Town Hall Meeting. Director Wyvill stated there will be some brief remarks but otherwise will be more of an open house type setting. Dr. Lomicky pointed out that if we are going to be demonstrating The Loop System, we should get in touch with the local newspaper to do an article about it. Many

times an individual has a hearing aid with the t-coil function but is unfamiliar with what it is or how it works. Director Wyvill agreed with Board Member Lomicky that an article in the newspaper would be a good idea.

3. The Board will complete Executive Director Wyvill's performance evaluation at the June Board Meeting. The Board would like to review the performance evaluation form and also have input from the staff with a similar evaluation form. The Executive Committee will work with Ms. Olsen to have the evaluations completed prior to the June Board Meeting so the Board may complete the evaluation.
4. The Board discussed members for the Nebraska Telecommunications Relay Services (TRS) Advisory Committee. There is a NCDHH member, PSC Rep and Telephone Industry Rep position open. The Board's office received a letter of desire from Mr. Tim Schram with the PSC to be reappointed as the PSC representative. A letter from Kim Remington was also received expressing her interest in the Telephone Industry Rep position. There are currently three seats open on the NCDHH Board so it was discussed to table the NCDHH member until the next board meeting to give the new Board Members an opportunity to serve on the TRS Advisory Committee. Board Member Lomicky moved to wait until the June Board Meeting to vote on the NCDHH TRS Advisory Committee appointment and to appoint Tim Schram and Kim Remington to the TRS Advisory Committee. Board Member Turk seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

## **H. FINANCIAL REPORT**

1. Natasha Olsen, the new Business Manager for the agency, discussed the NCDHH budget with the Board. Ms. Olsen explained that for the main agency budget as of the end of February, expenses amount to 45.65 percent of the budgeted expenditures for the fiscal year; 65.75 percent of the fiscal year has passed. The mental health expenses amount to 64.85 percent of the budgeted expenditures for the fiscal year.
2. Ms. Olsen briefly discussed the carryover funding and stated the agency is on track to have additional carryover funding at the end of this fiscal year if the Appropriations Committee approves the agency to keep the funds.
3. Ms. Olsen also discussed some changes that have been implemented since she has started with the agency. The first change was for staff outside of the Lincoln office. The previous Business Manager required staff in the Omaha, North Platte and Kearney office to email daily when they got to work and left work, in addition

tracked those times on a master calendar and fill out a timesheet. Ms. Olsen stated that emailing daily and updating a calendar is not necessary because according to the State's statute a time sheet fulfills the requirement to track working hours. The next change implemented is how inventory is currently being tracked. The previous method was to track all items \$15 and above. The State's statute is a minimum of \$1500, however; each agency can choose to inventory items of lesser value. Ms. Olsen pointed out that tracking items of \$15 is a constant battle because the item could be purchased for \$15 but the following year the same item may be purchased for \$10. The inventory policy is currently being revised to following DAS requirements but also provide the agency an adequate tracking method of valuable agency assets. The other change that Ms. Olsen implemented was regarding the Expense Reimbursement Documents (ERDs). The previous Business Manager only required staff and Board Members to include a print out from MapQuest to show how many miles they traveled. Ms. Olsen explained that only providing MapQuest is not adequate documentation because it does not show that the mileage that is being requested for reimbursement was done for work related purposes. Ms. Olsen explained that an agenda from a meeting or conference is a good example for supporting documentation to include with an ERD.

## **I. INTERPRETER REVIEW BOARD**

1. Directory Wyvill started by thanking Crystal Pierce, Peggy Williams and Traci Cooney for all of their hard work with Title 96, the Interpreter Rules and Regulations. Crystal Pierce then went through the process and pointed out that we are at the point where the Board can approve the changes and edits in Title 96. After the Board approves the rules and regs there must be a notice in the paper for 30 days to give the public an opportunity to comment. If there are no comments the next step is to go to the Attorney General's office, Governor and the Secretary of State. Ms. Pierce then went over the changes that have been made to Title 96.
2. Section 003.003 Temporary Permit has been updated if the interpreter shows the appropriate qualifications to receive a temporary permit. It was also updated to limit the interpreter to working 30 hours per calendar year with the exception that any court of competent jurisdiction can request for an extension. Additional language was added requiring interpreters to submit the total number of hours worked during the year.

Section 004.01A the changes updated the language to provide documentation of the requirements and eliminated the "licensure exam" because there is no such exam.

Section 006.002-004.04 Proof of Continuing Education was simplified the inner office process and made note that it request can be made to the Commission office for continuing education (CEUs).

Section 007 added information that proof of continuing education must be given to the NCDHH office for renewals.

Section 008.001 additional language was added that the license must be renewed by the expiration date or the license is invalid. No grace period is provided.

Other technical corrections were also made throughout with minor wording changes and typos. Board Member Propp made a motion to accept all changes to Title 96, the Interpreter Rules and Regulations as well as the Complaint Process. Board Member Manning seconded the motion with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

5. Board Member Manning moved that the Board going into executive session for the purpose of reviewing complaints. A closed session is clearly necessary to prevent needless injury to the reputation to those involved. Board Member Propp seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye. The time on the clock was 9:50 a.m.

Board Member Propp moved to come out of executive session at 10:50 a.m. Board Member Hogue seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

Break from 10:50 a.m. to 11:01 a.m.

Board Member Moore moved that licensure complain #1408 not be pursued by sending it to the Attorney General's office. Director Wyvill and agency staff will mail the interpreter a letter. Ms. Propp seconded the motion and the motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

Board Member Propp moved that licensure complaint #1409 not be pursued by sending it to the Attorney General's office. Agency staff will mail the interpreter a letter and monitor the situation. The motion was seconded by Board Member Manning. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

Board Member Moore moved that the license in case 15-01A be reinstated. Board Member Lomicky seconded the motion and the motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

## **J. EXECUTIVE DIRECTOR'S REPORT**

1. Director Wyvill started out by saying that Ms. Olsen will hand out the Statement of Financial Interest forms. The forms need to be submitted to the Nebraska Accountability and Disclosure Commission no later than April 1<sup>st</sup> so everyone's cooperation in having the forms completed before then would be greatly appreciated. Ms. Olsen will also follow up by emailing the form to the Board Members as well.

Director Wyvill also thanked Ben Sparks for helping Peggy Williams get the ball rolling with Title 96 before he left the agency.

Director Wyvill informed the Board that the posting for the Field Representative II position in North Platte has closed. Ms. Olsen will be setting up interviews within the next couple weeks. Director Wyvill, Ms. Olsen and April Guthrie, the Kearney Field Representative will conduct the interviews.

2. Kelsey Cruz, Public Information Officer started off by stating Ben Sparks gave her a lot of guidance on the Annual Report before he left the agency. She is very proud of the finished product and appreciates all the help from co-workers. Chairman Brummer suggested that the staff that has video phones (VP) have the VP number listed with the other contact information on the Personnel Directory page. With no other changes to the 2014 Annual Report, Chairman Brummer made a motion to accept the 2014 NCDHH Annual Report with the above information added. Board Member Turk seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.
3. Director Wyvill presented a plan to the Board on the projected use of the agency's carry-over funds from the previous year. Director Wyvill expressed that he would like to have these items purchased and the projects planned before the end of the year because after that we may not have the funding based on the Appropriations Hearing. The parameters of the projected use is for marketing, updated print materials, employee development, non-capitalized equipment, updating the agency media center, updating the agency demonstration equipment, marketing items (giveaways at booths), database upgrades, NET Program special and software purchases.  
Board Member Hogue moved to approve the projected use for the agency's carryover funds. Board Member Frerichs seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

Board Member Manning asked why we are upgrading our computers, they aren't that old. Director Wyvill informed the Board that the computers the staff currently has are five years old and outdated. Board Member Turk made a motion to allow the Executive Director to proceed with ordering new computers for the agency staff and purchase outreach materials as deemed necessary with the carryover funds. Board Member Frerichs seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

Peggy Williams talked about the NET Proposal for a 30 minute special on NET television that is deaf focused. In the previous years the special focused on hard of hearing, military and hearing loss and parent's guide to hearing loss. The cost has increased to \$35k because it will not just be studio time. Many of the shots will be taken out of the studio and be "action" shots. The special will be captioned, interpreted as well as voiced. Chairman Brummer asked Ms. Williams was long enough. Ms. Williams stated "no, however; anything longer increases the cost and you can relay a lot of information in 10 minutes." Ms. Williams proceeded to inform the Board that the special will debut at the NeAD conference in June but it is unknown which day. The special will air on NET2 as well. Board Member Propp moved to approve the expenditure of the NET Special on ASL and deaf history. Board Member Frerichs seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

Director Wyvill relayed to the Board that our office has received feedback from organizations that it would be beneficial to have a handbook that would provide guidance and help protect deaf and hard of hearing. This would be a twofold project. The first part would be a handbook and the second part would be a video in ASL. Unfortunately, the video would not be done before the end of the fiscal year. The request is to approve the project for the handbook and the video if the funds are available to produce the video. This is going to be a big year for the agency with advocacy in the deaf community. We have Peg's NET Special, the handbook and Kim's special on employment. There will be a deaf advisory group for the handbook. Board Member Lomicky stated that this is an excellent idea but questioned how it would get into the hands of the consumers. Director Wyvill explained there will be a few copies in print but the main place for consumer's to read the handbook will be on the agency's website. Chairman Brummer asked if the handbook will be focused on people who can sign and voice. Director Wyvill explained it will be a guide for everyone but the focus will be for deaf. Board Member Lomicky stated she would like the handbook to give guidance for hard of

hearing people with hearing devices in public places. The solution a lot of times is to get an interpreter but that doesn't always work. Director Wyvill will make a note of this recommendation for the advisory group. Board Member Propp moved to approve the expenditure of the deaf and hard of hearing advocacy handbook. Board Member Turk seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

4. Peggy Williams discussed the Enrichment Foundation. Ms. Williams wrote a grant the end of October in 2014 for an Interpreter Workshop. She received around \$3,000 to put on the work shop. The workshop will be open to all interpreters. The workshop will be held on May 16, 2015 in Omaha at the Emmanuel Conference Center and include a luncheon. Dr. Ron Libberger will be presenting.
5. Director Wyvill presented the CLEAR Basic National Certified Investigator and Instructor Training course to the Board for consideration of approval of attendance for Crystal Pierce. The Director expressed the importance of developing a foundation in administrative law and the investigate process to be successful in Ms. Pierce's position. Board Member Propp moved to approve out of state travel for Crystal Pierce in Raleigh, NC April 27-29. Board Member Hogue seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.
6. Ms. Kelsey Cruz gave the Board an update on the agency's social media presence. The "likes" on the agency Facebook page continue to grow now with 608 likes. In this day the importance of social media cannot be stressed enough according to Ms. Cruz. Some statistics that Ms. Cruz shared were the ASL video regarding LR517 reached 800 people, the ASL video on the LJS article reached 1,415 people, the photos of Domesti-PUPS meeting with Director Wyvill reached 1,505 people and Gary Theiler's photo as Boss of the Month reached 744 people. Upcoming projects for the agency is the Lincoln Salt dogs 2<sup>nd</sup> Annual Deaf and Hard of Hearing Awareness Night is scheduled for July 1<sup>st</sup>, the NeAD Conference and continued outreach to the Scottsbluff area until the Legislature approves or denies the requested position out there.

#### **K. SUBCOMMITTEE DISCUSSION**

There was no report from the Executive Committee, the Legislative Committee, the Interpreter Committee or the Education Committee.

- L. The Awards Committee would like to review the wording for the awards as well as the awards policy before going forward with presenting awards to previous staff or Board Members.

Board Member Moore moved to hold voting on awards until the committee can evaluate the plaque wording and the awards policy. Board Member Hogue seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

Before making a motion for adjournment, Board Member Moore stated this will probably be her last meeting. It's been a pleasure working with fellow Board Members and she's learned a lot throughout her time on the Board. Living out west she won't get to see many of them again but it has been a please working with them.

- M. Board Member Manning moved to adjourn the meeting at 12:26 p.m. Board Member Moore seconded the motion. The motion carried with Brummer, Propp, Lomicky, Frerichs, Houge, Manning, Moore and Turk voting aye.

These minutes were available for public inspection on March 11, 2015, in compliance with Nebraska Statute §84-1413 (5).