NEBRASKA COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED PUBLIC MEETING MINUTES Saturday, August 7, 2004 9:00 A.M. Lincoln, Nebraska

(Meeting is available on tape.)
Approved

Call to Order and Introductions: Barbara Loos, Chairman of the Board of Commissioners, called the meeting to order at 9:00 a.m.

Commissioners present: Barbara Loos, Lincoln; Nancy Oltman, Hastings; Bill Orester, Lincoln; Bob Burns, Omaha; and Dorothy Westin-Yockey, South Sioux City.

Commission staff in attendance: Dr. Pearl Van Zandt, Executive Director, Lincoln; Jan Ludwig, Secretary, Lincoln; Hubert Paulson, Recorder, Lincoln; Connie Daly, Lincoln District Supervisor, Lincoln; Shane Buresh, Orientation Counselor and Lincoln Chapter President of the National Federation of the Blind of Nebraska (NFBN), Lincoln; Amy Buresh, Transition Counselor and NFBN President, Lincoln; Jennifer Miller, Apartment Resource of Nebraska Center for the Blind, Lincoln; Fatos Floyd, Director of Nebraska Center for the Blind, Lincoln; Bob Deaton, Deputy Director of Independent Living (arrived later in the meeting, Lincoln); Robert Newman, Rehabilitation Counselor, Omaha; and Nancy Flearl, Omaha District Supervisor, Omaha (arrived later in the meeting).

Members of the Public Present: Brad Loos, Lincoln; Ryan Strunk, President of the Nebraska Association of Blind Students (NABS), Fremont; Pablo Suarez, Lincoln; Jamie Forbis, Secretary of the NABS, Lincoln; Ryan Osentowski, Nebraska Newsline(r) Coordinator and Secretary of NFBN, Lincoln; Mary Susan Orester, President of the American Council of the Blind of Nebraska (ACBN), Lincoln; James S. Nyman, Lincoln; Michael Floyd, Chairman of Friends of the Commission, Lincoln; Fritz Yockey, South Sioux City; and Evelyn Haines (arrived later in the meeting), Lincoln.

Nebraska Center for the Blind Students Present: Angie Larson, Omaha; Peggy Zierenberg, Crete; Mac Brush, Omaha; Ashley Meza, North Platte; and Roy Brooks, North Carolina.

Loos welcomed everyone and thanked all for coming.

Announcement Concerning Public Comments and Tapes of Meetings: Loos called everyone's attention to the specific times noted on the agenda for Public Comment. She announced that meeting tapes are available from each NCBVI office.

Lunch Arrangements and Other Logistics: Today the NCBVI Nebraska Center for the Blind prepared lunch for 50 participants and this will be available at 12:00 Noon.

Approval of Minutes of the May 8, 2004 Meeting: Orester moved the draft minutes of the May 8, 2004 meeting become the approved minutes. Burns second the motion and the vote was unanimous. Therefore, the May 8, 2004 minutes will be moved from draft to approved status.

Minutes of the May 29, 2004 Emergency Conference Call Meeting: It was moved by Orester and seconded by Burns to approve the May 29, 2004 minutes and the vote was unanimous. The minutes will be moved from draft to approved status.

Minutes of the June 14, 2004 Conference Call Meeting: Orester moved for approval and Burns seconded. The vote was unanimous. The June 14, 2004 minutes will be moved from draft to approved status.

Focus Topic--Review of Draft Rule Chapter 4, Workplace Policies: Van Zandt pointed out changes made since the Board's last E-mailed draft copy. Bill Wood, with the Employee Relations Division of the Department of Administrative Services (DAS) Personnel, advised on technical wording in references to the state labor contract and personnel rules. Wood will review again, so there may be minor changes recommended. Van Zandt read through the document's headings, reading text of some sections for discussion. After review and suggestions by the Board members, Van Zandt noted the changes and requested that the Board approve the hearing draft. Orester moved for approval and Oltman seconded the motion. The vote was unanimous.

Public Comment: Paulson asked about the two days the employee has in the internal complaint procedure. There was discussion. Van Zandt recommended changing the time frame of two days to five. The Board agreed. Suarez questioned terminology used in the document. He suggested the use of "gender" rather than "sex" and recommended that "sexual orientation" be cited along with "race, religion, etc." in appropriate sections. The Board agreed to both changes. Discussion followed. Fatos Floyd asked if "work days" were specified in time frames for internal complaints. It was pointed out that they are. Nyman asked about both the number and nature of telephone conference call meetings. Loos pointed out that these are either emergency meetings or meetings held for a predetermined purpose and can only comprise a small percentage of the overall number of meetings per year. Minutes are to be available within twenty-four hours afterward. Robert

Newman, speaking as a staff person, asked a reader to present a statement he had prepared earlier.

There was discussion concerning Commission staff and Nebraska Center for the Blind students attending national conventions of consumer groups.

Break was taken from 10:40 AM to 10:50 AM.

Public Hearing Process-Dr. Pearl Van Zandt: Van Zandt began with a procedural item covering the issues noted in Public Comment to be included in the proposed hearing draft. Orester moved to approve the changes agreed to by consensus during Public Comment as a part of the hearing draft that was approved earlier. Burns seconded the motion and the vote was unanimous. Van Zandt explained the steps needed to set the Public Hearing Process in motion. Burns nominated Loos to be the hearing officer, to set the hearing date, find an appropriate hearing room and report back to the Board. Orester seconded the motion. Orester conducted the voting process. The vote was unanimous. During discussion there was consensus of the board for Loos and Van Zandt to work out details of the hearing date, place and time. However, the date of October 30, 2004 seemed workable as the hearing date and holding the meeting in the NCBVI conference room at 9:00 A.M. seemed doable as well. Van Zandt will see that the 30-day notice is given.

## Report from the Chairman:

Loos began by thanking Ludwig for taking the minutes at today's meeting. Also, Loos reported that she had been the keynote speaker at the Work and Gain Experience in the Summer (WAGES) banquet on July 22, 2004 and had participated in the July 29th Alumni Bake Sale at the Nebraska Center for the Blind. Loos is planning to present at the Technology Show & Tell on August 18 & 19th, to attend the College Workshop on August 19 & 20th, and to be at the rescheduled Vendors Workshop on September 9, 2004.

Loos reported that the Board is implementing changes that were discussed at the May 29, 2004 Emergency meeting regarding email messages, the role of the Board, and creation of a mission statement/job description. A letter of apology was sent to Connie Daly and there was a public statement from the Board, which grew out of that meeting.

Loos reported that the fact that the District Supervisors and Deputy Directors nominated Van Zandt for the Supervisor of the Year Award demonstrated a good working relationship among staff. Van Zandt's response and her decision not to submit her name were commendable.

Loos publicly thanked Dottie Wilmott for her persistent work to get another \$26,076 in Social Security reimbursement money.

The Business Manager informed the Board of Wesley Majerus' exemplary work with the Nebraska Information System project. Van Zandt will see to it that Majerus will receive a certificate of appreciation and a letter will be sent to the Governor.

Public Comment: None at this time.

## Report from the Executive Director:

Van Zandt reported that from 10/01/03 to the present we've worked with 747 Rehabilitation Clients, 704 Independent Living (IL) clients, 56 individuals had successful employment closures, 15 successful postemployment closures and in IL 190 successful closures. The Nebraska Center for the Blind continues to have a 70% rate of clients achieving their employment goals. The State of Pennsylvania is sending a student here who will start the end of August. Visitors were here from Turkey this summer to see our model program. Staff Updates: Jody Sawyer left our employ and Michelle Nelsen was promoted to the Omaha Rehab Tech position and is in training at the Center. Jonathan Ross left his position the end of July. We're working to hire a Program Specialist of Technology for Omaha and to fill the Staff Assistant position vacated by Michelle Nelsen. Shawn Djernes and Charles Black are candidates for the Program Manager of Technology position, and both are going to be involved in the August Show and Tell.

Val Peery will finish her training August 13, 2004. SON Server: There is four stations set up as pilots. Nancy Coffman and Peery will be set up for testing as well. Van Zandt sent her 2005 goals to the Board. Lleana Messer, a Nebraska Business Enterprise Vendor, has given her notice. She is retiring and moving to Florida. That opens the Lincoln Federal Building. We are sorry to lose her. OSERS and OSEP, two major entities of the US Department of Education, have selected Nebraska and Louisiana as the two states that they will review this year. This is a joint review of the State rehabilitation (both general and blind) and education agencies and their transition programs and is scheduled for September 27th through the 30th. Mosier is giving a presentation at a National Transition meeting in Washington DC. Carlos Servan is attending a National Employment conference in Washington DC. Van Zandt did a Public Forum in Gering for the panhandle area in June. Bob Deaton is heading a committee of staff from several offices to take a look at how we are providing services to Older Blind Nebraskans.

Public Comment: None at this time.

#### **Old Business:**

Rule Update: The first three Chapters of Rule were presented in print, each chapter having a separate volume. Loos suggested formatting be prepared for Braille so that it will be ready for Braille embossing if someone requests it. Westin-Yockey requested a print copy of each.

Budget Update: The biennium budget proposal is due September 15, 2004 for the period of July 1, 2005 through June 30, 2007. This period will include the time after the Transition Grant and the Helen Keller funds are completely phased out and the Quality In-Service training Grant ends. We are looking at other options for continuing to fund all of those programs. Budget-wise, we're on track with last year.

Web site Update: The web master's report was sent ahead of the meeting. Loos asked if this report should be attached to the minutes along with other reports. There was consensus between the Board members to do so. Jim Jirak has been very responsive and the Board appreciates that the links are accessible.

Friends of the Commission Update: Nyman, Secretary, reported the Friends will be developing a website and would eventually ask for a link from the NCBVI. Friend's funds at this point are around \$13,500. A member of the board, Sue Christianson with Time Warner Cable, has developed a public service announcement that will be running. Nyman reported on other potential avenues for funding. An inquiry from the Government Accounting Standards Board was received. It contains questions that could be intrusive. M. Floyd has contacted Kate Witek, Nebraska State Auditor, about the matter.

The Board took a very short break at 12:10 PM while lunch was served and then the meeting reconvened.

NIS Update: Brown is working with staff to begin to use NIS. Counselors and other staff are beginning to be introduced to NIS processes.

Status of Taped Public Meeting Educational Materials: Orester completed the materials and returned them to the office. Van Zandt will send them on to Westin-Yockey.

RSA Response Concerning Serving Immigrants: Regional Commissioner, Joe Cordova, responded to our inquiries on serving immigrants. The Commission for the Blind is to serve anyone who is present in the state and is blind. Loos read Mr. Cordova's final response. Orester had to leave the meeting during this time period. There was discussion concerning the correspondence with Regional Commissioner Cordova. At the end of the discussion, all except one member of the Board felt assured that NCBVI is and has been acting in accordance with the provisions of the Rehabilitation Act with respect to serving non-US citizens.

Public Comment: Evelyn Haines asked if the Rules would be placed in public libraries. Van Zandt will research this. Strunk questioned Commissioner Westin-Yockey about an email he had received. Daly and Fatos Floyd also made comments about the e-mail. Suarez made some points regarding ADA and the Patriot Act.

#### **New Business:**

Announcements on the Website: By consensus, the Board agreed that announcements for upcoming NFBN and ACBN conventions would not be posted on the NCBVI web site since it contains links to the sites of both organizations and the dates of both conventions are listed on the NCBVI virtual calendar available on the site.

Staff Survey Results: Oltman reported survey responses from 26 staff were received; last year's reporting number was 19. The Board is pleased that the staff continues to give high marks to the Executive Director. Next year there will be some change in the form. Number 8 will be reworded to get rid of the phrase about the chain of command, since that is misleading. The tabulations will be attached to the minutes. Comments will not, but are crucial to the Board in getting a pulse of NCBVI.

Performance Evaluation Tool for Staff: The Board did receive this tool and does appreciate this.

E-mailing: There was discussion of how to eliminate the accidental sending of e-mails to inappropriate recipients. One suggestion raised was to send new messages rather than replies. Board members agreed to try this.

It was agreed to take a five-minute break at 2:13 P.M.

Meeting of Commissioners and Staff: The Board met with Staff in 2003 and would like to do this again in 2005. April 5, 6, & 7, 2005 will be the next State Staff meeting, probably in Columbus (yet to be set up). The Board agreed to meet with the staff during the afternoon of the first day of that staff meeting.

Mission Statement/Job Description for Commissioners: Loos and Burns have put together some ideas for the Mission Statement and Job Description for Commissioners. Those will be combined and other input is encouraged. The composite will be brought to the November meeting for consideration. Van Zandt suggested that a mission statement could be achieved through an exercise NCBVI experienced. She will send some information generated there to Loos.

Training for Commissioners: Loos talked with Regional Commissioner Cordova about training for Commissioners. RSA is putting together a curriculum for training Boards, Commissions and State Rehab Councils. This training is to be available within the next fiscal year. It is presumed it will be done regionally.

Business Enterprise Set-Aside: (This item was moved up on the agenda so that Orester could be available for the vote before he had to leave for a prior commitment.) Van Zandt reported that the Vendors Committee voted to keep Set-Aside at the current level of 13 %. Orester moved that the recommended Set-Aside be approved. Burns seconded and it was approved unanimously.

Elections: (This item was moved forward to 12:05 P.M. so that Orester could participate before he had to leave.) Burns moved to nominate Loos as Chairman, Orester seconded the motion. Loos gave the floor to Orester to conduct the election. Loos was elected unanimously. Burns nominated Orester for vice-Chairman and Oltman seconded the nomination. The vote was unanimous in favor. Oltman nominated Burns as Executive Session Secretary. Orester seconded and the vote was unanimous in favor.

Focus Topic for Next Meeting: Flearl suggested services to the Deaf/Blind. The Board agreed to do this.

2005 Meetings: Burns recommended February 26 in Lincoln, since that was one of the dates open in the Carveth Building. Meetings were tentatively scheduled for May 21 in Omaha, August 13 in greater Nebraska and November 19 in Lincoln in NCBVI'S conference room if the Carveth Building is not available.

Lunch Options for Future Meetings: The Board thanked Fatos Floyd, center staff and students for today's lunch. Van Zandt recommended that lunch arrangements be made ahead of time for the Board and specific staff. It was determined that the Public Notice will include a statement that the Board continues its business during lunch so that members of the public who wish to participate in the meeting may make their own lunch arrangements accordingly.

Public Comment: Osentowski made some comments concerning the meaning of freedom of speech and the conducting of meetings, believing that Loos had chaired this one well. Van Zandt thanked Jan Ludwig for taking the minutes and the Center for making the lunch. Westin-Yockey made comments concerning respect and asking that it be on the record that she was owed an apology.

Adjourn: Oltman moved to adjourn and Burns seconded the motion. The meeting was adjourned at 3:15 PM.

Respectfully submitted,

Jan Ludwig,

Barbara Loos, Chairman NCBVI Board of Commissioners Public Comment Submitted by Robert Leslie Newman, August 7, 2004

In a recent web search in my routine effort to keep myself abreast of news, events, products, etc relating to blindness, I ran across a recently posted report called the "Lincoln Chapter News." It is a quarterly newsletter for the Lincoln chapter of the ACB. The author was Mr. Bill Orester; one of our NCBVI commissioners. I was quite dismayed by the news it reported to report. I submit this written statement because I felt the report could not be allowed to stand as is. I am compelled to make an effort to add some additional remarks to round-out what needed to be known or if not to correct some of its reported facts.

Mr. Orester's report consisted of three observations:

Observation 1. Mr. Orester wrote, "...The management and staff of the Commission appears to accept, lock stock and barrel, the entire philosophy of the leadership of the NFB, including, but not limited to, the theory that blindness is nothing more than a characteristic such as blue eyes or blonde hair..." He references this to the reading of an article written by a new employee upon her completion of training with sleep shades and a conversation with her concerning what she was told during the hiring process. Mr. Orester corrects that notion by giving his own definition of blindness, "...blindness is not a mere characteristic. But is a very severe and limiting handicap, or is the proper term "disability"..." As for what I, Robert would whish to point out, add here is that all our staff know the good and the bad and the ugly of blindness; that though a person may start out feeling and acting as though blindness is a severe handicap, that is only the starting point. That with proper training blindness in a person's life can be brought down to the status of a characteristic. I would hope that our commissioners, our clients, our public would want us as commission staff to have a belief; an up beat philosophy about the human potential to adjust to blindness and live a comfortable and productive life. And you bet, we need to have new staffers coming out of training thinking, feeling and acting as that young woman did and I can tell you this, I know she is still learning even more, expanding her belief in blind people.

For Mr. Orester's second observation he states, "...Most of us have read or have been told that the Commission works with and supports all consumer organizations in order to rehabilitate the blind; how ever the Commission's action speaks much more loudly than its words..." Here Mr. Orester refers to the text of a message sent out to staff by our business manager in which attendance to the NFB's national convention was used as an example, as he explained how to fill out needed travel related paperwork for reimbursement. Mr. Orester's reaction was to write, referring to the business manager, "...in his mind, no one would be sent to the ACB convention so his attention was directed solely toward the NFB..." What I would like to say here is, Even I do not try and read the minds of our business management staff, but it is important to know that since Dr. Van Zandt has been at the helm of the commission, all staff have been encouraged to attend meetings of all blindness related groups. In response, I and many of our staff have, in large numbers, attended the ACB state convention. And in smaller numbers I know that several staff have attended the ACB national conventions; including Dr. Pearl herself.

I bet it is not known by most people, that new staff is required to attend both ACB and NFB state conventions. I will also say, that our training opportunities are limited and staff will try and choose the event that will best serve their need at the time, so to say how many will attend any groups event remains to be seen.

As for Mr. Orester's third observation wherein he states, "...Another example of the fact that the leaders of the NFB are looked upon as being the only experts in the field of blindness..." He refers to an up coming workshop wherein we will be bringing in a blind vender who happens to be the president of the NFB'S merchants division. I too wondered, why this guy? And so I ask the director, Dr. Van Zandt and was told we have made inquiries into both ACB and NFB groups for ideas and this particular gentleman had the specifics needed for this Workshop; partnering with private business.

In conclusion, I say, we all have a tough job, making this commission work for all Nebraskans. I appreciate and respect all levels of the commission team. And I know that we as members of that team will at times have to say it as we see it. Thus, what I encourage all of us to do is, watch what we say and write and after the tough things are said, make sure we point up what is good in what we do as a commission.

Web Server Statistics for Nebraska Commission for the Blind and Visually Impaired

May 1-31, 2004

(Figures in parentheses refer to the 7-day period ending 01-Jun-2004 00:06).

Successful requests: 7,288 (1,403)

Average successful requests per day: 235 (200)

Successful requests for pages: 7,236 (1,373)

Average successful requests for pages per day: 233 (196)

Failed requests: 921 (287)

Redirected requests: 2 (0)

Distinct files requested: 184 (181)

Distinct hosts served: 912 (251)

Unwanted logfile entries: 1,452

Data transferred: 110.69 megabytes (21.62 megabytes)

Average data transferred per day: 3.57 megabytes (3.09 megabytes)

June 1-30, 2004

(Figures in parentheses refer to the 7-day period ending 01-Jul-2004 00:09).

Successful requests: 7,394 (1,809)

Average successful requests per day: 246 (258)

Successful requests for pages: 7,190 (1,742)

Average successful requests for pages per day: 239 (248)

Failed requests: 1,470 (435)

Redirected requests: 7 (4)

Distinct files requested: 203 (202)

Distinct hosts served: 882 (294)

Corrupt logfile lines: 2

Unwanted logfile entries: 1,538

Data transferred: 111.54 megabytes (29.90 megabytes)

Average data transferred per day: 3.72 megabytes (4.27 megabytes)

The following are answers to questions raised during the past commission meeting:

•Where to locate the definition of terms for the web statistics report are now going to appear at the top of each generated report submitted to the commissioners and the executive director. •With reference to the NCBVI list serve displaying "Jim Jirak" as the sender instead of "NCBVI", with the upgrade in software, NCBVI is displayed after Jim JIRAK' S name indicating this is a message sent to NCBVI' S mailing list. Information to be aware of: •The mailing list consists of currently eighty-eight subscribers •Jim Jirak is now a member of The Nebraska Webmaster's group; a group devoted to web maintenance for state agencies •The "Meet The Commissioners" link has been re-named "Commission Board Information for the Public" at the request of Dr. Pearl Van Zandt. There is now a general information page associated with this re-titled page where the recently signed board apology appears. Additionally, the commission bios have been moved to this page and can be accessed by clicking on "Meet The Commissioners."

•The BEP link, at the request of Dr. Pearl Van Zandt, has been re-named NBE – Nebraska Business Enterprise to adequately reflect their purpose.

- •On the home page, Internet surfers having low vision wishing to change the font and color scheme can now access clicable instructional text for their specific browsers. (IE: Internet Explorer or Netscape Navigator)
- •The transportation page is more navigable.
- •The "Assistive Technology" page now contains all assistive technology links. The assistive technology" links that were on the "Discover Other Blindness Related Sites" were moved to the "Assistive Technology" page for consistency purposes.

#### 2004 STAFF SURVEY RESULTS

Here are the results of the survey sent to staff by the NCBVI Board of Commissioners in May 2004. We Commissioners thank the 26 respondents (up from 19 last year) for giving us input which helps us to get a reading on the pulse of NCBVI. We take this process seriously and especially thank the 15 who included suggestions, concerns and additional comments on both this survey and the evaluation form for Dr. Van Zandt's performance as Executive Director. While that specific input is not listed here, we are following up on it with Dr. Van Zandt without revealing its source.

5 strongly agree 4 agree 3 don't know 2 disagree 1 strongly disagree

1. I understand what my job responsibilities are.

Rating 5= 14

Rating 4= 11

Rating 3= 1

Rating 2= 0

Rating 1 = 0

2. I have the training and support I need to do my job.

Rating 5= 11

Rating 4= 13

Rating 3= 1

Rating 2= 1

Rating 1= 0

3. I understand the objectives of NCBVI.
Rating 5= 18
Rating 4= 6

# 4. I think that NCBVI is run efficiently.

## 5. There is a system at NCBVI for me to make suggestions.

6. If I have a problem I feel I can go to my supervisor for help.
Rating 5= 10
Rating 4= 13
Rating 3= 2
Rating 2= 0
Rating 1= 1
7. I feel that I can go to the Executive Director with a problem.
Rating 5= 14
Rating 4= 11
Rating 3= 0
-
Rating 2= 0
Rating 2= 0 Rating 1= 1

- 8. If I have a problem that I have not been able to resolve by going through
  The ordinary organizational chain of command, I could take my concerns to
  The NCBVI Board of Commissioners.
- Rating 5= 11
- Rating 4= 9
- Rating 3= 3
- Rating 2= 3
- Rating 1= 1
- 9. I like working for NCBVI.
- Rating 5= 20
- Rating 4= 5
- Rating 3= 0
- Rating 2= 1
- Rating 1= 0

10. The Executive Director sets the right goals for NCBVI.
Rating 5= 13
Rating 4= 10
Rating 3= 1
Rating 2= 0
Rating 1= 1
11. The Executive Director seeks in put from the staff.
Rating 5= 12
Rating 4= 13
Rating 3= 0
Rating 2= 0
Rating 1= 1
12. The Executive Director is fair.
Rating 5= 16
Rating 4= 9
Rating 3= 0
Rating 2= 0
Rating 1= 1

13. The Executive Director is a good manager.
Rating 5= 12
Rating 4= 11
Rating 3= 2
Rating 2= 1
Rating 1= 0
14. The Executive Director sets the right priorities for NCBVI.
Rating 5= 14
Rating 4= 10
Rating 3= 1
Rating 2= 0
Rating 1= 1
15. The Executive Director believes in equal opportunity for the Blind
Rating 5= 22
Rating 4= 3
Rating 3= 0
Rating 2= 1
Rating 1= 0

Rating 5= 11
Rating 4= 11
Rating 3= 3
Rating 2= 0
Rating 1= 1
17. The Executive Director is a hard worker.
Rating 5= 21
Rating 4= 5
Rating 3= 0
Rating 2= 0
Rating 1= 0

16. The Executive Director does not show favoritism.

# 18. If there is a dispute with the Public, I trust the Executive Director To listen to all sides and make a reasoned decision.

Rating 5= 17

Rating 4= 8

Rating 3= 0

Rating 2= 0

Rating 1= 1

19. NCBVI is on the right track.

Rating 5= 11

Rating 4= 13

Rating 3= 1

Rating 2= 1

Rating 1= 0

20. Promotions at NCBVI are based on qualifications.
Rating 5= 6
Rating 4= 11
Rating 3= 5
Rating 2= 3
Rating 1= 1
21. NCBVI has a good budget process.
Rating 5= 3
Rating 4= 15
rading 4– 10
Rating 3= 6
Rating 3= 6
Rating 3= 6 Rating 2= 2