
AGENCY OVERVIEW**360 Protection and Advocacy**

Date: 12/07/2012**Time:** 13:52:01**Statutory Authority**

North Dakota Century Code Chapter 25-01.3.

Agency Description

The Protection and Advocacy Project (P&A) is governed by a seven-member board with appointments being made by Legislative Council, the Governor, the Mental Health Association in North Dakota, the Arc of North Dakota, and an entity selected by the committee.

Current federal programs include the: 1) Developmental Disabilities Advocacy Program; 2) Mental Health Advocacy Program; 3) Protection and Advocacy for Individual Rights; 4) Assistive Technology Advocacy Program; 5) Protection and Advocacy for Beneficiaries of Social Security; 6) Traumatic Brain Injury Advocacy Program; and 7) the Help American Vote Act.

P&A investigates allegations of abuse, neglect and exploitation of individuals with disabilities. P&A works collaboratively with the Vulnerable Adult Protective Services Program, Child Protective Services, and the Long-Term Care Ombudsman Program. P&A engages in proactive activities such as education and training, self advocacy support, and representation on various state and local committees and task forces.

Agency Mission Statement

The purpose of the agency is to protect and advocate for the rights of people with disabilities. As set by the Committee on Protection and Advocacy in November 2000, the mission reads: Uniting to champion the equality and inclusion of people with disabilities where we live, learn, work and play.

Agency Performance Measures

P&A develops an annual plan with numerous goals and objectives. These relate to our seven federal grants. P&A's activities can be classified into six main areas of effort. While terminology, definitions, focus and depth of each activity varies, similar services are provided by the protection and advocacy systems in each state and territory.

1. Protective services – ensuring appropriate response, including risk management, investigation and provision of remedial effort, to reports of suspected abuse, neglect and/or exploitation of individuals with disabilities.
2. Case advocacy – providing advocacy and/or legal representation, within identified priority areas, to eligible individuals with disabilities to ensure access to appropriate services and resolution of disability-related discrimination or other rights violations.
3. Systems advocacy – collaborating with appropriate stakeholders to identify and advocate for systemic change that will result in positive outcomes for people with disabilities.
4. Information and referral – providing verbal and written information as well as directing individuals to resources external to P&A.
5. Education and training – training provided to groups of individuals, including people with disabilities and service providers, on disability-related rights issues as well as the development and publication of rights-related documents.
6. Self-advocacy support – providing information, technical assistance, and support to self-advocacy groups.

In the summer of 2011, P&A mailed a survey to 407 individuals and organizations requesting input on P&A's priorities and activities. Of note, the survey asked "Do you believe P&A's work is helpful to people with disabilities and their families?" Of the 67 respondents, 63 (94.0 percent) indicated 'yes' and 2 (3.0 percent) indicated 'no' and 2 (3.0 percent) did not respond to this specific question.

Major Accomplishments

1. Awarded the contract for the Client Assistance Program (CAP) by the Vocational Rehabilitation Division of the ND Dept. of Human Services. This is being carried out using existing staff with services being provided through Advocates in Minot (.10 FTE – NW ND) and Bismarck (.40 FTE – SW ND) as well as an attorney in the Fargo office (.50 FTE – Eastern ND). The Executive Director is currently functioning as the CAP Director (.10 FTE).

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2. Chosen by the National Disabilities Rights Network (NDRN) to receive one of the advocacy awards at its annual conference. As stated in the NDRN e-mail message, "North Dakota is being honored for demonstrating solid and consistent protection and advocacy work on a series of cases that involved the devaluing of people with disabilities." This was a significant honor.
3. Initiated, in collaboration with the ND Dept. of Human Services, Developmental Disabilities Division and Regional DD Program Management, a Medication Error Pilot Project, in FY 2011. The pilot project involved 4 DD service providers in two regions of the state and involved significant changes to the documentation and follow up protocol for medication errors that are determined to be reportable using the Reporting Determination Guidelines, but which present no evidence of actual harm. Effective August 2012, the project went statewide. It is a systemic effort that will help assure medication errors are minimized for individuals receiving services from developmental disabilities service providers.
4. Played a key role in developing and promoting the 8th Annual AT Expo which was held on April 28th, 2011 in Fargo, ND. This is an annual conference that provides a public forum/educational opportunity for increased awareness of assistive technology and its role in making the community more accessible in learning, home, work, and recreational environments. The 2011 AT Expo had the highest attendance numbers to date – there were 651 participants, and 50 AT device/service vendors. The AT Expo also included a preconference workshop on AT funding, which included information on funding within Special Education, State Vocational Rehabilitation Agencies, Private Insurance, Medicaid, Medicare and Social Security Administration's Plan for Achieving Self-Support. Information was also provided regarding Medicaid Waivers in North Dakota and their funding availability for AT devices and services.
5. Organized Legislative Working Committees (LWC's) across the state during the 2011 Legislative Session. The LWC is considered "the pipeline" for people with disabilities, family members, and advocates to network and to receive information about disability-related legislation. The groups met weekly during the Session. Facilitators reviewed new bills introduced, the status of pending bills, and upcoming hearing schedules. Participants were encouraged to express their individual experiences and views to legislators and received support and assistance, upon request, with contacting their individual legislators or with preparing testimony. P&A played a significant role in organizing the groups as well as with information dissemination.
6. Tracked 155 bills that had a potential impact on individuals with disabilities and their families. Sixty-four e-mails were sent out during the Session to a distribution list of over 200 individuals and organizations, many of whom pass the information on to others. The 'Legislative Grid' (table of the tracked bills) included 'hot links' to Internet postings of bills, amendments, engrossments, and fiscal notes. Information was also provided to help individuals understand the Legislative process and how to advocate in a variety of ways. This project is especially valuable to individuals who do not reside in the capitol city of Bismarck. They received up-to-date information 1-3 times/week, including notes from hearings of special interest.

Future Critical Issues

P&A's proposed budget for the 2013-15 biennium was developed with the assumption of level funding for all of its seven federal grants (DD, MH, PAIR, AT, PABSS, TBI, HAVA) as well as for the CAP. While predictions are based on historical information and sound reasoning, they may not come to fruition which will, of course, decrease P&A's resources.

Congress determines the dollar amount for the grants for the P&A system. The federal granting authority then applies a formula for determining the amount given to each state and territory. North Dakota is a minimum allotment state. The total of our federal grant amounts has fluctuated a bit, both up and down, but more recently they have remained steady or decreased slightly.

P&A's payroll obviously increases each year with Legislative raises and increased health insurance premiums making most of the impact. For the current year (ending 6/30/13), there was a substantial increase due to the implementation of the Hays Group study. In the 2007-09 biennium and prior, when these increases were authorized, the spending authority was allocated relative to the funding sources for the agency's payroll. During the 2009-11 biennium, state general funds were provided for the equity and merit increases. This made a significant positive impact on P&A's budget since there is no additional federal grant money made available to North Dakota, as a minimal allotment state, to address such increases. In order to maintain its staffing and provide authorized increases in pay and benefits, it is imperative to the agency budget that this practice be continued.

REQUEST SUMMARY

360 Protection and Advocacy
Biennium: 2013-2015

Bill#: HB1014

Date: 12/07/2012

Time: 13:52:01

Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Budget Request
By Major Program					
Protection and Advocacy Program	4,226,450	5,104,253	273,416	5,377,669	324,238
Total Major Program	4,226,450	5,104,253	273,416	5,377,669	324,238
By Line Item					
Protection and Advocacy Services	4,226,450	5,104,253	273,416	5,377,669	324,238
Total Line Items	4,226,450	5,104,253	273,416	5,377,669	324,238
By Funding Source					
General Fund	1,725,653	1,985,365	158,692	2,144,057	324,238
Federal Funds	2,500,797	3,118,888	114,724	3,233,612	0
Special Funds					
Total Funding Source	4,226,450	5,104,253	273,416	5,377,669	324,238
Total FTE	28.50	28.50	(1.00)	27.50	0.00

REQUEST DETAIL360 Protection and Advocacy
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Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Budget Request
Protection and Advocacy Services					
Salaries - Permanent	2,700,153	2,886,516	112,068	2,998,584	0
Salaries - Other	0	0	0	0	388,560
Temporary Salaries	1,984	14,162	(11,162)	3,000	0
Fringe Benefits	1,009,161	1,099,151	73,403	1,172,554	0
Travel	74,942	160,044	(5,457)	154,587	0
Supplies - IT Software	4,015	4,461	3,134	7,595	(3,060)
Supply/Material-Professional	25,238	31,500	8,750	40,250	0
Miscellaneous Supplies	1,794	6,250	1,250	7,500	0
Office Supplies	15,664	19,389	(1,489)	17,900	0
Postage	10,748	20,000	(8,450)	11,550	0
Printing	6,615	25,037	11,013	36,050	0
IT Equip Under \$5,000	19,855	36,392	12,733	49,125	(26,260)
Other Equip Under \$5,000	446	10,950	0	10,950	0
Office Equip & Furn Supplies	1,706	6,200	4,258	10,458	(4,658)
Insurance	4,602	6,080	(180)	5,900	0
Rentals/Leases-Equip & Other	0	0	1,000	1,000	0
Rentals/Leases - Bldg/Land	189,057	201,435	32,565	234,000	0
Repairs	11,154	9,575	4,702	14,277	0
Salary Increase	0	0	0	0	0
Benefit Increase	0	0	0	0	0
IT - Data Processing	62,985	77,200	9,076	86,276	(2,346)
IT - Communications	41,946	42,300	2,195	44,495	(4,392)
IT Contractual Srvcs and Rprs	1,372	3,375	7,575	10,950	(3,600)
Professional Development	19,829	48,600	4,950	53,550	0
Operating Fees and Services	13,799	61,560	(26,935)	34,625	0
Fees - Professional Services	9,385	334,076	26,593	360,669	(8,182)
IT Equip/Sftware Over \$5000	0	0	11,824	11,824	(11,824)
Total	4,226,450	5,104,253	273,416	5,377,669	324,238

Protection and Advocacy Services

General Fund	1,725,653	1,985,365	158,692	2,144,057	324,238
Federal Funds	2,500,797	3,118,888	114,724	3,233,612	0
Special Funds	0	0	0	0	0
Total	4,226,450	5,104,253	273,416	5,377,669	324,238

Funding Sources

General Fund	1,725,653	1,985,365	158,692	2,144,057	324,238
Federal Funds	2,500,797	3,118,888	114,724	3,233,612	0
Special Funds	0	0	0	0	0

REQUEST DETAIL

360 Protection and Advocacy

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Biennium: 2013-2015

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Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Budget Request
Total Funding Sources	4,226,450	5,104,253	273,416	5,377,669	324,238

CHANGE PACKAGE SUMMARY

360 Protection and Advocacy
Biennium: 2013-2015

Bill#: HB1014

Date: 12/07/2012

Time: 13:52:01

Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
<u>Base Budget Changes</u>						
Ongoing Budget Changes						
A-A 1 Base Budget Request		0.00	(16,270)	115,377	0	99,107
Base Payroll Change		(1.00)	174,962	(653)	0	174,309
Total Ongoing Budget Changes		(1.00)	158,692	114,724	0	273,416
Total Base Budget Changes		(1.00)	158,692	114,724	0	273,416
<u>Optional Budget Changes</u>						
Ongoing Optional Changes						
A-C 100 Compensation Equity	1	0.00	388,560	0	0	388,560
Total Ongoing Optional Changes		0.00	388,560	0	0	388,560
Total Optional Budget Changes		0.00	388,560	0	0	388,560
<u>Optional Savings Changes</u>						
A-G 1 3% Optional Savings Package	1	0.00	(64,322)	0	0	(64,322)
Total Optional Savings Changes		0.00	(64,322)	0	0	(64,322)

BUDGET CHANGES NARRATIVE

360 Protection and Advocacy

Bill#: HB1014

Date: 12/07/2012

Time: 13:52:01

Change Group: A	Change Type: A	Change No: 1	Priority: 1
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Base Budget Request

2013 – 2015 BIENNIUM: OPERATING BUDGET CHANGE NARRATIVE

Travel	(5,444)	P&A is frugal with its travel budget. Travel is necessary for client visits, meetings, hearings, conferences, etc.
Supplies/IT Software	3,134	Increase is for desktop videoconferencing licenses for a total of \$3,060.
Supplies/Prof Mat's	8,750	Increases are projected for law reporters, Westlaw, and the P&A web-based data system, all of which are integral.
Misc Supplies	1,250	Purchases are planned for promotional supplies for voting and the Client Assistance Program (CAP).
Office Supplies	(1,489)	P&A is working to use less paper and other consumable supplies.
Postage	(8,450)	Postage continues to go down with the increased use of e-mail & faxes.
Printing	11,013	The majority of the increase is the Client Assistance Program and voting (both federal income sources).
Insurance	(180)	Estimated amounts of premiums for risk mgt. and property insurance are less.
IT Equip < \$5,000	12,733	Includes new equipment (e.g., conference phone, scanners) and replacement of PC's, printers
IT Equip > \$5,000	11,824	Videoconferencing kit (Codec, microphone array, camera, cables, etc.).
Office Equip/Furniture	4,258	Replacement of some furniture is necessary (desks, chairs, computer stands, etc.)
Rent/Lease Equipmt.	1,000	Funds are included for rental of IT equipment for staff trainings, etc.
Rental/Lease – Bldg.	32,565	While reasonable Increases are estimated for rent, a bigger jump is projected for Williston.
Repairs	4,702	Increases are included for copy machine service contracts, which include toner (except for one).
IT Data Processing	9,076	Increased share of data processing hub charge in Williston; technology fee for Polycom.
IT Communications	2,195	Additional minutes were added for long distance as well as another conference phone line.
IT Cont. Serv's/Repair	7,575	Polycom maintenance agreements and contract desktop support for regional offices.
Prof. Developmt.	4,950	P&A has included some federal monies for stipends for consumers
Operating Fees/Serv's	(26,935)	Fewer services have been identified as needed for this line item.

BUDGET CHANGES NARRATIVE

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Prof. Fees/Services 26,924 Increases are specific to federal funds (voting grant) to be contracted out for voter education activities.

TOTAL 99,451

Change Group: A	Change Type: C	Change No: 100	Priority: 1
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Compensation Equity

OAR #1 - COMPENSATION EQUITY

The recommendations implemented as a result of the Hay Group Study made a positive, significant impact on salaries for a number of P&A staff. In particular, the minimum of the salary range for Disabilities Advocates was increased from \$3,550 (Grade 12) to \$4,146 (Grade M) for \$596/month or \$7,152/year. Through savings from position vacancies, P&A was able to implement the increases for the year ending June 30, 2013. This is a very nice benefit for at least some of P&A's employees.

Unfortunately, a negative impact of the pay grade change is significant compression. Employees have worked for P&A for as long as almost 28 years. Others have worked for the State of ND for almost 30 years. With one exception, all are meeting or exceeding work performance standards. Regardless, almost all staff salaries fall within the first quartile. Only 4 employees are beyond the first quartile, nowhere near midpoint. The following chart illustrates the spread of P&A staff pay:

	Minimum	1 st Quartile	Midpoint	Maximum
D	1,816	2,118	2,421	3,026
	1 = 9.3 Yrs.			
F	2,156	2,515	2,875	3,594
	1 = 7.6 Yrs.			
I	2,871	3,349	3,828	4,785
	1 = 23.2 Yrs.			
K	3,464	4,041	4,618	5,773
	1 = 26.8 Yrs.			
M	4,146	4,837	5,528	6,910

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	2 < 1 Yrs. 5 = 5.2 - 7.9 Yrs. 1 = 12.8 Yrs. 1 = 19.6 Yrs. 1 = 22.5 Yrs. 2 = 26 - 26.8 Yrs. 1 = 29.1 Yrs.	2 = 27.8 - 28.4 Yrs.		
N	4,571	5,332	6,094	7,618
	1 = 23.9 Yrs.			
O	5,054	5,896	6,738	8,423
	1 = 2.3 Yrs. 1 = 12.1 Yrs. 2 = 20.8 - 22.2 Yrs.			
Q	5,723	6,677	7,631	9,539
	1 = 16.4 Yrs.			

Yrs. = years of service; Note: Of the 27.5 classified FTE's, 3 are currently vacant. Interviews are being conducted for 2 of the positions (Disabilities Advocates). The other is not being filled.

P&A employees develop unique knowledge and skills which have become a valuable commodity in the private sector. As with other ND State agencies, P&A has recently been in the position of having high job turn-over due to the low unemployment rate, coupled with higher-paying jobs in the private sector or with other agencies. P&A has never experienced this before and retention is becoming more of an issue. This is problematic for many reasons, all which ultimately lead to fewer resources being available, at any given time, to address reports of alleged abuse, neglect, or exploitation of individuals with disabilities as well as advocacy to help access needed services and/or address rights violations.

This OAR is for the purpose of development and implementation of a compensation policy that would pay employees based on their years of valuable work experience in combination with valued work performance. A policy, and implementation model, would be developed in collaboration with HRMS to ensure objectivity and equity in distribution of any funds made available for this intended purpose.

Upon request, HRMS recently provided information showing that \$388,560/year would be needed to bring P&A employees to the appropriate compensation ratio in consideration of each person's years of service with the State of ND. For the 2013-2015 biennium, this would equal \$777,120. This is obviously a very large amount of money. P&A's OAR is for half of this amount, \$388,560 for the biennium.

Because P&A's federal grants have not seen increases in many years, funding compensation equity, to address compression and retention, would be difficult, if not impossible, without using State funds. For this reason, P&A is requesting the OAR be funded with State dollars.

BUDGET CHANGES NARRATIVE

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Change Group: A	Change Type: G	Change No: 1	Priority: 1
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3% Optional Savings Package

Target Amount = \$64,322 (State General Funds)

The majority of this package (\$51,482) is for IT-related equipment, supplies, and services. Some is new, such as a videoconferencing system (media kit) for the Fargo office, scanners for all P&A offices, and upgrades for some of the computers and monitors that are scheduled to be replaced. Some of this package is for replacement of items that are no longer usable (e.g., P&A's video camera was sent to surplus years ago).

The remainder of the monies (\$12,840) is for replacement of dilapidated furniture and for professional services (facilitation for strategic planning, focus groups, etc.).

P&A will manage without these items however we seem to continually be behind the curve when it comes to technology. We also need to provide better quality furniture for staff, some of whom have been making do with antiquated pieces and/or broken desks. We will continue to shop at Surplus Property however we can't find everything we need there. Facilitation for strategic planning and focus groups has made these activities much more effective in the past and we would like to continue with these services

Change Group: R	Change Type: A	Change No: 100	Priority:
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Executive Compensation Package Adjustment

This budget change provides funding for recommended 2013-15 compensation adjustments. Compensation adjustments for each agency were calculated following the recommendations of the Hay Group developed through the 2011 study of the state's classified employee compensation system. Pursuant to those recommendations, compensation adjustments were calculated to provide funding to allow for both performance-based salary adjustments and market-based salary adjustments. This funding allows for increases of 2% to 4% for employees in the first quartile of the pay range and 1% to 2% for those in the second quartile of the range. For employees in the third and fourth quartiles, which are above the market policy position, no market policy increase is funded. Performance-based increases are assumed to be 3% for employees meeting performance standards and up to 5% for employees exceeding performance standards. No performance-based increases are provided for employees that fail to meet performance standards.