

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
4600 Valley Road, Conference Room 1, Lincoln, Nebraska**

September 14, 2018 Meeting Minutes

A. OPENING

Chairperson Jeremy Fitzpatrick called to order the meeting of the Nebraska Commission for the Deaf and Hard of Hearing full commission board meeting on September 14, 2018, at 8:32 a.m. at 4600 Valley Road, Conference Room 1 in Lincoln, Nebraska.

B. NOTICE OF OPEN MEETING

Chairperson Fitzpatrick announced that 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 September 7, 2018 edition of the Omaha World Herald, a legal newspaper 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 is available for the duration of the meeting.

C. ROLL CALL

For the record, Board Members Jeremy Fitzpatrick, Margie Propp, Norm Weverka, Candice Arteaga, Diane Schutt, Dr. Stacie Ray, Dr. Pete Seiler and Dr. Frank Turk were present. Dr. Marc Brennan was absent. Also present were John Wyvill, Executive Director; Natasha Olsen, Business Manager; and Teresa Hevner, Advocacy Specialist. Interpreters present were Ben Sparks and Sharon Sinkler. Mydge Heaney was present for CART Services.

D. REVIEW OF AGENDA

Executive Director Wyvill reviewed the agenda with the Board Members.

E. ACCEPTANCE OF AGENDA

Chairperson Fitzpatrick 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. Mr. Weverka moved (seconded by Ms. Arteaga) to adopt the agenda as printed. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

F. ACCEPTANCE OF MINUTES

1. Chairperson Fitzpatrick asked for any additions or corrections to the June 8, 2018 minutes. Mr. Weverka made a motion (seconded by Dr. Ray) to accept the minutes as presented. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

G. CHAIRPERSON OF THE BOARD'S REPORT

1. Chairperson Fitzpatrick reviewed Nebraska Revised Statute §71-4728. This statute states that NCDHH is the principle state agency responsible for monitoring public services and implementing programs for deaf and hard of hearing persons.
2. Chairperson Fitzpatrick stated his goal was to have everyone review the statute, mission and vision of NCDHH and have a future meeting with the staff to review and update what the Commission's current mission and vision should be. Dr. Seiler stated in the past, these were reviewed every three years. Chairperson Fitzpatrick stated he would like to see that in effect again.

Chairperson Fitzpatrick informed the Board that he received a letter from the Nebraska Association for the Deaf (NeAD) Board inviting NCDHH to have a joint board meeting with the NeAD. Chairperson Fitzpatrick stated there are additional costs that would be involved in that so additional discussion is being had. Chairperson Fitzpatrick proceeded with addressing the letter and that NeAD letter also stated "NCDHH has lost its way". Chairperson Fitzpatrick shared that the Commission staff can do better and will do better. Chairperson Fitzpatrick opened the meeting to public comment.

3. Barbara Woodhead, Crystal Pierce, Karen Weverka, Jonathan Arteaga, Heath Focken, Steven Manning, Carol Manning, and Victoria Rasmussen were present. Heath Focken, President of NeAD, emphasized that he was present to share with the Board concerns that people have shared with him. The first concern is the proposed plan with the calling order and stated the NeAD's concerns that the highest qualified interpreter will not be provided. Mr. Focken shared that interpreters have also said that NCDHH would take their license away if they did not cooperate. The NeAD is concerned that the NCDHH doesn't care what happens to interpreters and criticizes them and that NCDHH goes after their licenses. Mr. Focken also stated that a former NCDHH employee posted on social media saying that "they worked in a hostile environment." Mr. Focken reminded the NCDHH board that this particular position has seen high turnover.

Mr. Focken indicated that it seems the NCDHH does not advocate for deaf people on their cases or situations. Mr. Focken stated that “NCDHH has done well with collaborating with organizations, but that it is an “I” organization. NCDHH does not appear to be a team player. Mr. Focken stated that NCDHH holds events, like the zoo day in Scottsbluff, and did not ask NeAD if they wanted to participate.” In addition, Mr. Focken said that NCDHH holds other events such as the Salt Dogs baseball game day and invite other organizations to have a booth. NeAD was not invited to have their booth.

Mr. Focken brought attention to an employee that was recently hired and promoted at NCDHH over an employee that has worked at NCDHH longer and has more experience. Mr. Focken stated “this as a serious issue and NCDHH needs to be reevaluated on how it is being operated hearing employees at the Commission, are a higher ratio than the deaf and hard of hearing employees. It raises the question of how do NCDHH actually serve the deaf community if you don't have people in those positions that actually know and understand and can serve the deaf community better.”

Dr. Turk question why a decision was not being made today on this subject and that this is a very important subject. Dr. Turk made a motion (seconded by Mr. Weverka)that NeAD and NCDHH work together and establish of an organization for and by the Deaf called the Council of Organizations Serving the Deaf and Hard of Hearing “COSDHH”. The motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

Steve Manning stated that the Board needs to assess how morale can be improved and how they can relate to the consumers. Mr. Manning also stated that the Interpreter Coordinator Position has a high turnover rated and everyone has different reasons and recommends that Executive Director Wyvill improve the situation and reduce the turnover to keep the employee longer. Mr. Manning stated he his is concerned, upset and disgruntled that NCDHH staff recommended an education interpreter be utilized in the community. Mr. Manning stated that the Commission should not confuse the role of education interpreters and community interpreters. Dr. Seiler stated that some education interpreters hold a license from NCDHH to interpret in the community and questioned Mr. Manning if they had a license would he not use them because they are also education interpreter? Mr. Manning stated that was fine but if education interpreters are not licensed they should not be interpreting in the community.

Barbara Woodhead stated she has listened to the discussions this morning and understands the challenges the Commissioners have. “I haven't heard the threats of interpreters losing their licenses, but this issue is multi layered. I have heard from multiple interpreters that they felt there were retaliatory practices. In other words, they lost jobs if they didn't agree with people on staff. I've also been very concerned about

the degree of unprofessional behavior on social media in my profession. In fact, I find it kind of alarming” stated Ms. Woodhead. Ms. Woodhead proceed to explain it takes an honest conversation and people not rushing to judgement to defend their position or the biases that are brought to the table. Ms. Woodhead also stated it is her belief that there should be a position on the NCDHH board for a current practicing and licensed.

Ms. Woodhead updated the Board regarding captioning at Memorial Stadium and that the University continues to work on a solution. Ms. Woodhead stated a survey will be launched soon for Deaf or Hard of Hearing people that attended the games last year and utilized Twitter for the captions of the game.

Carol Manning started by saying NCDHH staff was previously had 40-45% Deaf or Hard of Hearing people and now there are only two. Ms. Manning stated that NCDHH belongs to the Deaf and Hard of Hearing Community and they need to hire more Deaf or Hard of Hearing employees.

Ms. Manning further explained that she applied for a position at Washington Elementary and it was difficult to find an interpreter. Ms. Manning stated she called NCDHH and spoke to Traci because she handles the interpreter referral program. Ms. Manning stated “Traci didn’t seem to be very concerned to my needs. She apologized and said I’ll enter the referral.” Ms. Manning continued to say “she would like the staff to be more sensitive to our needs, be trained about Deaf and Hard of Hearing consumer’s needs.” Ms. Manning also stated that Washington Elementary had an education interpreter but they were not fluent in ASL. Dr. Seiler asked Ms. Manning if she felt that NCDHH failed to find an interpreter which caused the person that she had an interview with to drop her as a candidate which means the Commission caused her to lose the job in her opinion? Ms. Manning stated “they weren’t sensitive or concerned to my needs.”

Crystal Pierce introduced herself and that she is the neRID President. Ms. Pierce pointed out that the Commission’s goals specifically outline goals with the interpreting community. Ms. Pierce stated “I find that shocking because I actually met with an NCDHH staff member this year and, within this meeting, she had expressed that the Commission does not believe interpreters are your consumers’. She had referenced a state statute and said nowhere in state statutes does it say that you [interpreters] are a consumer.” Ms. Pierce proceeded by saying “to me that was surprising because in your state statutes it says that you are here to serve the deaf and hard of hearing community, to provide access quality and part of that comes for several, interpreters. So we're kind of part of the deal if you took out interpreters, access may not happen. But if you took out the services for the deaf, we no longer have a job.” Ms. Pierce informed the Board of a survey that neRID recently conducted. Regarding the survey, Ms. Pierce stated there were positive comments and concerns. Ms. Pierce also stated that when she has

gone to IRB meetings and spoke during public comment that the person's reaction was adversarial. Ms. Pierce stated others [interpreters] have felt retaliation when it comes to referrals. Ms. Pierce continued by saying when she was the Commission's Interpreter Program Coordinator, she was directed to start a complaint system based on a feedback form we received from a business. Ms. Pierce explained the Commission regularly sends out to businesses feedback forms and one of the questions was "did the interpreter contact you within 24 hours?" At the time, that was on our list of requirements to do. And the person that had filled out the form might mark "no" if the interpreter had not. The complaint went through the actual referral program's consequences and she was informed to fill out a form and send them a letter that this was the interpreter's first written warning. Board Member Arteaga explained she understands many interpreters go into the educational field but there is also a need for skilled interpreters within the community and now that QAST is no longer offered there is a gap that needs to be filled.

Victoria Rasmussen; Assistant Director at Vocational Rehabilitation (VR) stated she came to comment on the Commission's goals and objectives. Ms. Rasmussen stated that the Commission has an ongoing relationship with VR and VR values the expertise that the Commission offers.

Chairperson Fitzpatrick thanked everyone for coming and helping the Commission improve with their comments. Chairperson Fitzpatrick agreed that there seemed to be friction and tension between the interpreters and the NCDHH. He referenced his experience as a licensed attorney in Nebraska to that of the interpreters. At the same time, it is recognized that sign language interpreters are integral to the Commission's mission to serve the deaf and the hard of hearing community. Chairperson Fitzpatrick reiterated that the Board members are grateful to those who came today and offered their thoughts and recommendations. He assured all present that the Commission will be working closely with the interpreters, the Deaf Community and the Hard of Hearing community to improve relationships.

Break 10:50 a.m. to 11:00 a.m.

Dr. Seiler reminded the Board of Chairperson Fitzpatrick's concern that the agency's mission and vision statements have not been reviewed recently. Dr. Seiler moved (seconded by Mr. Weverka) that NCDHH establishes a three-year strategic plan which would include the review of the mission and vision statements as well as objectives for implementing those by June 2019. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

4. No other public comments were made.

5. Executive Director Wyvill informed the Board there are two positions on the TRS Advisory Committee that are due for re-appointment. Tim Schramm, Commission of the Public Service Commission and Tami Richardson-Nelson are seeking re-appointment. Ms. Propp made a motion (seconded by Dr. Ray) to approve the re-appointments of Tim Schramm and Tammy Richardson Nelson. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.
6. At the request of Chairperson Fitzpatrick, Dr. Seiler updated the Board on the progress for the LEAD-K bill. He informed the Board that there was no meetings during the summer. The NeAD approved his trip to Sacramento, California to a national training on Lead-K. Dr. Seiler stated the goal is to enter a bill in the 2019 Legislative session and hopes to have at least one senator to carry the bill. Dr. Seiler also explained that, at the National Association of the Deaf conference in July, a whole day was dedicated to different workshops regarding education for deaf and hard of hearing children.
7. Ms. Schutt made a motion (seconded by Ms. Propp) to go into closed session at 11:17 a.m. to discuss licensure complaints. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

Lunch was served at 12:00 p.m.

Ms. Propp made a motion (seconded by Dr. Turk) to go into open session at 12:31 p.m. The motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

Ms. Propp made a motion (seconded by Ms. Arteaga) to table all licensure complaints until the December 2019 board meeting. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

Ms. Propp made a motion (seconded by Ms. Arteaga) to go into closed session at 12:32 p.m. to discuss pending litigation. The motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye. The board entered into closed session at 12:32 p.m.

Ms. Propp made a motion (seconded by Mr. Weverka) to go into open session at 12:47 p.m. The motion carried with Propp, Arteaga, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

No discussion was held regarding the pending litigation update.

Ms. Schutt made a motion (seconded by Ms. Propp) to go back into closed session at 12:48 p.m. to discuss the 2018 performance evaluation of the Executive Director.

Dr. Turk left the meeting at 2:00 p.m.

Dr. Ray made a motion (seconded by Ms. Schutt) to go into open session at 2:49 p.m. The motion carried with Propp, Arteaga, Ray, Weverka, Schutt, Fitzpatrick and Seiler voting aye.

Dr. Seiler made a motion (seconded by Ms. Propp) to give Executive Director Wyvill a 1.5% pay raise effective immediately. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Schutt, Fitzpatrick and Seiler voting aye.

H. LEGISLATIVE REPORT

1. Executive Director Wyvill stated that the budget for the 2019-2021 biennium has been submitted. Base level funding was requested in addition to an increase in the agency's cash appropriation. The amount of \$100,000 was requested for HearU to support the provision of hearing aids for deaf and hard of hearing youths in Nebraska. A request for additional funding in the amounts of \$800 and \$305 was made to accommodate the increase of worker's comp and State Accounting fees as well as a \$9,000 annual maintenance fee for the new interpreter referral program. Executive Director Wyvill stated the request was also made to retain unspent appropriation from the current fiscal year.

Executive Director Wyvill updated the Board on the hearing aid legislation. A faculty member from UNL is assisting and pushing for legislation to hearing aid coverage for K-21 that is similar to what Illinois and Georgia have adopted.

Executive Director Wyvill added that NeAD has taken the lead of having the offensive term "hearing impaired" removed from the statutes.

J. EXECUTIVE DIRECTOR'S REPORT

1. Executive Director Wyvill reminded the Board that, every two weeks, he sends Chairperson Fitzpatrick an overview of his activities.
2. Executive Director Wyvill reviewed the monthly reports that are completed by all the staff. For all of the Advocacy Specialists, the average expectation is to do four presentations a month, one booth a month and ten appointments a week. The reason this is tracked is for performance standards and accountability.
No reports were given for the western NCDHH offices, behavioral health, interpreter activities, and marketing.
3. Executive Director Wyvill stated that, after an employee retires, that employee receives the remaining vacation pay as well as 25% of accrued sick leave. NCDHH had an

employee retire and the budget status report reflects that payout. In addition, there were carryover expenditures dealing with QAST and needing the flexibility to spend money for the interpreter workshop. Executive Director Wyvill stated money is going to be very tight this year, so every booth, every workshop, and every single cost will be reviewed.

4. Executive Director stated that Kathy Scusa was attending the national Hands and Voices Conference in Wyoming. Ms. Propp made a motion (seconded by Ms. Schutt) to accept the Executive Director's report and approve the out of state travel request. With no further discussion, the motion carried with Propp, Arteaga, Ray, Weverka, Schutt, Fitzpatrick and Seiler voting aye.

Q. ADJOURN

Ms. Propp made a motion (seconded by Mr. Weverka) to adjourn the September 14, 2018 board meeting at 3:07 p.m.

These minutes are available for public inspection on September 28, 2018 in compliance with Nebraska Statute §84-1413 (5).