

ADMINISTRATIVE COMMITTEE ON VETERANS AFFAIRS
COMFORT INN, BISMARCK ND

April 21, 2016
2:00 PM

Meeting called to order by Chairman Dean Overby. Pledge of Allegiance said and a Moment of Silence observed for POW/MIAs and those serving overseas.

ACOVA Roll Call:

Present:

Richard Belling	Jim Haukedahl	Bill Peschel
Roy Fillion	Dave Hilleren	Carroll Quam
Emery Fisher	Trish Hodny	Marlin Schneider
Ken Hasby	Marlys Morgenstern	Jim Verwey
	Dean Overby	Hal Weninger

Absent:

Myron Langehaug, excused

Guests:

Megan Carranza, U.S. Senator Heitkamp's Office
Laura Baillet, Attorney General's Office
Coordinating Council Members

Davinia French introduced

Col. Boespflug, ND National Guard

- ▶ Domestic Operations: no big events so far, no floods, recent rainfall has helped with wild fires.
- ▶ Memorial Day Event, guest speaker Dohrmann, new Adjutant General.
- ▶ BG GiGi Wills, deployed over in Sarajevo/Bosnia with a team of five. Ambassador asked if she would stay for one more year so she is postponing her trip home.
- ▶ Core structure numbers are low. Assigned strength is around 3,400 and that number has never reached. So downsizing will take place to a more realistic number of around 3,000. Will work through it and bounce back, and be stronger for it.
- ▶ Happy Houligans won 17th Outstanding Unit Award, includes all active duty and reserves
- ▶ State funding, had to take 4.05% cut.

Dave Johnson, American Legion: Are we ready to sustain deployments? Will take longer to get ready, 90 day window. Real challenge to maintain it for ongoing.

Cheri Geisen, Executive Director Job Service North Dakota

- ▶ Cuts were made in some communities but efforts are being made to continue in an Outreach capacity. Job Service did receive \$100,000, some of which went to help with backlog of issues in unemployment claims. So instead of 7-8 weeks, it is down to 4-5 weeks.
- ▶ Handout given on “Connecting with Veterans through Social Media”. More and more veterans, especially younger veterans, are being engaged through Facebook, Twitter, and LinkedIn.
- ▶ Gave examples of success stories.

Jim Verwey questioned how many employees the new ethanol plant in Jamestown will have when opened. Cheri heard about 40 regular employees but it could be up to 60.

Ross Tweeten, Public Relations Officer, VA

- ▶ Power point presentation on Fargo VA
 - ▶ Employees are at 1048, which is a record high
 - ▶ Update on recruitments and hires in FY16
 - ▶ Number of patients already seen is around 25,000
 - ▶ FY16 projects include: replace overhead paging system,
 - ▶ Update on Choice Program utilization, contact information; Fargo rated high in patient satisfaction scores; other ND cities do well also.
 - ▶ “Clothesline Project” features shirts decorated by veterans telling their story of military sexual trauma through words, images, and
 - ▶ Diana Hall, Homeless Program
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- ▶ Next Townhall will be in held June 22 in Dickinson.
 - ▶ Treatment of Hepatitis C – 100 veterans treated and cured.

Pilot Program: Fargo VA will have a larger role in working with Healthnet.

California and Texas has a backlog of claims so North Dakota will be working on those claims. North Dakota claims would be prioritized first before work begins on other states.

Diana Hall, Program Manager (Homelessness), Fargo VA

► In 2008, three people were on staff which covered the whole State of North Dakota. Measured how many homeless and why; in 2009 on any given night there were about 800 veterans. Why is number so high – 30% were veterans – higher per capita that serve in military. “Functional zero” – any veteran that is homeless, they do not have to sleep outside if they don’t want to; given housing within 30 days. They are then assigned a case manager to work with them on their situation. 25 permanent housing spots in major 6 areas of the state supported by case managers. Fargo has a transition facility.

► Pilot program: HUDVASH Program on reservations to help serve Native American veteran homeless.

Jim asked about the proposed veteran facility in Sibley. Diane reported the VA is not contracting with the individual building the facility. The VA will refer to him, they’re not sure how many veterans there will be in that area.

Trish: Asked about the different situations: Stellar - veteran reached out to VA, eligibility verified, benefit claim found in VA system, went home to family so this was taken care of in a relatively short amount of time; Challenging - not in database and can’t verify veteran status, status keeps changing; and Average - comes into shelter, move into Project Heart to improve situation until they can transition to apartment.

Veterans with mental health issues present the most challenging scenarios but turn out to be the most vulnerable veterans to help.

Marlys: How often are there veterans who don’t want to be helped? It’s rare, most people want to be helped.

Williston: advocating for shelters, but really want permanent affordable housing for veterans.

Jaci Hall, Executive Director, Ruth Meiers, Bismarck

- Transitional facility
- Only permanent between Fargo and Billings MT.
- In 2014, provided over 5,000 nights of shelter for veterans and those who served in the military.
- In their facilities, all military is considered a “veteran” and entitled to services. Difficult to tell someone who service in the Guard they aren’t allowed into a VA program.
- Provides any services needed to get clients back into community. Gave overview of the services they offer to the homeless: emergency shelter, residential program, transitional program, VA supportive housing, coordinated assessment, etc.

Tyler Okerlund, Veterans Entrepreneurship Program, UND

- ▶ Provides a rigorous entrepreneurial learning and development opportunity for service disabled veterans and those who have uniquely distinguished themselves in the military.
- ▶ Opportunity to work with veterans who want to start their own business
- ▶ Free to veterans selected to the program.
- ▶ NDVEP.com will officially launch April 29, 2016.
- ▶ Looking for 25 veterans to participate in the program; application deadline is July 29, 2016.
- ▶ Presented by University of North Dakota in partnership with the University of Florida, Oklahoma State University and the University of Tennessee-Chattanooga.

Mark Johnson, Administrator, ND Veterans Home

- ▶ Handed out design of workshop, going to bid within next 30 days; hoping to start construction in 60-90 days. It is short of 3,000 sq ft.
- ▶ NDSU Landscape Architect will begin developing a master plan for the grounds at Veterans Home.
- ▶ Budget cuts are difficult to do because of staffing needed for the residents.
- ▶ New national bill coming out regarding private nursing home providing care for veterans. The Veterans Home is surveyed by the State and VA. Private providers are not surveyed as extensively as the Veterans Home.
- ▶ Veterans Home Foundation Golf Tournament scheduled for June 10th.

Someone asked if there is anything that can be done regarding the Administrator's Home on the Veterans Home Grounds. Mark replied he has lived there for 10 years and it not a bad home but needs extensive work.

Guard raised \$4,500 and donated it to the Home. It was used to charter a bus to bring residents to Medora.

Commissioner's Report – Commissioner Lonnie Wangen [HANDOUT]

- ▶ Rhonda Schauer, State Approving Agency Director, resigned. The position to be filled in Fargo. The Bismarck office will be moving, alternative space being looked at.
- ▶ Working with Federal VA CBOC's to use space in those facilities for the Womens' Coordinator Outreach.
- ▶ Update on Staff Outreach/Presentations. Womens' Coordinator will be doing Public Relations as part of her job and will have an intern working with her. The PR intern will start in May.
- ▶ North Dakota presented Pillars of Excellence

- ▶ Update on Loan Program.
- ▶ Statistical data given on Grant Program.
- ▶ A van was given to the Three Affiliated Tribes and Fort Berthold for transportation purposes.
- ▶ “Raise it for Health” announced tobacco bill which will create tax funds for veterans.
- ▶ 4.05% cut for Department was \$65,306: transport vans \$15,000; StandDowns \$8,413.59; IT Support Services \$12,000; laptops and software \$10,000; and Travel \$19,892. Agency asked to identify additional cuts in funding.

Commissioner explained the difference between the Impact Foundation funds and the PWTF funds. The PWTF is by constitution and the interest earnings is used for veteran programs. The Impact Foundation funds are managed by a non-profit. All monies raised by the non-profit go to veterans, Impact Foundation are covering the administrative costs.

Break into subcommittees.

Committee reconvened until tomorrow morning.

April 22, 2016

Meeting called to order by Chairman Dean Overby. Pledge of Allegiance said and a Moment of Silence observed for POW/MIAs and those serving overseas.

ACOVA Roll Call:

Present:

Richard Belling	Jim Haukedahl	Bill Peschel
Roy Fillion	Dave Hilleren	Carroll Quam
Emery Fisher	Trish Hodny	Marlin Schneider
Ken Hasby	Marlys Morgenstern	Jim Verwey
	Dean Overby	Hal Weninger

Absent:

Myron Langehaug, excused

Guests:

Megan Carranza, U.S. Senator Heitkamp's Office
Motion by Richard Belling to approve January 20 & 21, 2016 minutes, second by Ken Hasby. Motion passed.

Training:

CVSO Training: all but three Service Officers attended. Wounded Warriors conducted some of the sessions. They have a very intense six week in house training available to service officers.

SAA office moved to Fargo in office space in same building. This saved considerable money. Commissioner is working with VA officials about using space in CBOC's throughout the State.

Commissioner reported he received a call that Leslie Ross, former Stark CVSO, showed up at Conference around 11:40-11:45 that morning. Tom received text messages about it. At lunch break, she left with some of the attendees. She returned and was sitting behind service officers that she has had confrontations with in the past. Others not comfortable with her there. Bryan Watters asked her to leave, she said no. Commissioner informed hotel manager about situation and the manager accompanied Commissioner to the meeting room. Commissioner asked Leslie Ross to leave, she said no. Commissioner explained the training is not open to public. She refused again and the hotel manager asked her to leave hotel because of situation. She said the only way she is leaving is if the police take her out. She maintained it was an open meeting. Laura Balliet, State Attorney General's Office, was called and confirmed to the hotel manager that it was not an open meeting. Ms. Ross left room to go to bathroom, so the manager locked the door. Ms. Ross did not return to the room, instead leaving in her car. Everything was done politely. Ms. Ross sent a letter complaining that the Commissioner was aggressive and rude during the situation.

There is an ongoing lawsuit by Ms. Ross that includes the Commissioner.

Commissioner Wangen talked about working with Rhonda Schauer, State Approving Agency Director, and the good relationship they had in helping veterans with their education benefits. Ms. Schauer mentioned that under many states, the SAA is under the State Department of Veterans Affairs. This biennium the SAA office came under the Department through legislation, previously the agency had been under Higher Education. In January, Ms. Schauer gave the Commissioner information that she hadn't been receiving the pay/equity increases she should have been given. The Commissioner believed that the pay issue would have been worked out through the legislative process. Her position was exempt but OMB said her position needed to be classified. Through miscommunication, the JDQ was not sent in to HRMS; even though Ms. Schauer had done it in July. Four to five months into the biennium, OMB questioned the pay raise

which doubled her salary (more than the Commissioner's salary and Governor's salary). After OMB and the Attorney General's Office looked into the matter, they determined the documentation she submitted to the Commissioner was not accurate. Since her pay increase had not gone thru the process it resulted in a severe shortfall in the SAA budget for the first year of the biennium. HMRS dropped her down to the correct classification and OMB dropped her salary down to where it was previously. The Commissioner came up with a way to cover the budget but Ms. Schauer decided to resign. She wasn't happy her salary was reduced and is blaming the Commissioner for everything. OMB hasn't decided yet if they want to move forward with fraud charges or try to recoup the money.

Marlin: Does it make a difference on her retirement? Commissioner: Yes, last three years of highest salary counts in the retirement equation. If she would have taken the pay cut in addition to a little extra to pay it back, she could have retired when she originally planned at around the same amount for retirement purposes.

Hal: Was any of the increase merit based? Commissioner: hadn't review anything from Higher Education.

Commissioner acknowledged he signed off on documents. But he was not given all the documents he should have received to make a more informed decision.

Commissioner then discussed Brenda Bergsrud situation. Her last two evaluations were bad evaluations. She was given a raise on the first evaluation but given lots of recommendations. Commissioner Wangen discussed some of the recommendations that didn't meet with compliance. It was decided to make one of the VSO's position a supervisory position. Ms. Bergsrud and Tom Summers both applied for it, Mr. Summers got the position. The Commissioner worked with HRMS on this and HRMS recommended Mr. Summers should get the position. Three months before Ms. Bergsrud scheduled evaluation, the Commissioner went over recommendations that were made and still not addressed. Her next evaluation was done by Mr. Summers and she didn't like it. Ms. Bergsrud was given the opportunity to train with Mr. Summers, instead she handed in a resignation letter. She filed a complaint to the Administrative Hearing claiming wrongful termination. She went to the Attorney General's office to talk with Wayne Stenejehm but was turned away. Ms. Bergsrud stated she would go to legislators. A hearing is scheduled in June to determine if she should even get a hearing on her complaint. Commissioner Wangen worked with HRMS throughout the evaluation process. She was not asked to resign, she resigned on her own.

Chairman Overby stated that some of the ACOVA members had received a letter from Ms. Bergsrud. The information will be forwarded on to the Attorney General's Office.

Commissioner Wangen reported that two recommendations on the last audit were due to Ms. Bergsrud's actions. One was doing lobbying on behalf of the Coordinating Council

and not taking leave time and there other was taking the state car home (Rolla). She was never authorized to work from home but phone records indicated she was home instead of being in the Bismarck office. These issues were discussed with her to correct before evaluation time. These were included in her last evaluation which was unsatisfactory and didn't receive a pay increase.

Letters are sent to the Governor's Office or legislators on issues that are never brought to the Commissioner or Administrative Committee for action.

Committee Reports:

Appeals Subcommittee: reported by Marlys Morgenstern
No appeal hearings.

Postwar Trust Fund Subcommittee: reported by Marlys Morgenstern
Reviewed PWTF balance and expenditures, discussed Tobacco Tax measure and its effect on the PWTF. No request for PWTF requests. Discussion on raising limit on the dental and rent deposit and possibly making a lifetime cap. Committee would like to bring these issues to full committee for discussion.

Motion by Dave Hilleren to accept minutes, second by Carroll Quam.

Bill Peschel asked about raising the deposit assistance to \$800.00. If they can afford an \$800.00 rent then they wouldn't qualify for a grant.

Discussion on lifetime cap. Trish Hodny wondered if instead of a lifetime cap, increasing the years in between the procedures, i.e. making dental once every 5 years.

Bill talked about having exceptions due to health conditions. They are people who do know how to use the program.

Next biennium it is hoped there will be a considerable increase in the PWTF interest earnings amount the Committee will receive and be able to spend on programs.

Discussion on the grant program and the amount of funding available – is it meeting the needs of veterans.

Chairman Overby stated he was pleased with the good discussion on the grant program. When we are able to get more money, then we should be looking at increasing the grant amounts.

Motion passed.

Legislative Subcommittee: Jim Verwey reported.

Met with Coordinating Council after ACOVA meeting recessed. Reviewed last Coordinating Council minutes, listened to their information on the Tobacco Tax Initiative. The five veterans' organizations are collecting signatures; 13,452 are needed to send it forward. Subcommittee wondered if ACOVA members could collect signatures.

Commissioner Wangen stated if you're a state employee you can't collect signatures but as a private citizen you can do what you want.

The subcommittee emphasized to Coordinating Council to select wise and choose people for ACOVA. Need more breaks during the meeting.

Motion to accept report made by Ken Hasby, second by Trish Hodny.

Subcommittee recommends the Legislative Committee come in earlier to meet with the Coordinating Council. Council plans to meet earlier so they can stay and listen to the ACOVA speakers and the Commissioner's Report.

Motion passed.

Department of Veterans Affairs & Budget Subcommittee: by Richard Belling.

Reviewed budget, 4.05% cuts were discussed. Suggestions on saving money. Loan Policy #200 – recommend no change. Loan Policy #233 – recommend change to read, “and consolidation debt and delete credit card bills.” Grant Policy #430, periodontal disease. Commissioner's evaluation reviewed.

There will be a policy written by the AG regarding pay raises for Department of Veterans Affairs to go through the AG Office for review.

Discussion on the need for the policy.

Motion by to accept report by Hal Weninger, second by Jim Haukedahl. Motion passed.

Motion by Marlin Schneider to change Loan Policy #233, to delete “credit card bills” so it reads “Veterans Aid Loan is not to be used to consolidate debt.” second by Ken Hasby.

Commissioner Wangen explained this was brought up at the CVSO Conference. The reason to expand the policy to include other debt besides credit card debt is sometimes giving a loan doesn't help the applicant get out of their financial situation.

Bill Peschel thinks it would be better to give the loan to pay the debt and counsel the applicant on not getting into debt again.

Emery C. Fisher stated that you can counsel people but that doesn't mean they won't go out and get credit cards so they get back into debt.

Motion passed.

Motion by Marlin Schneider to change Grant Policy #430, to change "treatment" to "maintenance", so it reads "Dental \$1000 (One per calendar year)

-An exam, cleaning, and x-rays are covered if there is a medical need or a pain that needs to be addressed; however, preventative maintenance procedures such as a routine annual exam and cleaning will not be covered if there is no specific medical reason to be seen. Gum disease maintenance will not be covered.", second by Jim Haukedahl.

Commissioner Wangen explained in some situations before dental work or dentures can be given, the applicant's gums need to be cleaned. We don't want to get into a situation where we would be doing ongoing maintenance for gum disease. Changing the policy to "treatment" allows for the one-time gum cleaning when it's needed for other dental work to be completed.

Motion passed.

Motion by Marlin Schneider to change Loan Policy #200, to strike "with outstanding" and replace with "who is not current", so it reads, "b) Loans will not be issued to anyone who is not current on paying child support." , seconded.

Commissioner Wangen explained there was a parent who was ordered to start paying child support and was doing so regularly. They were then hit with back child support and of course are immediately in arrears. This would disallow them from getting a loan.

Discussion on the wording of the policy to make sure of the intent of the policy is clear: that as long as they are current on their child support and paying on the arrears, they could be eligible for a loan.

Motion passed.

Chairman Overby reported he had been contacted by the Governor's Office about the Department closing the Bismarck office. He asked Commissioner Wangen to explain to the Committee about the status of the office. The Bismarck office was moved to Fargo but the Commissioner is looking into space available for outreach in Bismarck. Job Service has offered space in their building for \$50 a month and another option could be space in the CBOC. The CBOC would be the better space since our employee could access the VA network so it would be just like working at the VA. It's hoped that we could then access the other CBOC's in the state. He is waiting to hear from the VA on this. It has been very difficult to hire anyone for the Bismarck office, so outreach in Bismarck and around the State would fill the need of providing service to all veterans.

Trish Hodny asked about the hours. Commissioner responded that it would be certain days and as needed, staff would be rotated.

Round Table Discussion:

Roy Fillion: Presentation by Diane Hall and Jaci were excellent, got new understanding about the homeless issue. Glad to hear Job Service received additional funding.

Trish Hodny: Discussion has been really good; if receiving emails, be aware not to email the committee on it because then it turns into a meeting. Would like to see Wounded Warriors speak at a meeting.

Ken Hasby: good speakers at this meeting. Legislative committee meeting with Coordinating Council was good. A few members of the Coordinating Council didn't understand the difference between the two groups.

Both groups have new members and it would be a good idea to hand out the pamphlet that describe the difference between the two groups.

Carroll Quam: speakers were very good and informative. PWFT committee wanted to get the whole committee involved in some issues to get feedback.

Jim Haukedahl: good meeting, good speakers, DAV convention next weekend in Grand Forks

Hal Weninger: enjoyed the speakers. Liked the interaction between the members. There is no intention on undermining the Commissioner or Department

Bill Peschel: subcommittees shouldn't be so stringent in making policy, letting the Commissioner make decision.

Commissioner: Veterans Home Golf Tournament in June; every organization has information on the Department's website event calendar

Jim Verwey: Discussion was really good, not everybody agrees and that's good. Good that the Legislative committee meets with Coordinating Council

Dave Hilleren: active in New Town area, good interactive discussion, good speakers

Richard Belling: speakers were great, learning experience being DVA subcommittee chairman, State VFW Convention in June in Bismarck

Emery C Fischer: legislative conference for VFW in Washington, DC.; didn't understand how important it is for women veterans to be able to have women doctors

Marlin Schneider: good speakers and appreciated hearing them. Maybe getting someone to come out and talk about the Tobacco initiative.

Chairman Overby commended Marlys on finding the speakers.

Marlys Morgenstern: wondering how we can help the homeless. When we bring speakers in we should be thinking on what action we can take on those issues. Maybe a whole day on Veteran's Court and bringing someone from one of the Tribes on needs on reservations.

Ken Hasby reported he tries to meet with the tribal service officer (Tom Crowsheart) before he comes to the meetings for any issues he would like brought to ACOVA.

Chairman Overby reported appointments need to be made to the North Dakota Veterans Home Governing Board. Keith Hoveland, Judy Lee and Gary Skarphol positions are up this June 30.

Motion by Dave Hilleren to appoint Greg Stemen, Curt Twete and Gary Skarphol to the North Dakota Veterans Home Governing Board with Gary Skarphol as Chairman, second by Richard Belling. Motion passed.

Chairman Overby reported on a past incident at the Veterans Home regarding a resident. The resident is happy being in South Dakota with his daughter and one son. Turns out the other son had power of attorney and taken all his father's money. The daughter and other son are suing, and have had the power of attorney revoked.

Chairman Overby talked about there may some changes on the ACOVA board because of member's terms ending. He would like to see one thing going forward that if the Tobacco initiative goes through, change the legislative subcommittee to tobacco trust subcommittee. The Governor's Office will work to get all appointments made to ACOVA completed by mid-July.

Next meeting tentatively set for July 28 & 29, 2016.

Motion by Richard Belling to adjourn, second by Dave Hilleren. Motion carried.

Respectfully submitted

Jim Verwey
Secretary