

CHAPTER 7
COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND AND TRAINING PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

801—7.1(35A,35B) County commissions of veteran affairs fund.

7.1(1) Purpose. 2008 Iowa Acts, chapter 1130, section 2, created the county commissions of veteran affairs fund. The purpose and legislative intent of this fund are to assist county commissions of veteran affairs in complying with legislative requirements for employing a county veteran service officer who is nationally accredited through the National Association of County Veterans Service Officers (NACVSO); who is occupied in veterans affairs service pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, for a minimum number of hours; and who maintains an office in a location owned or leased by the county. Funding is allocated annually to counties pursuant to a standing appropriation by the general assembly to the Iowa department of veterans affairs.

7.1(2) Allocation amount. The department shall annually allocate \$10,000 to each county from the county commissions of veteran affairs fund. In order to qualify for the allocation, a county must agree to expend the allocation pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, for the administration and maintenance of the county commission of veteran affairs office and staff and must also agree to maintain its current level of spending from the previous fiscal year. Moneys remaining in the county commissions of veteran affairs fund after the allocations have been distributed to the counties shall be used by the department to provide for a county commission of veteran affairs training program as outlined in rule 801—7.2(35A,35B). During fiscal year 2010, the department shall use account funds to arrange for an accreditation course by NACVSO to be held in this state. Following fiscal year 2010, the department shall arrange for an accreditation course by NACVSO to be held in this state when necessary.

7.1(3) Allocation report. Counties shall submit a written report to the department 30 days following the end of the fiscal year in which the allocation was received. The report shall provide an assessment of county veteran affairs services, including verification of an office and hours of employment, and documentation that the county veteran service officer is performing required duties pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130. The allocation report shall also contain a final report on county veteran affairs expenditures for the fiscal year in which the allocation was received and the expenditure report from the previous fiscal year. Information provided in this report shall be used by the department to comply with rule 801—7.3(35A,35B).

7.1(4) Recovery of funds. The department shall be the entity charged with the recovery of county commissions of veteran affairs fund allocations from counties under the following circumstances:

a. Unauthorized use. Counties expending a portion of the allocation on items that do not provide services to veterans pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, will be required to return the unauthorized funds to the state of Iowa.

b. Maintenance of effort. Counties not maintaining their previous fiscal year's spending levels will be considered to have supplanted county funding with state allocation funds. Counties not complying with their maintenance of effort will be required to return the supplanted portion to the state of Iowa pursuant to Iowa Code section 35A.16(3) as enacted by 2008 Iowa Acts, chapter 1130, and amended by 2009 Iowa Acts, House File 283.

c. Noncompliance. Counties that are not in compliance with the requirements of Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283, and Iowa Code section 35B.12 on June 30 of each fiscal year will be required to return all moneys received during that fiscal year to the county commissions of veteran affairs fund pursuant to Iowa Code section 35A.16(3) as enacted by 2008 Iowa Acts, chapter 1130, and amended by 2009 Iowa Acts, House File 283. Counties that are deemed noncompliant due to the termination or resignation of an employee shall not be required to return the state allocation if an employee is hired within two months of the previous employee's separation.

7.1(5) Appeals. Applicants that are dissatisfied with the decision of the Iowa department of veterans affairs may file an appeal with the Iowa commission of veterans affairs. The written appeal must be received within 15 working days of the date of the notice of decision; must be based on a contention that

the process was conducted outside of statutory authority, violated state or federal law, policy or rules, did not provide adequate public notice, was altered without adequate public notice, or involved conflicts of interest by staff; and must include a request that the commission review the decision and the reasons for the appeal. The Iowa commission of veterans affairs shall review the appeal at its next regularly scheduled meeting and shall issue a final decision.

[ARC 7824B, IAB 6/3/09, effective 7/8/09]

801—7.2(35A,35B) County commission of veteran affairs training program. The department shall provide training for county veteran service officers in accordance with Iowa Code section 35A.5(9) as amended by 2008 Iowa Acts, chapter 1130, and Iowa Code section 35A.17 as enacted by 2008 Iowa Acts, chapter 1130.

7.2(1) Training provided by the department shall meet the continuing education requirements as established by NACVSO and shall ensure that each officer and support staff are proficient in the use of electronic mail, computers, and the Internet in order to access information regarding facilities, benefits, and services available to veterans and their families.

7.2(2) A county veteran service officer shall attend and support staff may attend an annual school of instruction provided by the department or a national school of accreditation provided by NACVSO. After attending the annual school of instruction or national school of accreditation, the county veteran service officer must present to the department a certificate of satisfactory completion of national accreditation training from NACVSO. The department shall certify the possession of a document indicating that the county veteran service officer has completed a course of accreditation and satisfactorily passed an examination for NACVSO accreditation. County veteran service officers shall be certified by the department by June 30, 2010, or within one year from the date of appointment.

7.2(3) A county veteran service officer shall maintain certification to remain in office.

a. To maintain certification, a county veteran service officer shall attend an annual school of instruction and meet the continuing education requirements of NACVSO for accreditation. The department shall issue an Iowa certificate of training to the county veteran service officer upon completion of the NACVSO continuing education requirements or upon issuance of a certificate of accreditation by NACVSO.

b. Attendance at training courses sponsored and directed by veterans organizations other than the department or NACVSO may be substituted for the annual school of instruction if the training is sufficient to meet NACVSO accreditation continuing education requirements.

c. County veteran service officers who fail to become accredited by June 30, 2010, or within one year of beginning their employment as provided for in Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283, shall be removed from their position by the chair of the county commission of veteran affairs. Knowing violation of this provision constitutes noncompliance as provided in paragraph 7.1(4)“c,” and individuals who knowingly fail to comply may be charged with a serious misdemeanor for nonfelonious misconduct in office as provided by Iowa Code section 721.2(6).

7.2(4) The annual school of instruction and all associated training materials will be provided at the expense of the department.

7.2(5) Travel and lodging expenses incurred while attending the annual school of instruction shall be covered by the respective county.

7.2(6) The executive director shall maintain documentation regarding the school of instruction including, but not limited to, agendas, presentation dates, attendees, certificate of satisfactory completion of accreditation or continuing education training, and the issuance of certificates of training.

7.2(7) Inquiries regarding an annual school of instruction shall be directed to the executive director at the address set out in 801—subrule 1.3(1). The executive director shall answer such inquiries.

7.2(8) Disputes regarding the annual school of instruction, certificates of training, and related matters shall be reviewed by the chairperson of the commission, who will render a decision within 10 days of receipt of all relevant facts and supporting materials. Disputes that are not resolved by the chairperson shall be referred to the commission. Members of the commission will render a decision within 20 days of receipt of all relevant facts and supporting materials. The decision of the commission shall be final.

[ARC 7824B, IAB 6/3/09, effective 7/8/09]

801—7.3(35A,35B) Report to the general assembly.

7.3(1) Report. The department shall annually within 60 days of the end of the fiscal year report to the general assembly on the following matters:

a. Information related to compliance with the requirements found in Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283, and Iowa Code section 35B.12 during the previous fiscal year.

b. The weekly operating schedule of each county commission of veteran affairs office maintained pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283.

c. The number of hours of veterans' services provided by the executive director or the administrator of each county commission of veteran affairs during the previous fiscal year.

d. Population of each county, including the number of veterans residing in each county.

e. The total amount of compensation, disability benefits, or pensions received by the residents of each county under laws administered by the United States Department of Veterans Affairs.

f. An analysis of the information contained in paragraphs “a” through “e” of this subrule.

7.3(2) County veteran affairs office assistance. Each county commission of veteran affairs shall provide information required in paragraphs 7.3(1) “a” through “c” to enable the department to complete the report. County officers will be provided with a form to return to the department by August 1 of each year.

7.3(3) Report submission. The annual report shall be provided to the president of the Iowa Association of County Veterans Service Officers prior to being presented to the general assembly. Each county veteran affairs office, board of supervisors, and the Iowa commission of veteran affairs shall receive an electronic copy of the submitted report.

[ARC 7824B, IAB 6/3/09, effective 7/8/09]

These rules are intended to implement Iowa Code chapters 35A and 35B as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283.

[Filed ARC 7824B (Notice ARC 7660B, IAB 3/25/09), IAB 6/3/09, effective 7/8/09]