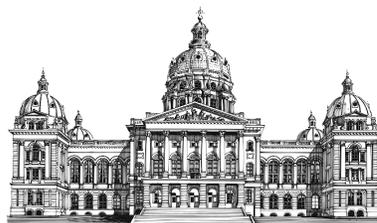

Iowa Legislative Fiscal Bureau

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State Capitol
Des Moines, IA 50319
October 28, 1994

Organizational Structure Of The Department of Human Rights

ISSUE

An examination of the current organizational structure of the Department of Human Rights (DHR) and alternatives to the statutory repeal of the DHR on July 1, 1997.

AFFECTED AGENCY

Department of Human Rights

CODE AUTHORITY

Chapter 216A, Code of Iowa

BACKGROUND

Organization

The initial organization of the DHR was based upon reorganization of State government in 1986. The Department was originally comprised of 7 advocacy-oriented organizations, 3 of which had been independent agencies (Blind Commission, Governor's Committee on the Employment of the Handicapped, and Commission on the Status of Women) and 4 of which had been affiliated with other departments (Children, Youth, and Family Commission; Community Action Agency programs; Deaf Services; and Spanish-Speaking People's Commission).

Initially, 8 divisions were created. One for each of the independent or affiliated entities plus a Central Administration Division. Each division, with the exception of the Community Action Agency Division and the Central Administration Division, maintained or established commissions.

Divisions/commissions have been added and deleted since 1986, including:

- The Blind Division was eliminated in 1988 and became the Department for the Blind.
- The Criminal and Juvenile Justice Planning Division was added in 1988.
- The Status on African Americans Division was created in 1988.

- The Children, Youth, and Families Division was eliminated in 1991 with the responsibilities of the Division/Commission divided between the Department of Human Services, the Department of Education, and the DHR (added to the Criminal and Juvenile Justice Planning Division).

Mission of the DHR

According to the Director of the DHR, the Department has struggled with a definition of the role of the Department, usually between advocacy and provider of service. The DHR has established the following Mission Statement:

- The Department of Human Rights exists to promote the well-being, increase the productivity, and improve the quality of life in Iowa through the empowerment of provision of services to, and advocacy for, unique and diverse populations.

Advocacy has been defined by the Department as educating government, the private sector, and the general public on Iowa's unique and diverse populations. The education utilizes both an individual and systems approach that involves representing and/or empowering a person or group that does not receive an acceptable measure of societal benefits.

Service has been defined by the Department as providing direct services to a unique population. Examples of services provided are sign language interpreting by the Deaf Services Division, and weatherization to low-income by the Community Action Agency Division.

CURRENT SITUATION

The Role of the Divisions

The DHR has 61 employees working in 8 divisions plus 9 commissions or councils with about 125 members/volunteers. The divisions of the Department include:

- Central Administration
- Community Action Agencies
- Criminal and Juvenile Justice Planning
- Deaf Services
- Latino Affairs
- Persons with Disabilities
- Status of African Americans
- Status of Women

A description of each division's program detail is available from the Legislative Fiscal Bureau.

Role of the Director

The Director of the DHR is responsible for overseeing administrative matters for the 8 divisions. Currently the Central Administration Division consists of a director, a secretary who is responsible for personnel and payroll/fringe benefits for the Department, 4 fiscal positions, and a part-time secretarial position that provides support services to the Divisions of Latino Affairs, Persons with Disabilities, and African Americans. The Director:

- Approves personnel decisions
- Receives and coordinates budget data
- Establishes the physical working environment within the Department
- Provides liaison functions with the Governor, Legislature, and departments
- Represents the DHR at civic, State, and other functions
- Advocates through presentations the needs of various constituents of the DHR
- Chairs the Human Rights Coordinating Council
- Serves as ex-officio member to the commissions/councils within the DHR
- Provides assistance to the various divisions and commissions within the DHR

In addition, the Central Administration Division, for which the Director is directly responsible, provides fiscal, personnel, and legislative services to all of the programs in the Department. The fiscal, personnel, and legislative positions are located in the Central Administration Division to promote consistency, cooperation, and service sharing between divisions.

Role of the Administrative Coordinating Council

The Council is composed of the 7 division administrators and the Department Director, who serves as Chairperson. The Council meets twice monthly primarily for information sharing, strategic planning, budgeting, and educational purposes.

Communication and Cooperation Between the Divisions

According to Almo Hawkins, Director of the DHR, for the past 8 years some of the divisions/commissions have not been able to adjust and work as a part of a team within the DHR. Others have had no problem adjusting and working with the Department structure including a Department Director. Lack of teamwork and cooperation have been problems cited by the 2 previous directors.

Ms. Hawkins has observed that when dealing with limited resources there is the potential of increased competition and suspicion among groups. She feels that during times of limited resources, a need for team effort is even more important and government can no longer afford to support "stand alone" programs.

"Traditionally, some of the advocacy groups have not worked together," stated Ms. Hawkins. She cited the reasons for poor working relationships include different philosophies about service delivery, feelings of uniqueness concerning constituents, and the fear of being perceived as duplicating services. "The current working relationship at the DHR between divisions is frustrating and demoralizing. The situation does not create a good working environment."

Authority and Accountability

Determining to whom the division administrators report is difficult to define. The administrators are appointed by the Governor and confirmed by the Senate with neither the hiring nor confirming entities providing oversight of the division administrators. Furthermore, the administrators staff commissions where the interaction is sporadic and limited. Some commissions meet quarterly and others meet every other month.

The administrators are not accountable to anyone from a management perspective. According to Ms. Hawkins, there is the perception by some of the administrators that as advocates there is not a need to report to anyone nor be accountable to anyone. The Code of Iowa contains conflicts when referring to the various divisions/commissions and the department director, especially regarding roles and responsibilities. **See Attachment I.**

ALTERNATIVES AND BUDGET IMPACT

- Do not repeal the DHR on July, 1 1997, leaving the Department intact. The DHR was appropriated approximately \$1.5 million from the General Fund and is anticipating being awarded approximately \$37.4 million in federal funds for the 8 divisions in FY 1995.
- Reorganize the DHR based upon the suggestions by Representatives Brunkhorst and Baker during the 1994 legislative session. **Attachment II** compares current duties with duties as proposed in a bill draft by Representatives Baker and Brunkhorst. **Attachment III** is a list of potential questions to be asked regarding the future of the DHR.
- Most of what the commissions and programs currently do would remain the same. The DHR would remain an "umbrella" agency, but would have some bottom line accountability of key managers. The budget impact of the reorganization plan would be the same as having the Department remain intact.
- Dismantle the DHR using SF 2144 as passed by the Senate during the 1994 legislative session. A copy of the bill is available upon request. The dismantling of the DHR and placing the different parts into recipient agencies has unlimited possibilities. Senate File 2144 is just one possible scenario.
- If all the components of the DHR are continued, with the exception of the Central Administration Division, no cost savings will result to the State. This is due to:
 - The 1986 reorganization that created the DHR consolidated many support services, which in the past had been provided by the independent agencies or other departments. If the programs are again moved, the programs will continue to need the fiscal, secretarial, and administrative support currently being provided by the Central Administration Division.
 - Whatever department receives a splintered division, that department would need a budget increase to administer whatever program was transferred. According to the information in the fiscal note for SF 2144, 1 of the 3 departments to receive programs anticipated the need for \$139,000 and 3.0 FTE positions to administer a new advocacy division, compared to the current \$288,000 and 6.6 FTE positions for the Central Administration Division of the DHR.

STAFF CONTACT: Bob Snyder (Ext. 14614)



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN RIGHTS
ALMO HAWKINS, DIRECTOR

DIVISIONS OF:
 COMMUNITY ACTION AGENCIES
 CRIMINAL & JUVENILE JUSTICE PLANNING
 DEAF SERVICES
 LATINO AFFAIRS
 PERSONS WITH DISABILITIES
 STATUS OF AFRICAN AMERICANS
 STATUS OF WOMEN

June 24, 1994

The Honorable Terry Branstad
 Governor of Iowa
 State Capitol Building
 Des Moines, Iowa 50319

Dear Governor Branstad:

I have given much thought to the section of the Iowa Code that requires the Director of the Department of Human Rights to submit an evaluation of the Division Administrators on an annual basis to you and the appropriate Commissions or Councils. (Chapter 216A.2(8))

While I am committed as a Department Director to carrying out my responsibilities to you, I continue to struggle with this particular requirement.

For me, the problem is rooted in the Code. The Legislature in 1985 not only physically brought together the various programs that were independent or connected to other departments, but also transferred their old language into the new section of the Code. The language from the old systems was apparently never studied for its appropriateness or workability for the newly created organization that became the Department of Human Rights. This original language that established this department and continues to be the Code reference for our department is disjointed, conflicting, and vague.

My personal philosophy regarding performance evaluation of employees is that it be a positive, on-going experience. A supervisor can regularly coach and encourage all employees in the performance of their work--this is extremely important in carrying out the mission of any organization. It is an opportunity to review accomplishments, make improvements, and plan for the future.

I believe that in order to effectively evaluate an employee, certain knowledge of the person, their job duties, and their daily work performance is essential before a review of their job proficiency and working relationships can be assessed.

I have made several attempts to carry out this statutory requirement and for various reasons it has not been achievable. Unfortunately, the existing Code language prohibits this effort for many reasons. Each chapter of the Code under the section establishing the Department of Human Rights is different regarding the various divisions and commissions and their roles and responsibilities.

It is unclear in the Code to whom the Division Administrators report since they are appointed by the Governor, confirmed by the Senate, work for a Commission, work with a Department Director, and serve a specific constituent group.

In addition, it is unclear to whom the Division Administrators are accountable. They serve or staff a Commission with which there is limited contact or interaction. Some Commissions meet quarterly and others every other month. My recent attempts to evaluate the Division Administrators has resulted in many Commissioners expressing frustration that they were expected to be involved in the process. They felt inadequate to perform the task due to limited knowledge about the daily performance of the Division Administrator. This is a frustration I also share.

An attempt was made to conduct an evaluation as required by the Code, and it became clear it was not doable under the current system. I sought assistance from the Department of Personnel and there appears to be no existing process for evaluating appointees in general. In addition, there apparently are no current job descriptions nor past performance standards and evaluations on these particular positions, with the exception that one Commission has a history of evaluating its Division Administrator. I did develop a format to receive input from the various Commissioners, but this created the frustration mentioned above and a negative reaction among some Division Administrators and their Commissioners. I set it aside for awhile. Upon further study, I came to the conclusion that under the current guidelines and given problem areas, a review of the situation is warranted.

In terms of the Department Director conducting the evaluation, the Code does not indicate that the Director is the supervisor of these appointees. In addition, some of the Division Administrators' behavior would seem to indicate that they do not recognize the Director as their supervisor. Others in this position have had similar experiences. This may be due in part to some Division Administrators never accepting the change made years ago to become a part of a department.

These structural and attitudinal barriers prevent within the department cooperation, team work, sharing resources, communication, coordination of services, problem solving, planning, and accepting change. I am aware that there have been serious concerns expressed by some past and current Commissioners about the performance of some Division Administrators. There is uncertainty on the part of these Commissioners as to how to address these issues. In addition, others within the public and private sectors have likewise expressed concerns about some Division Administrators' work performance.

Another issue is the perception by some that as advocates the Division Administrators do not have to follow general procedures required of others in state government or that as an "umbrella" agency we are somehow different or should be different.

Despite the problems and issues that I have mentioned above, there are many positive things about the Department of Human Rights. I would be remiss if I did not commend those Division Administrators who are working closely with their Commissions and me in carrying out their missions and serving their customers. I also have an appreciation for the various employees within the department and for the work that they do. And I have also enjoyed the opportunity to work with many of the dedicated volunteers who serve on our various Commissions and Councils.

I would encourage a review of the structure and operation of our department. A study has been recommended by the Legislature, but it is uncertain if this will actually take place. I am supportive of maintaining the policy-making and program oversight authority that the Commissions currently have--I am not advocating changing that in any way. My concern is that all staff within the department have accountability. I believe that all of us as state employees and public servants should be accountable. I also believe that the Division Administrators deserve to be evaluated and receive feedback on their performance. The Code attempts to do this but in actuality there are many barriers to accomplishing this in a meaningful way.

My role has been and will continue to be one of a resource and a support for all Commissions/Councils, Division Administrators, and employees. This includes helping set the vision; carrying-out the mission; encouraging continuous improvement of services to our customers state-wide; and fostering team work among our various programs.

I am available to respond to any questions or concerns you may have regarding this letter or the Department of Human Rights.

Sincerely,



Almo Hawkins
Department Director

cc: Division Administrators/Department of Human Rights
Commission on Community Action Agencies Members
Criminal and Juvenile Justice Planning Council Members
Juvenile Justice Advisory Council Members
Deaf Services Commission Members
Commission on Latino Affairs Members
Commission of Persons with Disabilities Members
Commission on the Status of African-Americans Members
Commission on the Status of Women Members

ATTACHMENT--Comparison

Roles under current Code language:

The Governor appoints the Division Administrator; the Senate confirms.

The Commission members:

Assist the Director of DHR to evaluate the Division Administrator
Set policy for the program and service to constituents
Evaluate program services
Recommend the state budget
Recommend legislation
Provide knowledge and expertise regarding the constituent group served
Have access to the Governor to discuss aspects of the program
Are appointed by the Governor and confirmed by the Senate
Develop the Strategic Plan for the program
Set goals and objectives for the program
Set priorities for the program
Provide direction to the staff
Solicit input from constituent groups for program goals and services
Maintain visibility and autonomy for the constituent group served
Provide a voice for under-represented groups of special populations
Advocate for the needs of their constituent group/s
Adopt rules
Conduct hearings

The Division Administrator:

Determines what technical and support staff is needed
Hires program staff
Determines job duties of staff
Evaluates program staff
Oversees the daily operation of the office and program/s
Carries out programs and policies as determined by the commission
Follows rules and policies as determined by the Legislature, Governor, and authorized state departments (Personnel, Management, Revenue & Finance, etc.)

The Department Director:

Supports the program policies as set forth by the Commissions
Serves as an ex-officio member of each Commission
Ensures visability and autonomy of Comissions/programs/services
Provides support services
Provides opportunites for cross-training of staff
Accountable for federal funds obligated to the department
Accountable to the Governor and Legislature for duties as assigned
Accountable for the working environment of the department

Roles under proposed bill: (Baker/Brunkhorst)

** = changes

The Commission members:

** Assist the Director in hiring the Division Administrator
Assist the Director of DHR to evaluate the Division Administrator
Set policy for the program and service to constituents
Evaluate program services
Recommend the state budget
Recommend legislation
Provide knowledge and expertise regarding the constituent group served
Have access to the Governor to discuss aspects of the program
Are appointed by the Governor and confirmed by the Senate
Develop the Strategic Plan for the program
Set goals and objectives for the program
Set priorities for the program
Provide direction to the staff
Solicit input from constituent groups for program goals and services
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The Division Administrator:

Determines what technical and support staff is needed
Hires program staff
Determines job duties of staff
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Follows rules and policies as determined by the Legislature, Governor, and authorized state departments (Personnel, Management, Revenue & Finance, etc.)

The Department Director:

Supports the program policies as set forth by the Commissions
Serves as an ex-officio member of each Commission
Ensures visability and autonomy of Comissions/programs/services
Provides support services
Provides opportunites for cross-training of staff
** Hires the Division Administrators, with assistance of Commissions
Accountable for federal funds obligated to the department
Accountable to the Governor and Legislature for duties as assigned
Accountable for the working environment of the department

Some possible questions to consider asking commission members and constituents regarding the future of DHR.

- * What do you see as the role of the Commission?
- * What are the most important things that you do?
- * How does your program get visibility and autonomy? How does the Department Director hiring the Division Administrator interfere with program visibility and autonomy?
- * What does it mean to be an "umbrella" agency?
- * What benefits do you see in being an "umbrella" agency?
- * Why is it bad for the Director of the Department to hire the Division Administrator? What difference does it make if the Governor or the Department Director hires the Division Administrator?
- * What problems make it difficult to serve constituents in DHR?
- * What could you do somewhere else that you cannot do in DHR?
- * Do you believe that government should meet all the needs of special constituent groups? How do we meet these needs with shrinking resources and the changing social and business environment?
- * What state/federal rules, policies or procedures set by the Legislature or the Governor cause you concern?