

allowable expenses. Payments **to Supplemental Security Income (SSI) recipients** for other than allowable expenses may result in an overpayment of previously paid SSI benefits (see Part III--Section 1.C.2.f(3) below).

- Provide detailed accounting for how the funds were spent at each certification of services (COS) point (see Part III--Section 11.E.1.d). The accounting for the expenditures will be considered as the services provided for COS purposes. SSA will exercise reasonable flexibility for unforeseen expenses. For a Milestone COS, reimbursement records or debit card electronic purchase records with purchase data and vendor type will be acceptable.

ENs that choose the milestone-outcome payment method (see Part III--Section 11) shall commit to and be responsible for:

- (1) Establishing and maintaining a payment disbursement and monitoring process. For example, the EN can have the beneficiary submit expenses to the EN for direct payment to the vendor of the service or submit receipts to the EN for reimbursement. As another option, the EN can provide the beneficiary with a debit card with limits on acceptable vendors; specifically, the EN must block any vendor who could provide food or shelter items or any other restriction identified by SSA.
- (2) Documenting the IWP with a description of the services and supports to be purchased by the beneficiary and the planned payment arrangement. For debit card users the IWP shall include the estimated cost of the required services and supports and the amount and timing of deposits to the debit card. Debit card deposits shall reflect the planned expenses and shall not be a fixed percentage of the EN's Ticket payments.
- (3) Reporting to SSA any unearned income for those beneficiaries who receive benefits under the SSI program. The EN shall advise the beneficiary that payments for inappropriate or undocumented expenses will be reported to SSA as unearned income and may cause an overpayment of previously paid SSI benefits, and shall document the IWP accordingly. Any payments for expenses not accounted for as employment-related (cannot include food or shelter) at each COS point as explained above may be considered unearned income and shall be reported by the EN to the OSM, which in turn will notify SSA of the amount of the unearned income. Certain direct payments to beneficiaries may be excluded if the total amount is less than \$60 and the payment is made no more than once per quarter. Additional criteria must be met as set forth in the U.S. Code of Federal Regulations at 20 CFR 416.1124(c)(6).

3. Any proposed changes to the EN's business plan made subsequent to the award of an EN agreement under the BPA must be submitted to the COTR for review and approval prior to implementation of the proposed changes.

D. An entity may be precluded from becoming an EN or may have its EN BPA terminated if it:

1. Does not meet or maintain throughout the BPA period of performance any one of the general qualification requirements identified in Part III--Section 1.A above or
2. Has had its license, accreditation, certification, contract, agreement or grant suspended or revoked for reasons concerning professional competence or conduct or financial integrity or
3. Has surrendered a license, accreditation or certification with a disciplinary proceeding pending or
4. Is precluded from Federal procurement or non-procurement programs (including failure of a key EN officer to pass a suitability determination per Part III--Section 6.F and Part IV--Section 3.G of this solicitation) or
5. Has previously had an EN contract or agreement terminated for cause for non-compliance or other violation of the terms of the EN contract or agreement.

E. The following restrictions apply to EN eligibility:

1. Federal Government agencies are precluded from being ENs.
2. Persons with disabilities receiving benefits under Title II and/or Title XVI of the Social Security Act cannot be ENs on their own behalf.
3. Individuals are precluded from being awarded EN agreements while **simultaneously** employed by SVRAs, WIA organizations or other ENs.
4. ENs are precluded from being subcontractors with any of the Ticket Program Manager contractors to perform work directly related to the Ticket Program.

SECTION 2: DISTRIBUTION AND ASSIGNMENT OF TICKETS

Participation in the Ticket Program is voluntary. A beneficiary with a Ticket who decides to participate in the program may take the Ticket to any EN or to a SVRA of his or her choice.

A. In the event a beneficiary wishes to assign his or her Ticket, the EN shall take the following

steps:

1. Verify through the OSM that the beneficiary has a Ticket, has not assigned the Ticket to another EN or to a SVRA, and is eligible to assign the Ticket.

2. Provide the beneficiary with a comprehensive explanation of the services it offers.
3. Mutually develop with the beneficiary an **IWP**. (See Part III--Section 3, below).
4. Initiate Ticket assignment by submitting a copy of the signed IWP to the OSM.

B. An EN is not obligated to accept a Ticket from a beneficiary but shall not discriminate in the provision of services based on a beneficiary's age, gender, veteran status, race, color, creed or national origin.

C. Once the Ticket is assigned to an EN **and that assignment is confirmed by the OSM**, the EN may begin working with the beneficiary to achieve a successful employment outcome.

D. An EN may end its relationship with a beneficiary at any time it is no longer willing or able to provide services to that beneficiary. In such cases, the EN shall inform both the beneficiary and the OSM in writing.

SECTION 3: IWP REQUIREMENTS FOR ENS

The IWP is a written agreement signed by both the beneficiary (or a representative of the beneficiary) and the EN that describes the specific employment services, VR services or other support services that will be provided to assist the beneficiary to obtain an employment goal and advance to and sustain self-supporting employment. ENs shall develop the IWP in partnership with each beneficiary in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that goal.

Before working with a beneficiary to develop an IWP, the EN shall confirm with the OSM that the Ticket is assignable. Upon verifying assignability, the EN shall develop the IWP collaboratively with the beneficiary, including documented **one-on-one career planning (in person or by phone)**. To this end, the EN must provide and document on the IWP both short-term support to assist the beneficiary with job acquisition and retention and long-term support to help ensure job retention and the beneficiary's success in achieving and maintaining self-sufficiency through work. **ENs will not be permitted to prepare and submit for their clients, IWPs that are not individualized, i.e., IWPs consisting entirely of pre-printed, standardized goals, services and supports applicable to all EN clients.**

NOTE: Individualized Plans for Employment (IPE) prepared by SVRAs, Individual Employment Plans (IEPs) prepared by one-stop delivery systems or equivalent plans prepared by organizations administering VR Services Projects for American Indians with Disabilities are acceptable in lieu of IWPs. The IPE or IEP must meet all

requirements established by the U.S. Department of Education and U.S. Department of Labor, respectively.

A. IWP Requirements

At a minimum, the IWP must include the following nine (9) components:

1. Documentation that the beneficiary and the EN have engaged in a one-on-one individualized discussion involving career planning and development of employment goals and EN supports and services:

- discussion date and modality (e.g., face-to-face, telephone);
- discussion summary;
- EN's assessment that the beneficiary's short and long-term goals are reasonable and attainable; and
- how the EN's goals and supports will assist the beneficiary to achieve his/her goals.

2. Description of the employment goal developed with the beneficiary. This employment goal shall be **clear and measurable**, and consistent with the Ticket Program goal of assisting the beneficiary in achieving the beneficiary's employment goal and advancing to and sustaining self-supporting employment. (See Part III--Section 5.A)

3. Description of the services and supports to be provided by or through the EN to the beneficiary to achieve the employment goal and advance to and sustain self-supporting employment in (1) above. This component should be broken out into two sections as described below:

- a. Initial Job Acquisition and Retention Phase. This section shall include a description of the services the EN plans to provide the beneficiary to support the beneficiary's progress toward self-sufficiency; i.e., sustained employment at or above the SGA level. Examples of services in this section include, but are not limited to, career planning, job coaching/training and job placement. In addition, this section shall include a goal for anticipated monthly earnings, which must be at or above the Trial Work Level (TWL). The EN shall document the actual services provided as a condition for receiving phase 1 milestone payments (see Part III--Sections 11.E.1.e of this solicitation).
- b. Ongoing Support Phase. This section shall include a description of any other services the EN plans to provide the beneficiary, in particular, those services designed to help the beneficiary sustain SGA-level employment. Services in this section might include, but are not limited to, ongoing job support, assistance to maintain and/or advance in employment and further job placements if required to ensure the beneficiary has an opportunity to earn wages sufficient to provide economic self-sufficiency; i.e.,

employment at or above the SGA level. At a minimum, the EN shall follow up with the beneficiary quarterly to determine if the beneficiary requires any ongoing employment support. If a beneficiary states a desire for such support, the EN shall work with the beneficiary to provide the needed services or assist the beneficiary in obtaining the services. In the event the beneficiary cannot be located or requests no contact, the EN shall document the attempted contacts, which shall be recognized as meeting the requirement subject to SSA review and approval. In addition, an EN Services Certification Statement shall be required as a condition for receiving payments at the following payment stages--Phase 1 milestone 4, Phase 2 milestone 11, and outcomes 11 and 22 (see Part III--Section 11.E.1.d).

4. Description of any terms and conditions related to the provision of the services and supports in (3) above.

5. Statement whereby the beneficiary shall give permission to the EN to contact employers on the beneficiary's behalf to verify or obtain evidence of work and earnings.

6. Description of the beneficiary's recent earnings history for a period of up to 18 months, but not less than 6 months, immediately pre-dating the Ticket assignment date **if the EN anticipates billing for Phase 1 milestone payments**. While 6 months is the minimum requirement for a Ticket assignment, the full 18 months will be used to determine an EN's eligibility for phase 1 milestone payments.

NOTE: SSA, through the OSM, will provide a worksheet for documenting this earnings information to be used as an attachment to the IWP. A properly completed worksheet will facilitate timely phase 1 milestone payments (see Part III--Section 11.B.2.a, of this solicitation).

7. Statement acknowledging that the EN has informed the beneficiary of the annual progress reviews and the Timely Progress Review (TPR) guidelines.

8. The following eight (8) items relating to an EN's responsibilities to the beneficiaries to whom it provides services:

a. Statement that the EN may not request or receive from the beneficiary any compensation for the costs of services and supports included in the IWP (see Part III--Section 3.B, below).

NOTE: Should a beneficiary require training material in an alternative medium or format based on his/her disability, that material and/or access to that material must be provided free of charge.

b. Statement that the beneficiary, if dissatisfied with the services being provided by the EN, may un-assign the Ticket at any time by notifying both the EN and the OSM, thereby terminating the relationship with the EN.

- c. Explanation of the dispute resolution process available to the beneficiary.
 - d. Statement that the beneficiary's personal information will be kept private and confidential, including Social Security Number and information about the beneficiary's disability.
 - e. Copy of the completed IWP in the beneficiary's preferred format.
 - f. Explanation of the conditions under which an EN may amend the IWP or terminate the relationship, or the process for amending the IWP (the IWP may be amended if both the beneficiary and the EN agree to the change).
 - g. Statement that only qualified employees and/or providers, as described in Part III--Section 1, Qualifications Requirements for ENs, will be used to furnish services.
 - h. Statement that if the EN arranges for any medical or related health services, those services will be provided under the supervision of persons licensed to prescribe or supervise the provision of these services in the State in which the services are performed.
9. Statement that upon approval of the IWP by the beneficiary and the EN, the beneficiary acknowledges assignment of his/her Ticket to the EN.

B. Services Offered Outside the IWP and EN BPA

1. The EN shall not charge for any employment support services provided under the Ticket Program. While an EN is not precluded from charging for services offered outside its EN BPA with SSA, **an EN shall not market those services to beneficiaries under its EN BPA.**
2. The EN shall ensure that beneficiaries fully understand that services offered outside the EN BPA are not covered by the IWP. Should a beneficiary wish to purchase such services, a statement to this effect must be signed by the beneficiary and the EN representative and attached to the IWP.

EXAMPLES:

- An educational institution may offer a wide range of services and/or courses and training programs, only some of which are available at no charge to beneficiaries under the institution's EN BPA.
- An institution providing training under its EN BPA may charge a beneficiary for extracurricular material offered on an elective basis to supplement or enhance the mandatory course material provided free of charge as part of that training curriculum.
- An on-line university under its EN BPA may offer course material electronically to beneficiaries at no charge, while charging for such material in other formats.

NOTE: ENs shall be precluded from charging beneficiaries from whom they have

accepted Tickets for preparation of Plans for Achieving Self-Sufficiency (PASS) under any circumstance.

C. Business Model Annotation

The EN shall annotate the IWP to indicate whether services are being provided under an employer EN business model (see Part III--Section 1.C.2.e) or a consumer-directed services business model (see Part III--Section 1.C.2.f), if applicable.

D. Timeframe for Submitting an IWP

1. A copy of the IWP shall be submitted to the OSM. In order to expedite the Ticket assignment, ENs are encouraged to submit the IWP immediately, with the expectation that no IWP shall be received by the OSM no later than 14 calendar days after it has been signed by both the beneficiary (or a representative of the beneficiary) and the EN.
2. The OSM will review the IWP for completeness and conformance with Ticket Program policy (See Part III--Section 3.A above). **Ticket assignment is contingent upon the OSM's receipt and approval of the IWP.**
3. The effective date of the Ticket assignment will be the first day on which the beneficiary is eligible to assign the Ticket and both the beneficiary and a representative of the EN sign the IWP so long as the time period between the latest IWP signature date and the OSM receipt date does not exceed 14 calendar days. If the OSM does not receive the completed IWP within 14 calendar days of the latest IWP signature date, the OSM will use the receipt date as the Ticket assignment date for qualifying the EN for future EN payments.

SECTION 4: REFERRAL AGREEMENTS BETWEEN ENS AND SVRAS

A. EN Referrals to SVRA

1. An EN may refer a beneficiary it is serving under the Ticket Program (i.e., the EN has the Ticket assignment) to an SVRA for services if the SVRA and the EN have a signed agreement describing the conditions under which the SVRA will provide services under the Ticket Program.

- The SVRA and the EN shall sign this agreement before the EN refers any beneficiary to the SVRA for services.

- Without an agreement in place the EN **shall not** actively or passively (i.e., any statements understood by the beneficiary as directing them to SVRAs) refer a beneficiary to an SVRA for services.
- Failure to comply with this provision may result in sanctions against the EN, including possible un-assignment if the beneficiary is using the Ticket with more than one provider of services (i.e. an EN or State VR agency) at a time.

2. Normally, the agreement should be broadly worded so that it applies to all beneficiaries that the EN may refer to the SVRA. However, an EN and an SVRA may wish to enter into specific agreements to meet the needs of individual beneficiaries.

3. The EN shall submit, within 2 weeks of signing, a copy of this agreement to the OSM.

B. Partnership Plus

An arrangement under the Partnership Plus model whereby the SVRA refers closed cases to an EN for ongoing beneficiary support services does not require a written agreement per 4.A above.

C. Resolving Agreement Disputes Between the EN and SVRA

If a dispute arises under the agreement between the EN and an SVRA, the following steps would be used to resolve the dispute:

1. The EN and the SVRA shall use the procedures for resolving disputes spelled out in the agreement or under contracts or interagency agreements contained in State law or State administrative procedures.
2. If procedures for resolving disputes are not spelled out in the agreement or in State law or State administrative procedures, the EN or the SVRA may request that the OSM recommend a resolution to the dispute. The request must be in writing and include:
 - A copy of the agreement
 - Information on the issue(s) in dispute, and
 - A description of both the EN's and SVRA's position regarding the dispute.
3. The OSM shall recommend a resolution to the dispute within 20 calendar days after receiving it.
4. If either the EN or the SVRA does not agree with the OSM's recommendation, the EN or

the SVRA has 30 calendar days after receiving the OSM's recommendation to request a decision by SSA on the disputed matter. The request to SSA must:

- Be submitted in writing and clearly set forth the issue(s) at hand
- Include the facts and any relevant evidence, and
- Contain the details of the OSM's attempted resolution.

SECTION 5: EN RESPONSIBILITIES TO TICKET PROGRAM BENEFICIARIES

The EN has the following responsibilities to beneficiaries under the Ticket Program:

A. The EN shall explain to the beneficiary the goals of the Ticket Program relative to the beneficiary's employment, benefits and self-sufficiency so that the beneficiary can make informed choices regarding program participation.

1. The EN shall explain the following to all Ticket Holders:

- Your participation in the Ticket Program is voluntary. It is important that you understand the program's goals before deciding whether it is right for you.
- The purpose of the Ticket Program is to offer you the support you need to increase your ability to work, your earnings, and the chance that you will become and stay self-supporting to the extent possible.
- By agreeing to assign your Ticket and participate in the program, you are agreeing to make a steady effort to achieve these aims.
- The EN's role is to do all we can to help you reduce and ultimately eliminate your dependency on disability benefits and to earn a better living than you do now. You will not be penalized if you cannot become fully self-supporting. However, if you decide to use your Ticket, you should make a commitment to try your best to achieve these goals.
- You can start out working and earning any amount during the first 9 months, but should have a goal to become self-supporting in time. You should work towards having monthly earnings at or above the TWL amount by at least the 10th month after you start working with us. Also, you should work towards having monthly earnings at or above the SGA amount a month following your first year of work.
- The Ticket program is not right for every disability beneficiary, but if you are committed to trying to become employed and self-sufficient someday, we are here to provide you the services and support to help you to do so.

2. The EN shall **not** say or imply to any Ticket Holder:

- You can work part time **indefinitely** with the support of the EN.
- The EN will support or enable **parking** (i.e., artificially manipulating one's earnings to remain on cash benefits).

NOTE: In its discussions with beneficiaries, the EN shall be clear that it supports

Ticket Holders to gain and sustain full self-sufficiency. An EN shall offer Ticket Holders the types of opportunities and support that enable them to achieve these results. It is unacceptable for an EN to limit its business model to assisting Ticket Holders to engage in part time employment only. SSA will terminate agreements with ENs that purposefully engage in such practices.

B. The EN shall provide a full explanation of the services offered by the EN, so that the beneficiary can make informed choices regarding services required.

C. The EN shall have engaged in one-on-one career planning to support the development of individualized employment goals and support in conjunction with the preparation of the IWP. (See Part III--Section 3.A.8 above and Section 5.D below)

D. The EN shall develop and implement an IWP in partnership with the beneficiary. The IWP must be in written form and signed by the beneficiary (or the beneficiary's representative) and the EN indicating mutual agreement.

E. The EN shall not charge for services provided to a beneficiary under an IWP. (See Part III--Sections 3.A.7.a)

F. The EN shall protect the beneficiary's personal information, including information about the beneficiary's disability, from unauthorized disclosure. In order to protect the beneficiary's personal information, the EN shall maintain personal information files in secure locations and grant access only to authorized individuals.

G. The EN shall explain the process for resolving any disputes between the EN and the beneficiary. (See Part III--Section 8, below.)

H. The EN shall inform the beneficiary of the TPR guidelines.

I. In addition, the EN shall explain to the beneficiary that the:

- Beneficiary may un-assign the Ticket at any time if the beneficiary is dissatisfied with the services being provided.
- EN may un-assign the Ticket at any time if the EN is no longer willing or able to provide services to the beneficiary.
- Beneficiary will be excused from a medical review by SSA while participating in the Ticket Program if the beneficiary makes expected levels of progress with work, education or technical training in accordance with TPR guidelines.
- Beneficiary shall have complete access to information in an EN's records concerning that beneficiary. The EN shall allow the beneficiary to view the records at the EN's place of business and make copies of the records using the EN's copying equipment. If such information consists of medical records, the beneficiary may name a representative who would be willing to review the record and inform the beneficiary

of its contents at the representative's discretion. Such representative may be a physician, other health professional, legal representative or other responsible individual.

- EN shall provide the beneficiary with a copy of the IWP in an accessible format chosen by the beneficiary.
- Beneficiary may request amendments to the IWP. However, the beneficiary and the EN shall mutually agree to any IWP amendments. The EN shall provide to the beneficiary in writing an amended version of the IWP.

SECTION 6: PRIVACY AND SECURITY REQUIREMENTS FOR ENS

The EN shall protect the privacy and confidentiality of the information it receives from SSA's beneficiary records, either directly from SSA or from the beneficiary, in accordance with the agency specific clause, **Protecting and Reporting the Loss of Personally Identifiable Information (PII): Responsibilities Concerning Individual Employees (DEC 2008)**, as shown under Part IV--Section 3.L, of this solicitation.

- A. Use and access beneficiary information only for the purposes of SSA's Ticket Program.
- B. Dispose of beneficiary information in a safe and secure manner.
- C. Do not duplicate or disseminate beneficiary information outside the EN's organization.
- D. Provide physical safeguards for protecting the security of beneficiary information, including restricting access only to authorized employees and officials who have received their security clearance and who need the information to perform their official duties in connection with SSA's Ticket Program in accordance with the applicable standards for security controls that are established in the **Federal Information Security and Management Act (FISMA)**, as addressed in Part IV--Section 3.H, of this solicitation.
- E. Store beneficiary information in a physically secure area and assure that it cannot be accessed and retrieved by unauthorized personnel by means of computer, remote terminal or other electronic means.
- F. Ensure that all personnel who have access to beneficiary information have met the security and suitability requirements addressed under Part IV--Section 3.G of this solicitation and advise them of the:
 - Confidential nature of the information
 - Safeguards required to protect the information
 - Applicability of the Privacy Act to Government contractors, including the criminal and civil sanctions for noncompliance.
- G. Ensure that all EN employees have complied with SSA's security awareness and FISMA training requirements addressed under Part IV--Section 3.H.3 and Section 3.I, of this document, respectively.

H. Allow SSA and other Federal oversight agencies, and/or contractor representatives of these agencies, to make on-site inspections or other arrangements for reviewing/auditing the EN's compliance with the terms of this solicitation as found in this section and Part IV-- Section 3.J.(k) of this solicitation, to ensure that adequate safeguards are being maintained.

SECTION 7: EN TRAINING

A. The EN will be provided web-based start-up and ongoing training necessary for performing the duties and responsibilities required under the Ticket Program. The requisite training will be available on the OSM's website or through monthly interactive telephone training modules. The EN shall notify the OSM upon completion of the requisite training within 30 days following award of the EN agreement.

B. At a minimum, such training shall cover the following:

- Overview of the original statute establishing the Ticket Program and subsequent applicable legislative amendments, rules and regulations
- Overview of the Ticket Program including specific program requirements
- EN's program responsibilities and performance expectations under the BPA
- Ticket Program operations and processes
- Protocols through which the EN's BPA with SSA will be administered by the OSM
- Requesting Ticket assignments and guidelines for developing an IWP
- Beneficiary rights and responsibilities
- Partnership Plus
- Selecting payment options and requesting EN payments
- Employee suitability, system security and protection of PII
- Timely progress reviews
- EN capitalization
- Documentation and reporting requirements
- Basics of work incentives.

C. The EN shall be given advance notice by the OSM of all training date(s), locations, method(s) and formats.

D. The OSM shall provide such training materials as necessary to satisfy the requirements of this task at no expense to the ENs.

E. An EN shall **not** initiate services to beneficiaries prior to completion of the start-up training cited above.

SECTION 8: DISPUTE RESOLUTION

A. Resolving Disputes Between Beneficiaries and ENs

1. An EN shall have dispute resolution procedures in place that a beneficiary can use to seek resolution of any program-related disputes with the EN once an IWP is signed. This dispute resolution procedure must assure that the beneficiary will receive a full, fair and timely review of the disputed matter.
2. An EN shall inform the beneficiary of the dispute resolution procedures when:
 - The EN and the beneficiary complete and sign the IWP;
 - The IWP is changed and
 - A dispute arises related to the services identified in the beneficiary's IWP or related to the beneficiary's participation in the Ticket Program.
3. An EN shall inform the beneficiary that if an acceptable resolution to the dispute cannot be reached, the EN shall refer the dispute to the OSM. The EN shall submit to the OSM within 5 working days all relevant information and evidence pertaining to the dispute. This information shall include:
 - A description of the disputed issue(s)
 - A summary of the beneficiary's position prepared by the beneficiary or a representative of the beneficiary related to each disputed issue
 - A summary of the EN's position related to each disputed issue, and
 - A description of any solution proposed by the EN when the beneficiary seeks resolution through the EN's dispute resolution procedures.

The OSM shall provide the EN a written recommendation to resolve the dispute.

4. The OSM shall refer to SSA for resolution those disputes that that the OSM cannot resolve. SSA will make the final administrative decision.

5. Either the beneficiary or the EN may terminate the Ticket assignment if unwilling to accept decision throughout any stage of the dispute resolution process.

6. Determinations Regarding Beneficiary Benefits

- An EN cannot appeal SSA's determinations that affect a beneficiary's right to benefits. Only the beneficiary or his or her representative can appeal these determinations.
- If an appeal by a beneficiary regarding entitlement or eligibility for disability benefits results in a revised determination, the revised determination could affect an EN's entitlement to payment for the period(s) covered by the determination. If such a determination results in an overpayment to the EN, SSA will not seek to recover the amount of the overpayment.

- While an EN cannot appeal SSA's determination regarding a beneficiary's right to benefits, an EN may furnish any evidence it has that may support a change in SSA's determination on the beneficiary's appeal.

B. Resolving Disputes Between ENs and the OSM

1. The EN shall refer to the OSM, through the OSM's established dispute resolution procedures, any disputes between the EN and the OSM that do not involve an EN's payment request. If a mutually agreeable solution cannot be reached, the OSM shall refer the dispute to SSA for a decision. The OSM shall provide the EN with a copy of all relevant documentation forwarded to SSA, including:

- A description of the disputed issue(s)
- A summary of the EN's and OSM's position, and
- A description of any solution proposed by either the EN or OSM with supporting justification, as well as the reasons each party rejected each proposed solution.

2. The EN shall maintain records of all disputes referred to SSA and shall assist SSA as needed to investigate and resolve each issue.

3. SSA will make the final decision regarding disputes between the EN and the OSM.

SECTION 9: EVALUATING EN PERFORMANCE

SSA will review the results of the work performed by each EN for each calendar year in order to conduct effective quality assurance of the services provided to SSA beneficiaries.

A. SSA will evaluate each EN's individual performance at the end of each calendar year and calculate performance ratings based on the following criteria:

- Provision of the services identified in the IWP.
- Employment results for beneficiaries including job placement and retention rates, achievement of timely progress benchmarks and support of some beneficiaries to achieve financial independence (exit the rolls with earnings at or above SGA).
- Provision of ongoing employment support as required.
- Beneficiary's overall satisfaction with the EN's services.

ENs that are significantly below the mean will be subject to sanctions.

B. SSA will make available to each EN and the public an annual **report card** comprised of the EN's performance and outcome data from the Annual Performance and Outcome Report (APOR) as described in Part III--Section 10.B below and beneficiary satisfaction ratings. The EN shall provide a copy of its most recent report card to prospective clients.

C. SSA may review **at any time** an EN's business practices and methods, payment request patterns and/or payment history, as well as the job retention rates of beneficiaries served to

determine if the EN is effectively supporting beneficiaries in achieving and retaining self-supporting employment.

1. SSA reserves the right to suspend temporarily Ticket assignments and/or payments during this review period.
2. A negative determination following any review may result in sanctions against the EN, including probation, suspension or termination depending upon the severity of the problem and the possibility of remedial action.

SECTION 10: EN REPORTING REQUIREMENTS

Each EN shall submit the following program reports in accordance with the OSM's instructions.

A. General Requirements

The EN shall:

- Identify to the OSM each Ticket it accepts
- Submit to the OSM a copy of each signed IWP
- Submit to the OSM copies of amendments to a beneficiary's IWP
- Submit to the OSM a copy of any agreements the EN has reached with SVRAs regarding the conditions under which the SVRA will provide services to beneficiaries who are referred by the EN under the Ticket Program
- Report to the OSM immediately all instances in which the beneficiary/EN relationship has ended, either through the beneficiary's un-assignment of the Ticket or the EN's decision that it is no longer willing or able to provide services to the beneficiary, and
- Collect and record such data as required to support the program requirements of this solicitation as contained in the Statute (P.L. 106-170), as well as in the Ticket to Work and Self-Sufficiency Program Regulations (20CFR Part 411).

B. Annual Performance and Outcome Report (APOR)

1. The EN shall provide to the OSM on no less than an annual basis, in a format prescribed by SSA, an APOR. The APOR shall provide information on outcomes achieved by the EN with respect to services offered by the EN to beneficiaries.
2. Data provided in the APOR, along with beneficiary satisfaction data, will be incorporated into an EN Report Card, as explained in Part III--Section 9.B above.
3. If SSA has not prepared a report card for an EN, the EN shall provide a copy of its most recent APOR to prospective clients.

C. EN Financial Reports

1. Upon request, the EN shall provide financial information to SSA with respect to the actual costs incurred by the EN in providing employment services, VR services or other support services to Ticket Program beneficiaries.
2. Upon request, the EN shall provide other fiscal documentation that may be required because of regulation or statute.

D. BPA Changes

1. Should the EN wish to change any BPA terms and conditions, it shall make a written request to SSA for such a change, including the items identified in Part V (EN Quotation Documentation Requirements).
2. If SSA agrees to the change, it will modify the BPA terms and conditions accordingly.
3. SSA will notify the OSM of any changes to the terms and conditions.

SECTION 11: PAYMENTS TO ENs

An EN can elect to be paid under one of two payment systems: either an outcome payment system or an outcome-milestone payment system, as described below (**please select your payment system under paragraph O of the EN Information Sheet (Part V--Section 2)**).

A. Selection of Payment System

The EN will be paid in accordance with the payment system elected in its proposal. SSA will allow ENs to change their payment system elections for prospective beneficiaries, as follows:

1. An EN may choose to make one change in its elected payment system at any time during each calendar year.
2. Any change in the elected EN payment system will apply to Ticket assignments after the EN's change in election becomes effective. The EN's earlier elected payment system will continue to apply to all Tickets assigned prior to the change in election.

NOTE: An EN shall not un-assign and have the beneficiary reassign a Ticket in order to circumvent this rule.

3. All requests to change an EN's payment election shall be made to the OSM. **The change will become effective with the first day of the month following the month the change request is entered into SSA's system.**

B. Requirements for EN Payments

1. Requirements for Outcome Payments

- a. SSA will pay an EN up to 36 monthly outcome payments for outcomes achieved by a Social Security Disability Insurance (SSDI) beneficiary or a Supplemental Security Income (SSI) beneficiary receiving SSDI benefits concurrently, or up to 60 monthly outcome payments for a SSI disability beneficiary, following assignment of the beneficiary's Tickets to the EN.
- b. SSA will pay an EN a monthly outcome payment for an individual who has assigned his/her Ticket to the EN, provided that not all monthly outcome payments have been made on the Ticket, and the individual:
- Has gross earnings from employment (or net earnings from self-employment) in that month that are more than the SGA threshold amount and
 - Federal cash disability or blindness benefits from SSA have been suspended or terminated for that month because of work or earnings.
- c. An EN may submit a request for payment for outcome payment months at any time following the close of a payment month(s). The request must include proof of the beneficiary's work or earnings. An EN cannot receive an outcome payment for any month for which a Social Security disability benefit or a Federal SSI cash disability or blindness benefit is payable to the beneficiary.

2. Requirements for Outcome-Milestone Payments

Milestone payments under the outcome-milestone payment system are available in two payment phases (i.e., Phase 1 and Phase 2), in addition to subsequent outcome payments.

a. Phase 1 Milestones

SSA will pay an EN for up to 4 milestones achieved by a beneficiary after he/she has assigned his/her Ticket to the EN

1. Eligibility for Phase 1 milestone payments

- All Phase 1 milestones require that the beneficiary work at or above the TWL earnings amount.
- The work must be associated with a real job. Consequently, paid vocational training with no record of continued self-supporting employment will not meet the criteria for payment.
- No Phase 1 milestone payments will be available to an EN if the beneficiary previously was served by an SVRA and was rehabilitated; i.e., was working at the time the SVRA closed the case.
- Phase 1 milestone payments may not be available to an EN if the beneficiary achieved that milestone within the most recent 18-month period prior to the Ticket assignment, as explained below.

- The EN must provide career planning and job placement and retention services during Phase 1. ENs must submit a summary of services provided since the last milestone payment with each Phase 1 milestone request. The summary should include the date of service, duration, type of service and staff providing the service.
2. Requirements for Phase 1 Milestone Payments
- Phase 1 milestone 1 is payable when a beneficiary begins a job and has gross earnings at or above the TWL (see <http://www.ssa.gov/OACT/COLA/>) for one calendar month. An EN may request a Phase 1 milestone 1 payment when a beneficiary earns at least 50% of the monthly TWL earnings amount during the first month of employment, as long as the monthly salary would normally constitute TWL earnings or the beneficiary is expected to achieve a full month of TWL earnings within the subsequent 2 months. However, if earnings reported for Phase 1 milestone 1 do not represent TWL earnings, SSA shall require that the EN submit an explanation along with the payment request. Phase 1 milestone 1 **will not be available** if the beneficiary has worked above the TWL in the calendar month prior to the beneficiary's first assignment of his/her Ticket.

NOTE: The Notice of Proposed Rulemaking dated August 13, 2007, expressed the intention to pay an EN based on a beneficiary earning 2 weeks of TWL earnings in a calendar month. SSA's earnings records reflect only monthly earnings, not weekly earnings; therefore, for administrative ease, we made a change in the final regulation that allows SSA to make payment of the first Phase 1 milestone when our records show that the beneficiary has earnings of at least 50% of the TWL earnings amount in the first month for which payment is requested. However, the beneficiary's job still must meet the requirement in the regulations for TWL earnings. This flexible approach allows ENs to earn the first milestone payment when a beneficiary starts a TWL job other than at the beginning of a month or works fewer hours during the first month of a job in order to build his/her stamina. However, to simplify the payment process for Phase 1 milestone 1, it is recommended that an EN wait until the beneficiary earns a full month of TWL earnings before submitting a payment request.

- Phase 1 milestone 2 is payable after the beneficiary works and has gross earnings at or above the TWL earnings amount for 3 out of 6 months. Phase 1 milestone 2 **will not be available** if the beneficiary has worked above the TWL in 3 out of 6 months prior to the beneficiary's first assignment of his/her Ticket.
- Phase 1 milestone 3 is payable after the beneficiary works and has gross earnings at or above the TWL earnings amount for 6 out of 12 months. Phase 1 milestone 3 **will not be available** if the beneficiary has worked above the TWL in 6 out of 12 months prior to the beneficiary's first assignment of his/her Ticket.
- Phase 1 milestone 4 is payable after the beneficiary works and has gross earnings at or above the TWL earnings amount for 9 out of 18 months **and the EN has**

completed at least half of the services agreed to in the IWP. To request payment of Phase 1 milestone 4, the EN must report on the services provided and must have completed at least half of the services committed to in the IWP. Phase 1 milestone 4 **will not be available** if the beneficiary has worked above the TWL in 9 out of 18 months prior to the beneficiary's first assignment of his/her Ticket.

b. Phase 2 Milestones

SSA will pay an EN for up to 11 milestones for a beneficiary receiving SSDI (Title II) or SSDI/SSI concurrent benefits, or up to 18 milestones for a beneficiary receiving SSI disability benefits (Title XVI), following the beneficiary's Ticket assignment to the EN. Phase 2 milestone payments are payable for months in which the beneficiary has work and gross earnings that exceed the SGA earnings level and the beneficiary is in current pay status (i.e., still receiving a monthly check). The SGA threshold amount is recomputed each year and can be found at <http://www.ssa.gov/OACT/COLA/sga.html>.

c. Outcomes Following Milestone

SSA will pay an EN up to 36 monthly outcome payments for outcomes achieved by SSDI and SSDI/SSI concurrent beneficiaries or up to 60 monthly outcome payments for SSI disability beneficiaries.

d. Reconciliation Payments

Reconciliation payments are sometimes available to an EN who has elected to serve beneficiaries under the outcome-milestone Payment System. These payments will be available if a beneficiary's outcome payment period begins before all Phase 1 and Phase 2 milestones have been attained. The reconciliation payment will equal the total amount of the milestone payments that were available when the Ticket was first assigned, but that were not paid before the outcome period began. The reconciliation payment will be based on the Payment Calculation Base (PCB) for the calendar year in which the first month of the beneficiary's outcome period occurs. (see Part III--Section 11.C below). The payment will be made when the EN has qualified for 12 outcome payments.

C. EN Payment Calculations

1. The amount SSA will pay an EN under either payment system is based on milestones and/or outcomes achieved, not the specific costs of services rendered.
2. Payment amounts are calculated based on a percentage of the PCB, which is the prior year's national average disability benefit payable under either of SSA's two disability programs.
3. SSA calculates two PCBs each year, one for SSI and one for SSDI. The PCBs can be found at: <http://www.ssa.gov/OACT/COLA/pcb.html>.

4. The SSI PCB is used for computing the payment due an EN for serving a Title XVI beneficiary, while the SSDI PCB is used for computing the payment due an EN for serving a Title II or Title II/Title XVI concurrent beneficiary.

D. Conditions for Receipt of Payments

1. An EN shall be eligible to be paid only for work milestones and outcomes achieved by Ticket-holders beginning the month following the month the Ticket is assigned to the EN by the OSM.

2. If the EN's BPA expires or is terminated for convenience of the Government, the EN shall be eligible to be paid for work milestones and outcomes achieved by Ticket-holders for the last full month prior to the month of expiration or termination. If the action ending the BPA occurs prior to the beneficiary's achievement of a milestone or outcome, the EN will not receive any payment for the milestone or outcome (nor be entitled to any compensation or payment for the costs of services provided to the beneficiary per Part III--Section 11.C.1 above), even if subsequent work performed by the beneficiary would have qualified the EN for a payment had the BPA not otherwise expired or terminated.

3. All payment requests submitted by former ENs whose BPAs either have expired or have been terminated for convenience of the Government will be processed as evidentiary and must be accompanied by evidence of the Ticket-holder's work and earnings.

4. If two ENs serve the same Ticket Holder due to change in Ticket assignment (or an SVRA functioning as an EN and another EN serve the same Ticket Holder), the EN that first had the Ticket assignment may be entitled to a portion of any future Ticket payments. In some instances, the two ENs will have a written agreement (or come to an agreement) that spells out how the EN payments will be split. If no such agreement exists, the OSM will decide how the EN payments should be split based on the services provided by each EN and how those services contributed to the Ticket Holder's attainment of the specific milestone and/or outcome payments being requested. The OSM's decision will be based on information provided by the EN through submission of a completed form SSA-1401 (EN Split Payment Request Form). This form is available from the OSM.

E. Submitting Requests for EN Payment

1. The EN shall send requests for either milestone or outcome payments, along with evidence of the beneficiary's work or earnings or other information as required, to the OSM on an EN Payment Request Form available from the OSM.
 - a. The EN shall provide evidence of the beneficiary's work or earnings. Such evidence may include evidence provided by the beneficiary (e.g., an original, unaltered copy of the beneficiary's pay slip) or a monthly breakdown of earnings provided by the beneficiary's employer (e.g., a statement of monthly earnings from the employer or the employer's

designated payroll official). (See Part III--Section 3.A.4 related to obtaining beneficiary permission to contact employers for evidence of work and earnings.)

b. For a beneficiary who is self-employed, the EN shall obtain evidence of the beneficiary's work activity or earnings from the beneficiary. Such evidence may include a signed statement from the beneficiary with a monthly breakdown of earnings and expenses.

NOTE: A payment request form for self-employed beneficiaries is available from the OSM contractor.

c. If an EN is unable to obtain primary or secondary wage evidence, other options may be available to verify the beneficiary's earnings. In such instances, if SSA is able to verify the beneficiary's earnings in SSA's databases, SSA will make any payments due provided the EN has met other requirements for payment.

d. At designated intervals in the payment cycle, the EN shall attest to having provided services to the beneficiary by completing and signing the EN Services Certification Statement available from the OSM. The EN shall attach the EN Services Certification Statement to the EN Payment Request Form for Phase 1 milestone 4, Phase 2 milestone 11, outcome 11 and outcome 22.

e. With each payment request for a Phase 1 milestone, the EN shall provide on the EN Payment Request Form a description of the services provided the beneficiary in accordance with the services outlined in the IWP for Phase 1. SSA will delay until Phase 1 milestone 4, a Phase 1 milestone payment for which the EN cannot provide a description of the services. Once a Phase 1 milestone payment is delayed, no subsequent Phase 1 milestones can be paid until Phase 1 milestone 4. In order to receive delayed payments at Phase 1 milestone 4, the EN shall include with the EN Services Certification Statement, the beneficiary's **signed** statement that he/she was satisfied with the services provided.

2. The OSM will receive and review the EN's request for payment, services provided and evidence of the beneficiary's work or earnings.

a. If the OSM finds sufficient information has not been provided by the EN, the OSM will inform the EN and afford the EN an opportunity to take corrective action.

b. If the OSM finds sufficient information has been provided, the OSM may make the payment or forward the payment request and work documentation to SSA.

3. When SSA receives the payment request, SSA will evaluate the evidence of the beneficiary's work or earnings and determine if payment to the EN is appropriate. SSA will not make any payments until it receives satisfactory evidence establishing the EN's entitlement to payment.

4. All payments to an EN will be made via electronic transfer to the EN's designated financial institution as identified by the EN's Central Contractor Registration (CCR)

record. Any change to the EN's designated financial institution shall be submitted by the EN, via an update to their CCR record.

F. EN Overpayment Policies and Procedures

EN overpayments can result from a variety of causes, including adjudicative errors, systems problems and/or limitations, and utilization of administrative efficiencies such as Auto-Pay and Certification Payments.

1. When SSA becomes aware of an overpayment, an overpayment notice will be sent to the EN explaining the circumstances and the amount of the overpayment.
2. The EN will have 30 days from the date on the notice to dispute the determination and submit additional evidence or to select one of the following repayment options:
 - a. Payment in Full;
 - b. Payment Recovery - If the EN is currently receiving payments for the overpaid Ticket, the EN can request that the overpayment be recovered from future payments on that Ticket; or
 - c. Installment Payments – If the overpayment is more than \$2,500 and payment in full would create a financial hardship for the EN, the EN can repay the overpayment in 3-6 monthly installments.

NOTE: If an appeal by a beneficiary regarding entitlement or eligibility for disability benefits results in a revised determination, the revised determination could affect an EN's entitlement to payment for the period(s) covered by the determination. If such a determination results in an overpayment to the EN, SSA will not seek to recover the amount of the overpayment (see Part III--Section 8.A.8, of this document).

3. If the EN does not respond to the overpayment notice in a timely fashion, SSA will suspend all Ticket payments due the EN. Failure to resolve overpayments or repeated payment suspensions may result in termination of the EN's BPA and/or further recovery action.

SECTION 12: STATUTORY/REGULATORY UNDERSTANDING AND COMPLIANCE REQUIREMENTS

A contractor shall agree to comply with certain additional conditions in order to be awarded a BPA under this EN solicitation. Specifically, by signing the Standard Form 1449,

Solicitation/Contract/Order for Commercial Items (Part V--Section 1 below), the contractor attests to the fact that the contractor:

- A. Agrees to participate in SSA's Ticket to Work and Self-Sufficiency Program and abide by all the requirements of this solicitation and all the terms and conditions of the BPA once awarded;
- B. Understands the program requirements of this solicitation as contained in the statute (P.L. 106 170), as well as in the Ticket to Work and Self-Sufficiency Program regulations (20 CFR Part 411);
- C. Has read and understands this solicitation, and all attached addenda and amendments thereto (if any);
- D. Agrees to comply with all of the statutory requirements and Federal regulations governing SSA's Ticket to Work and Self-Sufficiency Program;
- E. Agrees to cooperate fully with SSA's OSM contractor in the administration of Ticket Program operations and processes in support of the Statute and Ticket Program regulations cited above; and
- F. Agrees that any provider(s) with which the EN subcontracts meets **all** of the qualification requirements found in Part III--Section 1, and the privacy and security requirements found in Part III--Section 6, of this solicitation.

PART IV--BPA CLAUSES

SECTION 1: 52.252-2, CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This BPA incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es): <http://farsite.hill.af.mil/vffara.htm> or <http://acquisition.gov/far/index.html>.

52.204-7 -- Central Contractor Registration (FEB 2012)

52.204-9 -- Personal Identity Verification of Contractor Personnel (SEP 2007)

52.212-4 -- Contract Terms and Conditions-Commercial Items (FEB 2012) is hereby tailored by this addendum to add the following subparagraph:

52.212-4 (g) Invoice (3) EN Payments

The contractor shall follow the instructions contained in the BPA's Part III-- Statement of Work, Section 11.E. Submitting Requests for EN Payment when submitting its request for

either outcome or outcome-milestone payments.

52.224-1 -- Privacy Act Notification (APR 1984)

52.224-2 -- Privacy Act (APR 1984)

SECTION 2: ADDITIONAL CLAUSES INCORPORATED BY FULL TEXT

52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (MAY 2012)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

(1) [52.222-50](#), Combating Trafficking in Persons (Feb 2009) ([22 U.S.C. 7104\(g\)](#)).

___ Alternate I (Aug 2007) of [52.222-50](#) ([22 U.S.C. 7104\(g\)](#)).

(2) [52.233-3](#), Protest After Award (Aug 1996) ([31 U.S.C. 3553](#)).

(3) [52.233-4](#), Applicable Law for Breach of Contract Claim (Oct 2004) (Pub. L. 108-77, 108-78).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

X (1) [52.203-6](#), Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) ([41 U.S.C. 253g](#) and [10 U.S.C. 2402](#)).

___ (2) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 ([41 U.S.C. 251 note](#))).

___ (3) [52.203-15](#), Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (June 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

___ (4) [52.204-10](#), Reporting Executive Compensation and First-Tier Subcontract Awards (Feb 2012) (Pub. L. 109-282) ([31 U.S.C. 6101 note](#)).

___ (5) [52.204-11](#), American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-5).

- (6) [52.209-6](#), Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Dec 2010) (31 U.S.C. 6101 note).
- (7) [52.209-9](#), Updates of Publicly Available Information Regarding Responsibility Matters (Feb 2012) (41 U.S.C. 2313).
- (8) [52.209-10](#), Prohibition on Contracting with Inverted Domestic Corporations (May 2012) (section 738 of Division C of Pub. L. 112-74, section 740 of Division C of Pub. L. 111-117, section 743 of Division D of Pub. L. 111-8, and section 745 of Division D of Pub. L. 110-161).
- (9) [52.219-3](#), Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011) ([15 U.S.C. 657a](#)).
- X (10) [52.219-4](#), Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 2011) (if the offeror elects to waive the preference, it shall so indicate in its offer) ([15 U.S.C. 657a](#)).
- (11) [Reserved]
- (12)(i) [52.219-6](#), Notice of Total Small Business Set-Aside (Nov 2011) ([15 U.S.C. 644](#)).
- (ii) Alternate I (Nov 2011).
- (iii) Alternate II (Nov 2011).
- (13)(i) [52.219-7](#), Notice of Partial Small Business Set-Aside (June 2003) ([15 U.S.C. 644](#)).
- (ii) Alternate I (Oct 1995) of [52.219-7](#).
- (iii) Alternate II (Mar 2004) of [52.219-7](#).
- X (14) [52.219-8](#), Utilization of Small Business Concerns (Jan 2011) ([15 U.S.C. 637\(d\)\(2\)](#) and (3)).
- (15)(i) [52.219-9](#), Small Business Subcontracting Plan (Jan 2011) ([15 U.S.C. 637\(d\)\(4\)](#)).
- (ii) Alternate I (Oct 2001) of [52.219-9](#).
- (iii) Alternate II (Oct 2001) of [52.219-9](#).
- (iv) Alternate III (Jul 2010) of [52.219-9](#).
- (16) [52.219-13](#), Notice of Set-Aside of Orders (Nov 2011)([15 U.S.C. 644\(r\)](#)).

(17) [52.219-14](#), Limitations on Subcontracting (Nov 2011) ([15 U.S.C. 637\(a\)\(14\)](#)).

 (18) [52.219-16](#), Liquidated Damages—Subcon-tracting Plan (Jan 1999) ([15 U.S.C. 637 \(d\)\(4\)\(F\)\(i\)](#)).

 (19)(i) [52.219-23](#), Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Oct 2008) ([10 U.S.C. 2323](#)) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).

 (ii) Alternate I (June 2003) of [52.219-23](#).

 (20) [52.219-25](#), Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Dec 2010) (Pub. L. 103-355, section 7102, and [10 U.S.C. 2323](#)).

 (21) [52.219-26](#), Small Disadvantaged Business Participation Program— Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and [10 U.S.C. 2323](#)).

 (22) [52.219-27](#), Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011) ([15 U.S.C. 657 f](#)).

 X (23) [52.219-28](#), Post Award Small Business Program Rerepresentation (Apr 2012) ([15 U.S.C. 632\(a\)\(2\)](#)).

 (24) [52.219-29](#), Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (Apr 2012) ([15 U.S.C. 637\(m\)](#)).

 (25) [52.219-30](#), Notice of Set-Aside for Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (Apr 2012) ([15 U.S.C. 637\(m\)](#)).

 X (26) [52.222-3](#), Convict Labor (June 2003) (E.O. 11755).

 (27) [52.222-19](#), Child Labor—Cooperation with Authorities and Remedies (Mar 2012) (E.O. 13126).

 X (28) [52.222-21](#), Prohibition of Segregated Facilities (Feb 1999).

 X (29) [52.222-26](#), Equal Opportunity (Mar 2007) (E.O. 11246).

 X (30) [52.222-35](#), Equal Opportunity for Veterans (Sep 2010)([38 U.S.C. 4212](#)).

 X (31) [52.222-36](#), Affirmative Action for Workers with Disabilities (Oct 2010) ([29 U.S.C. 793](#)).

 X (32) [52.222-37](#), Employment Reports on Veterans (Sep 2010) (38 U.S.C. 4212).

 X (33) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations

Act (Dec 2010) (E.O. 13496).

__ (34) [52.222-54](#), Employment Eligibility Verification (Jan 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in [22.1803](#).)

__ (35)(i) [52.223-9](#), Estimate of Percentage of Recovered Material Content for EPA–Designated Items (May 2008) ([42 U.S.C. 6962\(c\)\(3\)\(A\)\(ii\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

__ (ii) Alternate I (May 2008) of [52.223-9](#) ([42 U.S.C. 6962\(i\)\(2\)\(C\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

__ (36) [52.223-15](#), Energy Efficiency in Energy-Consuming Products (Dec 2007) ([42 U.S.C. 8259b](#)).

__ (37)(i) [52.223-16](#), IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (Dec 2007) (E.O. 13423).

__ (ii) Alternate I (Dec 2007) of [52.223-16](#).

X (38) [52.223-18](#), Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011) (E.O. 13513).

__ (39) [52.225-1](#), Buy American Act—Supplies (Feb 2009) ([41 U.S.C. 10a-10d](#)).

__ (40)(i) [52.225-3](#), Buy American Act—Free Trade Agreements—Israeli Trade Act (May 2012) ([41 U.S.C. chapter 83](#), [19 U.S.C. 3301](#) note, [19 U.S.C. 2112](#) note, [19 U.S.C. 3805](#) note, [19 U.S.C. 4001](#) note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, and 112-42).

__ (ii) Alternate I (Mar 2012) of [52.225-3](#).

__ (iii) Alternate II (Mar 2012) of [52.225-3](#).

__ (iv) Alternate III (Mar 2012) of [52.225-3](#).

__ (41) [52.225-5](#), Trade Agreements (May 2012) ([19 U.S.C. 2501](#), *et seq.*, [19 U.S.C. 3301](#) note).

X (42) [52.225-13](#), Restrictions on Certain Foreign Purchases (June 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

__ (43) [52.226-4](#), Notice of Disaster or Emergency Area Set-Aside (Nov 2007) ([42 U.S.C. 5150](#)).

___ (44) [52.226-5](#), Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) ([42 U.S.C. 5150](#)).

___ (45) [52.232-29](#), Terms for Financing of Purchases of Commercial Items (Feb 2002) ([41 U.S.C. 255\(f\)](#), [10 U.S.C. 2307\(f\)](#)).

___ (46) [52.232-30](#), Installment Payments for Commercial Items (Oct 1995) ([41 U.S.C. 255\(f\)](#), [10 U.S.C. 2307\(f\)](#)).

X (47) [52.232-33](#), Payment by Electronic Funds Transfer—Central Contractor Registration (Oct 2003) ([31 U.S.C. 3332](#)).

___ (48) [52.232-34](#), Payment by Electronic Funds Transfer—Other than Central Contractor Registration (May 1999) ([31 U.S.C. 3332](#)).

___ (49) [52.232-36](#), Payment by Third Party (Feb 2010) ([31 U.S.C. 3332](#)).

___ (50) [52.239-1](#), Privacy or Security Safeguards (Aug 1996) ([5 U.S.C. 552a](#)).

___ (51)(i) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) ([46 U.S.C. Appx. 1241\(b\)](#) and [10 U.S.C. 2631](#)).

___ (ii) Alternate I (Apr 2003) of [52.247-64](#).

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

___ (1) [52.222-41](#), Service Contract Act of 1965 (Nov 2007) ([41 U.S.C. 351](#), *et seq.*).

___ (2) [52.222-42](#), Statement of Equivalent Rates for Federal Hires (May 1989) ([29 U.S.C. 206](#) and [41 U.S.C. 351](#), *et seq.*).

___ (3) [52.222-43](#), Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (Sep 2009) ([29 U.S.C. 206](#) and [41 U.S.C. 351](#), *et seq.*).

___ (4) [52.222-44](#), Fair Labor Standards Act and Service Contract Act—Price Adjustment (Sep 2009) ([29 U.S.C. 206](#) and [41 U.S.C. 351](#), *et seq.*).

___ (5) [52.222-51](#), Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Nov 2007) ([41 U.S.C. 351](#), *et seq.*).

__ (6) [52.222-53](#), Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (Feb 2009) ([41 U.S.C. 351](#), *et seq.*).

__ (7) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (Mar 2009) (Pub. L. 110-247).

__ (8) [52.237-11](#), Accepting and Dispensing of \$1 Coin (Sept 2008) ([31 U.S.C. 5112\(p\)\(1\)](#)).

(d) *Comptroller General Examination of Record*. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at [52.215-2](#), Audit and Records—Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR [Subpart 4.7](#), Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

(i) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 ([41 U.S.C. 251 note](#))).

(ii) [52.219-8](#), Utilization of Small Business Concerns (Dec 2010) ([15 U.S.C. 637\(d\)\(2\)](#) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1.5 million for construction of any public facility), the subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.

(iii) [Reserved]

(iv) [52.222-26](#), Equal Opportunity (Mar 2007) (E.O. 11246).

(v) [52.222-35](#), Equal Opportunity for Veterans (Sep 2010) ([38 U.S.C. 4212](#)).

(vi) [52.222-36](#), Affirmative Action for Workers with Disabilities (Oct 2010) ([29 U.S.C. 793](#)).

(vii) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause [52.222-40](#).

(viii) [52.222-41](#), Service Contract Act of 1965 (Nov 2007) ([41 U.S.C. 351](#), *et seq.*).

(ix) [52.222-50](#), Combating Trafficking in Persons (Feb 2009) ([22 U.S.C. 7104\(g\)](#)).

___ Alternate I (Aug 2007) of [52.222-50](#) ([22 U.S.C. 7104\(g\)](#)).

(x) [52.222-51](#), Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (Nov 2007) ([41 U.S.C. 351](#), *et seq.*).

(xi) [52.222-53](#), Exemption from Application of the Service Contract Act to Contracts for Certain Services-Requirements (Feb 2009) ([41 U.S.C. 351](#), *et seq.*).

(xii) [52.222-54](#), Employment Eligibility Verification (Jan 2009).

(xiii) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause [52.226-6](#).

(xiv) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) ([46 U.S.C. Appx. 1241\(b\)](#) and [10 U.S.C. 2631](#)). Flow down required in accordance with paragraph (d) of FAR clause [52.247-64](#).

(2) While not required, the contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

SECTION 3: AGENCY SPECIFIC TERMS AND CONDITIONS

A. Period of Performance

The period of performance of this BPA shall be ten (10) years from the date of BPA award.

B. Designation of Government Contracting Officer

Erica Day, Contracting Officer, Division of Programs Contracts, has been assigned to administer the contractual aspects of this BPA. Only the Contracting Officer shall make quality or delivery schedule changes in the Statement of Work, BPA cost, price, and/or quantity by a properly executed modification. All correspondence that in any way concerns the terms or conditions of this BPA shall be submitted in writing directly to the Contracting Officer via email at Erica.Day@ssa.gov.

C. Designation of Contracting Officer's Technical Representative (COTR), and Alternate COTR (MAY 2012)

The following Contracting Officer's Technical Representative (COTR) and Alternate COTR will represent the Government for the purpose of this agreement:

NAME	TITLE (e.g. COTR, or Alt. COTR)	ADDRESS	EMAIL
Cindy Barcelles	COTR	P.O. Box 17778 Baltimore, MD 21235-17778	ENContracts@ssa.gov
Martin Mettee	Alt. COTR	Same as above	ENContracts@ssa.gov

The COTR or Alternate COTR may not re-delegate the authority outlined in this clause, or the authority specified within their COTR designation letters.

The COTR is responsible for the following general duties:

1. Monitoring the contractor's technical progress, including the surveillance and assessment of performance and recommending to the Contracting Officer (CO) changes in requirements;
2. Interpreting the statement of work (SOW), statement of objective (SOO), or performance work statement (PWS), and any other technical performance requirements;
3. Performing technical evaluation of requirements as required;
4. Performing technical inspections and acceptances required by this [contract, order, or agreement];

5. Assisting in the resolution of technical problems encountered during performance;
- (6) Certifying invoices or vouchers for payment by confirming the receipt of goods and/or services at the contracted price/costs; and
- (7) Initiating a Contractor Performance Assessment Report (CPAR) within 30 days after electronic notification that a CPAR is required.

The alternate COTR is responsible for carrying out the duties of the COTR only in the event the COTR can no longer perform his or her duties as assigned, or is unavailable.

The COTR, Alternate COTR, and Task Manager (TM)(if applicable) are the only Government employees authorized by the CO to perform certain functions of the agreement. The COTR and Alternate COTR are authorized to perform the functions listed above, and may provide the technical direction described below.

The CO is the only person with authority to act as agent of the Government under this agreement. Only the CO has authority to:

- (1) Direct or negotiate any changes in the SOW, SOO, or PWS;
- (2) Modify or extend the period of performance;
- (3) Change the delivery schedule;
- (4) Authorize reimbursement to the Contractor for any costs incurred during the performance of this agreement; or
- (5) Otherwise, change any terms and conditions of this agreement.

At any time during performance of this agreement, the CO may unilaterally remove or replace the COTR or Alternate COTR.

The CO will provide written notice, transmitted electronically as an attachment to an email, or through standard mail carrier, to the contractor, of such designation, or any change thereto, within a reasonable amount of time after award, or after notification of a change is necessary. The designation letter sets forth the specific authorities, responsibilities, and limitations of the COTR, or Alternate COTR under this agreement.

Performance of work under this [contract, order, or agreement] shall be subject to the technical direction of the COTR. The term "technical direction" is defined to include, without limitation (except as specified in the COTR designation letter), the following:

- (1) Directions to the Contractor, on other than firm-fixed-price contracts, which redirect the

contract effort, shift work emphasis between work areas or tasks, require pursuit of certain lines of inquiry, fill in details or otherwise serve to accomplish the contractual SOW;

(2) Provisions of information to the Contractor, which assists in the interpretation of drawings, specifications, or technical portions of the work description;

(3) Review and, where required by the agreement, approval of technical reports, drawings, specifications, and technical information to be delivered by the Contractor to the Government under the agreement.

Technical direction must be within the general scope of the SOW, SOO, or PWS stated in Part III of this agreement. The COTR does not have the authority to and may not issue any technical direction that affects price, quality, quantity, delivery, or other terms and conditions of the agreement.

All technical direction will be issued in writing by the COTR or shall be confirmed by the COTR in writing within five working days after issuance.

The Contractor shall proceed promptly with the performance of technical direction duly issued by the COTR in the manner prescribed by this clause and within the COTR's authority under the provisions of this clause.

If, in the opinion of the Contractor, any instruction or direction issued by the COTR falls outside the authority of the COTR, the Contractor shall not proceed. In this case, the Contractor shall notify the CO, or designated Contract Specialist in writing, within five working days after receipt of any such instruction or direction and shall request the CO modify agreement accordingly. Upon receiving such notification from the Contractor, the CO shall issue an appropriate modification to the agreement, or advise the Contractor, in writing, that, the technical direction is within the scope of this clause and does not constitute a change under the "Changes" clause of this agreement. The Contractor shall proceed immediately with the direction given. A failure of the parties to agree upon the nature of the instruction or direction, or upon the action to be taken with respect thereto, shall be subject to the "disputes" clause of the agreement.

D. Permits and Licenses

In performance of work under this BPA, the Contractor shall be responsible for obtaining all necessary permits and licenses, and for complying with all applicable Federal, State and municipal laws. The Contractor shall promptly notify the Contracting Officer, in writing, in the event any problems arise during the performance of this BPA concerning permits, licenses or other legal requirements.

NOTE: The EN is precluded from using SSA's official logo to represent the EN in anyway, including correspondence, marketing material, and web sites. The EN may use the official logo for the Ticket to Work Program.

E. Indemnification and Liability Insurance

ENs are required to obtain insurance for the services they provide while under BPA to SSA. The contractor shall be solely liable for and expressly agrees to indemnify the Government with respect to the services rendered.

1. The contractor is required to maintain during the entire term of this BPA insurance coverage as explained below and in Part V--Section 2.Q of this solicitation.
 - (a) All contractors are required to maintain either general liability or professional insurance with a minimum coverage of \$500,000 per occurrence.
 - (b) In addition, contractors who provide health care services are required to obtain medical liability insurance with a minimum coverage of \$500,000.
2. **The contractor shall submit proof of insurance before a BPA will be awarded.** Such proof may consist of any of the following:
 - (a) certificate of insurance issued by the insurance company, agent or broker
 - (b) copy of the insurance policy;
3. Liability insurance may be either on an occurrences or on a claims-made basis. If the policy is on a claims-made basis, and the contractor is providing non-personal health services, an extended reporting endorsement (tail) for a period of not less than 3 years after the end of the BPA term must also be provided. Non-personal health services are defined as services provided by physicians, dentists, and other healthcare providers that are not performed under Government supervision and control.
 - (a) If during the performance period the Contractor changes insurance providers, the Contractor must provide evidence to SSA through the OSM that SSA will be indemnified for at least \$500,000 for the entire period of the BPA, under either the new policy or a combination of old and new policies. The evidence shall include either a certificate of insurance or a copy of the new policy. **The EN must submit evidence of current liability insurance coverage with their APOR.**
 - (b) These insurance requirements apply to **all subcontractors** and it is the contractor's responsibility to insure compliance. The contractor is not required to provide SSA with documentation of subcontractor insurance.

NOTE: One-stop delivery systems established under subtitle B of Title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), organizations

administering VR Services Projects for American Indians with Disabilities authorized under section 121 of part C of the Rehabilitation Act of 1973, as amended (29 U.S.C. 720 et seq.) and instrumentalities of a State (or political subdivision of a State) are exempt from submitting proof of insurance but must comply with the insurance requirements identified above and in Part III--Section 1.A.9, of this solicitation.

F. Warranty Against Dual Compensation

The Contractor warrants that no part of the claim for payment shall be paid, directly or indirectly, to any officer or employee of the SSA as wages, compensation or gifts for acting as officer, employee or consultant to the Contractor in connection with any work contemplated or performed under, or in connection with, this BPA.

G. EN Security and Suitability Requirements (June 2011)

a. Acronyms and Definitions

- **Access to a facility, site, system, or information** means physical access to any Social Security Administration (SSA) facility or site, logical access to any SSA information system, or access to programmatic or sensitive information.
- **CO** - Contracting Officer
- **Contractor** – In this clause, this term means any entity that has a relationship with SSA because of this contract. This term includes, but is not limited to, corporations, limited liability partnerships, and individuals.
- **CPOC** – Company Point of Contact as specified by the contract

NOTE: For ENs, the CPOC is the contract signatory authority; i.e., the individual whose signature appears in block 30a of the EN agreement award form (Standard Form 1449) as the EN's authorized contractor official.

- **CPSPM** – Center for Personnel Security and Project Management
- **COTR** – Contracting Officer's Technical Representative
- **Contractor Employee** – In this clause, this term means a person hired by an SSA contractor to provide services in exchange for compensation.
- **PIV** – Personal Identity Verification
- **Subcontractor** – In this clause, this term means any entity that has a relationship with SSA's contractor because of this contract. This term includes, but is not limited to, corporations, limited liability partnerships, and individuals.

- **Subcontractor Employee** - In this clause, this term means a person hired by a subcontractor to provide services in exchange for compensation.
- **eQIP** - Electronic Questionnaire for Investigations Processing

b. Purpose

This clause provides SSA's policies and procedures concerning the conduct of background investigations (i.e. suitability determinations). The purpose of these investigations is to determine the suitability of contractors, contractor employees, subcontractors, and subcontractor employees who need access to an SSA facility, site, system, or information. If applicable, the clause also describes the process to obtain a PIV credential.

c. PIV Credentials

A PIV credential will be required for:

- Any contractor, contractor employee, subcontractor or subcontractor employee requiring access to a SSA information system or routine, unescorted access to a SSA facility or site for a period of six months or more.(See Part IV--Section 3.G. k below for more information.)

A PIV credential will not be required for:

-
- Any contractor, contractor employee, subcontractor or subcontractor employee requiring escorted access to a SSA facility or site for less than six months.
- Any contractor, contractor employee, subcontractor or subcontractor employee requiring infrequent escorted access to a SSA facility or site, even if the access may be longer than six months. For example, contractors or contractor employees who provide infrequent facilities/equipment maintenance or repair, conduct onsite shredding, etc.

NOTE: EN and EN subcontractor employees are not required to obtain PIV credentials. However, a background investigation is required any time a contractor, contractor employee, subcontractor or subcontractor employee requires any type of access to a facility, site, system or information regardless of whether or not a credential is required. Consequently, a suitability determination (see Part IV--Section 3.G.j below) is required for all EN and EN subcontractor employees with access to SSA beneficiary PII.

The contractor is required to include the substance of this clause in any subcontract where subcontractors and subcontractor employees will have similar access as described in the preceding paragraphs. However, the contractor is responsible for obtaining all of the required forms (see Part IV--Section 3.G.g-i below) from its subcontractors and the subcontractors' employees, reviewing these forms, and submitting them to

SSA. Subcontractors and subcontractors' employees shall not submit forms directly to SSA.

d. Authorities

- o [Homeland Security Presidential Directive 12](#)
- o [Office of Management and Budget Memorandum M-05-24](#)
- o [The Crime Control Act of 1990, Public Law 101-647](#), subtitle E, as amended by Public Law 102-190 (for childcare center security requirements)
- o [Executive Orders 10450](#) and [12968](#) and Title 5, Code of Federal Regulations (CFR), Parts [731](#), [732](#) and [736](#) (for positions assigned a "National Security" designation)

e. Background Investigation and Adjudication Process

The background investigation and adjudication processes are compliant with 5 CFR 731.

f. List of Applicants

Following award of this agreement, the CPOC will provide to SSA/CPSPM an applicant listing (i.e., cover sheet) of all individuals for whom the contractor is requesting a suitability determination (i.e., background investigation). This list should include the following:

- contractor's name
- contract number
- CPOC's name
- CPOC's contact information
- applicant's full name
- applicant's Social Security number (SSN)
- applicant's date of birth
- applicant's place of birth (must show city and state if born in the United States (U.S.) **or** city and country if born outside of the U.S.).

The background investigation process does not start until the CPOC submits this applicant listing; therefore, the CPOC should submit the listing as soon as practical after award.

Submit the applicant listing to the CPSPM, Attention: Cyndi Arndt, via U.S. Mail to the address located in Part IV--Section 3.G.1 below or via fax to 410-966-0640.

g. Required Forms

1. eQIP

SSA will initiate the eQIP process using the applicant listing provided by the CPOC. SSA

will email notification to the CPOC that each applicant has been invited into the eQIP website to complete electronically his/her background investigation form. The CPOC will direct the applicant to the eQIP website to complete the eQIP form. **The applicant will have up to seven (7) calendar days to complete the eQIP form.** The seven-day timeframe begins once SSA notifies the CPOC of the eQIP invitation(s). The applicant must print the signature pages of the form (pages 5 and 6 for Standard Form (SF) 85; pages 7-9 for SF 85P), sign the signature pages, and then provide the signed originals to the CPOC. In turn, the CPOC shall include the signature pages with the other required documentation (see Part IV--Section 3.G.g(2) below) and submit one (1) complete suitability package to CPSPM.

2. Paper Forms

- **Two (2) Field Division-258 charts, *Applicant Fingerprint Chart***

(Normally, the FD-258 charts are mailed to the EN following award of the EN agreement, but in the event this does not occur, they may be obtained from the CO, CPSPM, ENCT or the OSM.)

NOTE: The contractor will be responsible for obtaining and providing acceptable fingerprints for use by SSA. Regardless of the method used to fingerprint contractors, contractor employees, subcontractors or subcontractor employees (electronic capture or ink), the only acceptable fingerprint chart is the FD-258.

- **Optional Form 306, *Declaration for Federal Employment***

<http://www.opm.gov/forms/html/of.asp>

- **Fair Credit Reporting Act Authorization Form**

[Federal Investigations Notice: 98-02](#)

- **Original signed and dated eQIP Signature Pages** (See Part IV--Section 3.G. g.1 above)
 - **If the contractor, contractor employee, subcontractor or subcontractor employee is not a U.S. Citizen**, the individual must provide SSA with a legible photocopy of his or her work authorization permit and Social Security card.

h. Forms Completion

The CPOC must ensure **all paper forms are fully completed and signed prior to submission to SSA.** The fingerprint charts and all paper forms must be legible or typed in black ink and all signatures must be in black ink. There must be no “breaks” in residences or employment. SSA requires complete addresses, including zip codes and phone numbers. SSA must receive forms within 30 days of signature and date.

SSA will return forms not fully completed to the CPOC. To ensure the forms are completed correctly, obtain a sample of a properly completed form at the following website: http://www.ssa.gov/oag/acq/Sample_Security_Requirement_Docs%20.pdf. Access information related to the eQIP process at: [e-QIP - Quick Reference Guide for the Applicant](#).

i. Forms Submission

The CPOC shall submit **one cover sheet** to the SSA/CPSPM containing the names of all of the individuals for whom the contractor is submitting completed paperwork. (A copy of the cover sheet that was submitted to initiate the eQIP process under Part IV--Section 3.G.f above can be used if there are no changes to the cover sheet.) This cover sheet should include:

- contract number
- each applicant's full name
- each applicant's SSN
- each applicant's date of birth
- each applicant's place of birth.

Submit this cover sheet along with the completed paper forms and two FD-258 fingerprint charts for each applicant to:

SSA

CPSPM Suitability Team

6401 Security Boulevard

Room 1260 Dunleavy Building

Baltimore, MD 21235

Simultaneously, the CPOC must submit a copy of the cover sheet ONLY to the ENCT at:

Social Security Administration

Employment Network Proposals

Attn: Employment Network Contracts Team

P.O. Box 17778

Baltimore, MD 21235-17778

The CPOC must submit the paper forms **at least 15 days prior to the date work is to begin**. For new contract employees, subcontractors or subcontract employees (i.e., those who had not previously received a suitability determination under this contract) who will need access to a SSA facility, site, information or system, the contractor must submit these forms at least 15 days prior to beginning work under the contract.

j. Suitability Determination

A Federal Bureau of Investigation fingerprint check will be used as part of the basis for making a suitability determination. This determination is final unless information obtained during the remainder of the full background investigation, conducted by the Office of Personnel Management, is such that SSA would find the individual unsuitable to continue performing under this contract. CPSPM will notify the CPOC, COTR, and CO of the results of these determinations.

No contractor, contractor employee, subcontractor or subcontractor employee will be allowed access to a SSA facility, site, information or system until CPSPM has issued a favorable suitability determination for that contractor, contractor employee, subcontractor or subcontractor employee.

A contractor is not entitled to an equitable adjustment of the contract because of an unfavorable suitability determination(s). **Additionally, if SSA determines that the number or percentage of unfavorable determinations make successful contract performance unlikely, SSA may terminate the contract for cause or default.**

The contractor must notify the contractor employee, subcontractor or subcontractor employee of any unsuitable determinations as soon as possible after receipt of such a determination (see Part IV--Section 3.G.p below for an explanation of the appeals process).

k. Obtaining a Credential

Note: This section applies only if the contractor, contractor employee, subcontractor or subcontractor employee will have access to a facility, site, system or information as described in the first bullet under Part IV--Section 3.G.c above

Once the contractor, contractor employee, subcontractor or subcontract employee receives notification of an acceptable suitability determination, but prior to beginning work under the contract, the contractor, contractor employee, subcontractor or subcontract employee must appear at the respective Regional Security Office or at SSA Headquarters Parking and Credentialing Office to begin the credentialing process. The contractor, contractor employee, subcontractor or subcontract employee must present the suitability determination letter and two forms of identification at this meeting. At least one of the forms of identification must be a Government-issued photo identification (ID) (please see [Employment Eligibility Verification, I-9](#), for acceptable forms of ID). For SSA

Headquarters access, a completed Form SSA-4395, Application for Access to SSA Facilities, signed by the contractor, contractor employee, subcontractor or subcontract employee and the COTR is also required. The COTR will provide the SSA-4395 Form to the contractor, contractor employee, subcontractor or subcontract employee when applicable.

The contractor must contact the COTR to arrange for credentialing. The COTR is responsible for scheduling an appointment for contractors, contractor employees, subcontractors or subcontract employees to meet with the appropriate SSA Parking and Credentialing Office or Regional Security Office and obtain a credential. Once the COTR makes the appointment, the COTR must contact the contractor to inform the contractor of the credentialing appointment(s). The COTR must also arrange for the contractor, contractor employees, subcontractors or subcontract employees to be escorted (by either the COTR or a COTR's representative) to the appropriate credentialing office at the time of this appointment.

Credentialing appointments last approximately 15 minutes. Depending on a contractor's scheduling needs and availabilities, contractor employees, subcontractors or subcontract employees may be scheduled for credentialing all in one day (this process may take a few hours to complete, depending on the number of employees that need to be credentialed) or contractor employees, subcontractors, or subcontract employees may come in at separate times convenient to the individuals' and the COTR's schedules.

SSA Headquarters' Parking and Credentialing Office representatives can be reached by emailing Parking.and.Credentialing@ssa.gov or calling 410/965-5910.

Regional Security Office contact information can be found in the Appendix at the end of this clause.

l. Contractors, Contractor Employees, Subcontractors or Subcontract Employees Previously Cleared by SSA or Another Federal Agency

If a contractor, contractor employee, subcontractor or subcontract employee previously received a suitability determination from SSA or another Federal agency, the CPOC should include this information next to the individual's name on the initial applicant listing (see Part IV--Section 3.G.f above). CPSPM will review the information. If CPSPM determines another suitability determination is not required, it will provide a letter to the CPOC and COTR indicating the contractor, contractor employee, subcontractor or subcontract employee was previously cleared under another Federal contract and does not need to go through the suitability determination process again.

m. Contractor Notification to Government

The contractor shall notify the COTR and CPSPM within one business day if the contractor, contractor employee, subcontractor or subcontract employee is arrested or charged with a crime during the term of this contract, or if there is any other change in the

status of the contractor, contractor employee, subcontractor or subcontract employee (e.g., the contractor employee leaves the company; the contractor employee no longer works under the contract; the alien status of the contractor, contractor employee, subcontractor or subcontract employee changes) that could affect the suitability determination for that individual. The contractor must provide in that notification as much detail as possible, including, but not limited to: name(s) of individual whose status has changed, contract number, the type of charge(s), if applicable, the court date, and, if available, the disposition of the charge(s).

n. Contractor Return of PIV Credential

The contractor must account for and ensure that all forms of Government-provided identification (PIV credential) issued to a contractor, contractor employee, subcontractor or subcontract employee under this contract are returned to SSA's Headquarters' Parking and Credentialing Office or Regional Security Office, as appropriate, as soon as any of the following occur: when no longer needed for contract performance; upon completion of a contractor's, contractor employee's, subcontractor's or subcontract employee's employment; or upon contract completion or termination.

o. Government Control

The Government has full control over and may grant, deny or withhold access to a facility, site, system or information and may remove contractors, or require the contractor to remove contractor employees, subcontractors or require the subcontractor to remove subcontractor employees from performing under the contract for reasons related to conduct even after the individual has been found suitable to work on the contract (see Part IV--Section 3.G.q below).

p. Appeals Process for Unsuitable Determinations

If a contractor, contractor employee, subcontractor or subcontract employee would like clarification or wishes to appeal an unsuitable determination, his/her request must be in writing and submitted within 30 days of the date of the unsuitable determination. The contractor may not file appeals on behalf of its employees, subcontractors or subcontract employees; rather, contractor employees, subcontractors or subcontract employees must file their own individual appeals.

The request for clarification and/or the appeal can be emailed to SSA at

dchr.ope.hspd12appeals@ssa.gov or mailed to:

Social Security Administration

Attn: CPSPM Suitability Program Officer

6401 Security Boulevard

Room 1260 Dunleavy Building

Baltimore, MD 21235

q. Removal From Duty

SSA may remove a contractor or request that the contractor immediately remove or cause to be removed any contractor employee, subcontractor or subcontract employee from working under the contract based on conduct that occurs after a favorable suitability determination. This includes temporarily removing a contract employee, subcontractor or subcontract employee should the individual be arrested for a violation of law pending the outcome of any judicial proceedings. The contractor must comply with these requests to remove or cause to have removed any contractor employee, subcontractor or subcontract employee. The Government's determination may be made based on, but not limited to, incidents involving the misconduct or delinquency as set forth below:

- i. Violation of the Rules and Regulations Governing Public Buildings and Grounds, 41 CFR 101-20.3. This includes any local badging requirements.
- ii. Neglect of duty, including sleeping while on duty; unreasonable delays or failure to carry out assigned tasks; conducting personal affairs while on duty; and refusing to cooperate in upholding the integrity of SSA's security program.
- iii. Falsification or unlawful concealment, removal, mutilation, or destruction of any official documents or records or concealment of material facts by willful omissions from official documents or records.
- iv. Disorderly conduct, use of abusive or offensive language, quarreling, intimidation by words or actions or fighting. Also, participating in disruptive activities that interfere with the normal and efficient operations of the Government.
- v. Theft, vandalism or any other criminal actions.
- vi. Selling, consuming, possessing or being under the influence of intoxicants, drugs or substances that produce similar effects.
- vii. Improper use of official authority or credentials.
- viii. Unauthorized use of communications equipment or Government property.
- ix. Misuse of weapon(s) or tools used in the performance of the contract.
- x. Unauthorized access to areas not required for the performance of the contract.
- xi. Unauthorized access to employees' personal property.

- xii. Violation of security procedures or regulations.
- xiii. Prior determination by SSA or other Federal agency that a contractor, contractor employee, subcontractor or subcontract employee was unsuitable.
- xiv. Unauthorized access to, or disclosure of, agency programmatic or sensitive information or Internal Revenue Service Tax Return information.
- xv. Unauthorized access to an agency Automated Information System.
- xvi. Unauthorized access of information for personal gain (including, but not limited to, monetary gain) or with malicious intent.
- xvii. Not providing for the confidentiality of and protection from disclosure of information entrusted to them. Certain provisions of the following statutes and regulations that apply to Federal employees also apply equally to contractors, contractor employees, subcontractors, and subcontract employees:
 - The Privacy Act of 1974
 - The Tax Reform Act of 1976 and the Taxpayer Browsing Protection Act of 1997
 - SSA regulation 1
 - The Computer Fraud and Abuse Act of 1986
 - Section 1106 of the Social Security Act

- xviii. Being under investigation by an appropriate authority for violating any of the above.

H. Federal Information Security Management Act (FISMA) and Agency Privacy Management (October 2008)

1. Definitions

The following terms are defined for the purposes of this clause:

“Agency” means the Social Security Administration (SSA).

“OAG” means the Office of Acquisition and Grants at SSA.

2. Agency Responsibility related to FISMA Training Requirements

[The Federal Information Security Management Act of 2002 \(FISMA\) \(Title III, Pub. L. No. 107-347\)](#) and the Office of Management and Budget (OMB) policy (through [Circular A-130, Appendix III](#)) require that all Agency employees, as well as contractor and subcontractor employees working under Agency service contacts, receive periodic training

in computer security awareness and accepted computer security practice of all employees, including contractors. This includes training for contractor personnel who do not have access to electronic information systems. The training level is tailored to the risk and magnitude of harm related to the required activities.

SSA's Security Awareness bulletin adequately covers the required IT security and privacy awareness training for this contract. The bulletin is located on OAG's internet site (see information in Part IV--Section 3.H.3 below). This training does not preclude any additional training specified elsewhere in this agreement.

3. Contractor Responsibilities related to FISMA Training Requirements

- a. Following agreement award, the EN contractor shall ensure that all EN contractor employees performing under this agreement have signed the security bulletin entitled "SSA Security Awareness: Contractor Personnel Security Certification." This requirement also applies to EN contractor employees added to the agreement after performance has commenced. A copy of this form is located on [OAG's Internet website](#).
- b. The EN contractor must receive signed copies of the bulletin from each EN employee working under the agreement within 45 days following agreement award, or within 45 days after a EN contractor employee begins working under the agreement.
- c. The EN contractor shall send an email to security.awareness.training@ssa.gov, along with a complimentary copy to the ENCT at ENcontracts@ssa.gov, within 60 days following agreement award and anytime a new EN contractor employee is added to perform work under the agreement. The EN contractor's email shall include the following:
 - EN contractor name and agreement number
 - EN contact name, telephone number, and email address (if any)
 - EN agreement date or renewal date, whichever is later
 - Names of EN employees who have signed the SSA Security Awareness: Contractor Personnel Security Certification.
- d. The EN contractor shall retain copies of these signed bulletins for potential future SSA audits for a period of three years after final payment (per [FAR 4.703](#)).
- e. For each successive year the agreement is in operation, the EN contractor shall repeat the processes described in items 3. a – d above on an annual basis. The EN contractor must submit the information in 3.c, above, within 60 days of: (i) the date the option was renewed (ii) the anniversary of the agreement award date or

(iii) as otherwise directed by SSA.

4. Applicability of this Clause to contractor/subcontractor employees

The EN contractor is required to include a clause substantially the same as this in all subcontracts awarded for technical or support services under the prime agreement. This clause shall require the subcontractors to report the information listed in Part IV--Section 3.H.3.c, above to the EN contractor and the EN contractor will be responsible for reporting all applicable numbers to SSA. The subcontractor shall be responsible for maintaining its signed forms as detailed in Part IV--Section 3.H.3.d, above.

I. SSA Security Awareness: Contractor Personnel Security Certification

Purpose: This form is to be signed by EN contractor personnel to certify that they have received and understand SSA's Security Awareness Training requirements detailed below.

I have read and understand the following SSA Security Awareness: Contractor Personnel Security Certification and, in accordance with this document, agree that:

1. I will not construct or maintain, for a period longer than required by the agreement, any record or file containing SSA data.
2. I will safeguard SSA information (file, record, report, etc.) when taken offsite.
3. I will not inspect SSA information without proper authorization.
4. I will keep confidential any third-party proprietary information that may be entrusted to me as part of the contract.
5. I will not release or disclose any SSA information to any unauthorized person. SSA information includes Federal Tax Information, whose unauthorized disclosure is subject to penalties under Sections [6103](#), [7213](#), [7213A](#) and [7431](#) of the Internal Revenue Service (IRS) Code. All SSA information is also protected by [Section 1106 of the Social Security Act](#).
6. If a clause addressing the protection of confidential information is included in any contract under which I am working, I will adhere to the policies and act in accordance with the procedures contained in that clause.
7. If a clause addressing the protection of personally identifiable information (PII) is included in any contract under which I am working, I will adhere to the policies and act in accordance with the procedures contained in that clause.
8. I understand that disclosure of any information to parties not authorized by SSA may lead to civil and/or criminal prosecution under Federal law (i.e. [The Privacy Act of 1974](#), [5 U.S.C 552a](#), [20 C.F.R. Part 401](#), and [5 U.S.C Section 552\(i\)](#)).

- -

Contractor Employee (**Typed/Printed Name**) Date

Contractor Employee (**Signature**)

J. Protection of Confidential Information (DEC 2008)

- a. *Confidential information*, as used in this clause, means information or data, or copies or extracts of information or data, that is: (1) provided by the Social Security Administration (SSA) to the contractor for, or otherwise obtained by the contractor in, the performance of this contract; and (2) of a personal nature about an individual, such as name, home address, and social security number, or proprietary information or data submitted by or pertaining to an institution or organization, such as employee pay scales and indirect cost rates.
- b. The Contracting Officer and the Contractor may, by mutual consent, identify elsewhere in this agreement specific information or categories of information that the Government will furnish to the Contractor or that the Contractor is expected to generate, which are confidential. Similarly, the Contracting Officer and the Contractor may, by mutual consent, identify such confidential information from time to time during the performance of the contract. The confidential information will be used only for purposes delineated in the contract; any other use of the confidential information will require the Contracting Officer's express written authorization. The Contracting Officer and the Contractor will settle any disagreements regarding the identification pursuant to the "Disputes" clause.
- c. The Contractor shall restrict access to all confidential information to the minimum number of employees and officials who need it to perform the contract. Employees and officials who need access to confidential information for performance of the agreement will be determined in conference between SSA's Contracting Officer, Contracting Officer's Technical Representative, and the responsible Contractor official. Upon request, the Contractor will provide SSA with a list of "authorized personnel," that is, all persons who have or will have access to confidential information covered by this clause.
- d. The Contractor shall process all confidential information under the immediate supervision and control of authorized personnel in a manner that will: protect the confidentiality of the records; prevent the unauthorized use of confidential information; and prevent access to the records by unauthorized persons.
- e. The Contractor shall inform all authorized personnel with access to confidential information of the confidential nature of the information and the administrative, technical and physical safeguards required to protect the information from improper disclosure. All confidential information shall, at all times, be stored in an area that is physically safe from unauthorized access. See Part IV--Section 3.J(f) below regarding the minimum standards, which the safeguards must meet.
- f. Whenever the Contractor is storing, viewing, transmitting, or otherwise handling confidential information, the Contractor shall comply with the applicable standards for security controls that are established in the Federal Information Security and Management Act (FISMA). (These standards include those set by the National

Institute of Standards and Technology (NIST) via the Federal Information Processing Standards (FIPS) publications and NIST Special Publications, particularly [FIPS 199](#), [FIPS 200](#), and [NIST Special Publications - 800 series](#).)

- g. If the Contractor, in the performance of the contract, uses any information subject to the Privacy Act of 1974, 5 U.S.C. 552a, and/or section 1106 of the Social Security Act, 42 U.S.C. 1306, the Contractor must follow the rules and procedures governing proper use and disclosure set forth in the Privacy Act, section 1106 of the Social Security Act, and the Commissioner's regulations at 20 C.F.R. Part 401 with respect to that information.

For knowingly disclosing information in violation of the Privacy Act, the Contractor and Contractor employees may be subject to the criminal penalties as set forth in 5 U.S.C. Section 552(i)(1) to the same extent as employees of SSA. For knowingly disclosing confidential information as described in section 1106 of the Social Security Act (42 U.S.C. 1306), the Contractor and Contractor employees may be subject to the criminal penalties as set forth in that provision.

- h. The Contractor shall assure that each Contractor employee with access to confidential information is made aware of the prescribed rules of conduct, and the criminal penalties for violations of the Privacy Act and/or the Social Security Act.
- i. Whenever the Contractor is uncertain how to handle properly any material under the contract, the Contractor must obtain written instructions from the Contracting Officer addressing this question. If the material in question is subject to the Privacy Act and/or section 1106 of the Social Security Act or is otherwise confidential information subject to the provisions of this clause, the Contractor must obtain a written determination from the Contracting Officer prior to any release, disclosure, dissemination, or publication. Contracting Officer instructions and determinations will reflect the result of internal coordination with appropriate program and legal officials.
- j. Performance of this agreement may involve access to tax return information as defined in 26 U.S.C. Section 6103(b) of the Internal Revenue Code (IRC). All such information shall be confidential and may not be disclosed without the written permission of the SSA Contracting Officer. For willfully disclosing confidential tax return information in violation of the IRC, the Contractor and Contractor employees may be subject to the criminal penalties set forth in 26 U.S.C. Section 7213.
- k. The Government reserves the right to conduct on-site visits to review the Contractor's documentation and in-house procedures for protection of and security arrangements for confidential information and adherence to the terms of this clause.
- l. The Contractor must include this clause in all resulting subcontracts whenever there is any indication that the subcontractor(s), engaged by the contractor, and their employees or successor subcontractor(s) and their employees might have access to SSA's confidential information.
- m. The Contractor must assure that its subcontractor(s) and their employees or any successor subcontractor(s) and their employees with access to SSA confidential information are made aware of the prescribed rules of conduct. For knowingly disclosing SSA's confidential information, any subcontractor(s) and their employees

or successor subcontractor(s) and their employees may be subject to criminal penalties as described in section 1106 of the Social Security Act (42 U.S.C. 1306) and the Privacy Act (5 U.S.C. 552a).

K. Protecting and Reporting the Loss of Personally Identifiable Information: Responsibilities Concerning Individual Employees (DEC 2008)

1. Definitions

The following terms are defined for the purposes of this clause:

- “Agency” means the Social Security Administration (SSA).
- “Employee(s)” means an individual(s) employed, including, for the purposes of this clause, management officials, by either the Contractor or subcontractor that are working under this contract.
- “Handling PII” means having access, either currently or in the future, to personally identifiable information (PII), as defined in this clause.
- “Lost, compromised, or potentially compromised PII” means that, while the Contractor/employee is in possession of PII, the PII has become physically missing (e.g., it has been stolen) or has been otherwise breached so that persons other than authorized users, and for other than an authorized purpose, have access or *potential* access to the PII, regardless of the form (e.g., electronic or physical) in which it was stored. Indications of lost, compromised, or potentially compromised PII include missing equipment (e.g., laptops and removable storage devices such as USB flash or “thumb” drives, CDs, DVDs, etc.) and/or paper documents potentially containing PII, as well as actions where PII was emailed in violation of the terms contained in Section 2.(d), *Emailing PII*, below.
- “Personally Identifiable Information” (PII): SSA follows the definition of PII provided by the Office of Management and Budget in OMB Memorandum [OMB M-07-16](#): “The term ‘personally identifiable information’ refers to any information which can be used to distinguish or trace an individual's identity, such as their name, Social Security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc.” Other examples of PII may include, but are not limited to: Social Security benefit data, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, home address, and medical information. Within this clause, “PII” shall specifically mean PII as defined above which: (1) SSA has a primary responsibility for and/or interest in protecting; and (2) is made available or becomes accessible to the Contractor and/or

any subcontractor, including their respective employees, as a result of performing under this agreement (e.g., under the contract, SSA directly furnishes PII to the Contractor/subcontractor, or the Contractor/subcontractor, in order to perform its duties under the contract, collects PII from outside sources, such as in a public survey).

- “Secure Area” or “Secure Duty Station” means, for the purpose of this clause, either of the following, unless SSA expressly states otherwise on a case-by-case basis: (1) an employee’s official place of work that is in the Contractor’s or subcontractor’s established business office in a commercial setting **or** (2) a location within SSA or other Federal-or State-controlled premises. A person’s private home, even if it is used regularly as a “home office” (including that of a Contractor or subcontractor management official), shall not be considered a secure area or duty station.

2. Employee Responsibility in Safeguarding PII

The Contractor shall establish, maintain, and follow its own policy and procedures to protect PII, including those for reporting lost or compromised, or potentially lost or compromised, PII (see Section 4. (a), below). The Contractor shall inform its employees handling PII of their individual responsibility to safeguard it. In addition, the Contractor shall, within reason, take appropriate and necessary action to: (1) educate employees on the proper procedures designed to protect PII, as described below and as otherwise approved by the Agency; and (2) enforce their compliance with the policy and procedures prescribed as follows:

(a) *General.* Employees shall properly safeguard PII from loss, theft, or inadvertent disclosure. Employees are responsible for safeguarding this information at all times, regardless of whether or not the employee is at his or her regular duty station. Examples of proper safeguarding include, but are not limited to: maintaining the confidentiality of each employee’s individual password (by not sharing the password with any other individual or entity and not writing it down); verifying the identity of individuals before disclosing information to them; preventing others in the area from viewing PII on one’s computer screen; consistently locking or logging off one’s workstation when one is away; and ensuring that PII is appropriately returned or, upon receiving SSA’s approval, destroyed when no longer needed.

(b) *Transporting PII Outside a Secure Area/Secure Duty Station.* **Note:** The term “transporting” used here does **not** include shipping by a common or contract carrier, as defined in [FAR 47.001](#), or by the U.S. Post Office.

(1) Employees shall make every reasonable effort to safeguard equipment, files, or documents containing PII when transporting information from a secure area/secure duty station. Employees must ensure that the laptops and other electronic devices/media being used to transport PII are encrypted and password protected. The Contractor shall make every reasonable effort to ensure that the encryption and password protection are in

accordance with any SSA-prescribed standards or policies, which shall be communicated separately from this clause. Employees must use reasonable protection measures when transporting PII, e.g., storing files in a locked briefcase, not leaving files and/or equipment in plain view.

(2) Employees transporting PII, including transporting PII duplications, such as electronic copies and photocopies, from their secure duty station or an otherwise secured area to an unsecured area shall obtain prior approval in accordance with the Contractor's established policy. The Contractor shall provide employees with contact information and instructions based on the Contractor's security/PII loss incident policy and procedures.

NOTE: Agency-prescribed contact information and instructions for reporting lost or possibly lost PII are discussed in Section 3. below.

(3) Tracking files.

Unless the PII is being transported for disposal pursuant to the contract, (see (c) below), the Contractor shall, within reason, take appropriate and necessary action to ensure that the file (s) or document(s) being physically transported or transmitted electronically outside the secure area/secure duty station are tracked through a log: they must be logged out prior to transport as well as logged back in upon return. The Contractor can establish any mechanism for tracking as long as the process, at a minimum, provides for the following information to be logged:

- a. first and last name of the employee taking/returning the material;
- b. the name of the file or document containing PII that he/she intends to transport from the office;
- c. all the forms or media in which the PII was transported (e.g., electronic, such as laptop, thumb drive, CD—be as specific as possible; paper, such as paper file folders or printouts);
- d. the reason he/she intends to transport the file or document containing PII;
- e. the date he/she transported the file or document containing PII from the secure duty station; and
- f. the date he/she returned the file or document containing PII to the secure duty station.

Materials must be returned or documented as destroyed within 90 days of removal from the office or have Contractor supervisory approval for being held longer.

The log must be maintained in a secure manner. Upon request by the Agency, the Contractor shall provide the information from the log in a format (e.g., electronic or paper) that can be readily accessed by the Agency.

(c) *Employee Disposal of PII.* The marked statement below applies to this contract:

This agreement entails employee disposal of PII.

[X] This agreement does **not** entail employee disposal of PII. The Contractor shall, within reason, take appropriate and necessary action to ensure that the procedures detailed in (3) above pertaining to the logging of PII that is transported outside a secure area/from their secure duty station are followed.

(d) *Emailing PII.* The Contractor's corporate or organizational email system is deemed not to be secure. Therefore, the Contractor shall put policies and procedures in place to ensure that its employees email PII using only the following procedures in (1)-(2), below:

(1) Sending from an SSA email address. If employees have been given access to the SSA email system, they may use it to send email messages containing PII in the body or in an unencrypted attachment but only to other SSA email addresses (which contain the "name @ssa.gov" format) or to email addresses belonging to an SSA-certified email system. Email directed to any other address(es) may contain PII only if the PII is entirely contained in an encrypted attachment.

(2) Sending from a non-SSA email system. If employees are using the Contractor's own or any other non-SSA email system (e.g., Yahoo!, Gmail), they may send email messages transmitting PII only if the PII is entirely contained in an encrypted attachment; none of the PII may be in the body of the email itself or in an unencrypted attachment. When emailing from such systems, this procedure applies when emailing PII to *any* email address, including but not limited to, an SSA email system address. Unless specifically noted otherwise, the Contractor and its employees are expected to conduct business operations under this agreement using the Contractor's own email system, i.e., in accordance with the foregoing rules for transmitting PII.

3. Agency-Prescribed Procedures for Reporting Lost, Compromised, or Potentially Compromised PII.

"Lost, compromised, or potentially compromised PII" is defined in Section 1, above. The reporting requirement established in this section is for reporting all incidents involving PII, with no distinction between suspected and confirmed breaches.

SSA has its own reporting requirements for PII that is lost, compromised, or potentially compromised. The purpose of this section is to ensure that these requirements are met and that incident information is shared appropriately.

(a) *Contractor Responsibility.* In addition to establishing and implementing its own internal procedures referenced in Section 2., above, the Contractor is responsible for taking reasonable actions to implement Agency-prescribed procedures described in (c) below for reporting lost, compromised, or potentially compromised PII. These include educating employees handling PII about these procedures and otherwise taking appropriate and necessary steps to enforce their compliance in carrying them out.

(b) *Potential Need for Immediate, Direct Reporting by the Employee.* SSA recognizes that Contractor employees will likely make the initial discovery of a PII security breach. When

an employee becomes aware or suspects that PII has been lost or compromised, he/she is required to follow the Contractor's established security/PII loss incident reporting process (see Section 4. (a), below). The Contractor's reporting process, along with SSA's (see Section 3. (c) below), shall require the Contractor, and not necessarily the employee, in such circumstances to notify SSA of the incident. However, the Contractor shall inform each employee handling or potentially handling PII that he/she must be prepared to directly notify outside authorities immediately as described in (c)(4) below, if, shortly following the incident or discovery of the incident, he/she finds it evident that neither an appropriate Contractor nor SSA manager/contact can be reached. The Contractor should emphasize to the employee that timeliness in reporting the incident is critical.

(c) *Procedures.*

(1) When an employee becomes aware or suspects that PII has been lost, compromised, or potentially compromised (see 1. Definitions, above), the Contractor, in accordance with its incident reporting process, shall provide immediate notification of the incident to the primary SSA contact. If the primary SSA contact is not readily available, the Contractor shall immediately notify one of two SSA alternates, if names of alternates have been provided. (**See Attachment A for the identity of the designated primary and alternate SSA contacts.**) The Contractor shall act to ensure that each employee, prior to commencing work on the contract, has been given information as to who the primary and alternate SSA contacts are and how to contact them. In addition, the Contractor shall act to ensure that each employee promptly receives any updates on such information as they are made available. Whenever the employee removes PII from a secure area/secure duty station, he/she must comply with the Contractor's security policies, including having on hand the current contact information for the primary SSA contact and the two alternates.

(2) The Contractor shall provide the primary SSA contact or the alternate, as applicable, updates on the status of the reported PII loss or compromise as they become available but shall not delay the initial report.

(3) The Contractor shall provide complete and accurate information about the details of the possible PII loss to assist the SSA contact/alternate, including the following information:

- I. Contact information;
- II. A description of the loss, compromise, or potential compromise (i.e., nature of loss/compromise/potential compromise, scope, number of files or records, type of equipment or media, etc.) including the approximate time and location of the loss;
- III. A description of safeguards used, where applicable (e.g., locked briefcase, redacted personal information, password protection, encryption, etc.);
- IV. An identification of SSA components (organizational divisions or subdivisions) contacted, involved, or affected;
- V. Whether the Contractor or its employee has contacted or been contacted by any external organizations (i.e., other agencies, law enforcement, press,

- etc.);
- VI. Whether the Contractor or its employee has filed any other reports (i.e., Federal Protective Service, local police, and SSA reports); and
 - VII. Any other pertinent information

The Contractor shall use the worksheet (or a copy thereof) following this clause to quickly gather and organize information about the incident.

(4) There may be rare instances outside of business hours when the Contractor is unable to reach either the primary SSA contact or any of the alternates immediately. In such a situation, the Contractor shall immediately call SSA's Network Customer Service Center (NCSC) at 410-965-7777 or toll free at 1-888-772-6111 to file the initial report directly, providing the information in (c)(3) above and completing the attached worksheet to the best of its ability. Overall, during this time, the Contractor shall cooperate as necessary with the NCSC or any of the other external organizations described in (c)(3) above.

The Contractor shall document the call with the CAPRS (Change, Asset, and Problem Reporting System) number, which the NCSC will assign. The Contractor shall provide the CAPRS number to the primary SSA manager, or, if unavailable, one of the alternates to this manager as described above.

If an employee initially detects the loss, compromise, or potential compromise of PII and finds it evident that neither an appropriate Contractor nor SSA manager/contact can be promptly reached, the employee shall undertake the foregoing actions prescribed to the Contractor in this part (i.e., immediately call the NCSC, document the CAPRS number assigned to the call, etc.). (Reference Section 3(b) above.)

(5) The Contractor and its employee(s) shall limit disclosure of the information and details about an incident to only those with a need to know. The security/PII loss incident reporting process will ensure that SSA's reporting requirements are met and that security/PII loss incident information is only shared as appropriate.

4. Additional Contractor Responsibilities When There Is a Loss of PII.

- a. The Contractor shall have a formal security/PII incident reporting process in place that outlines appropriate roles and responsibilities, as well as the steps that must be taken, in the event of a security/PII loss incident. The plan shall designate who within the Contractor's organization has responsibility for reporting the loss, compromise, or potential compromise of PII to SSA.
- b. In the event of a security/PII loss incident, the Contractor shall take immediate steps to address consequential security issues that have been identified, including steps to minimize further security risks to those individuals whose personal information was lost, compromised, or potentially compromised.
- c. The Contractor shall confer with SSA personnel in reviewing the actions the

Contractor has taken and plans to take in dealing with the incident.

- d. The Contractor shall bear the responsibility and any cost for any data breach and/or remediation actions that might arise from the security/PII loss incident. If SSA determines that the risk of harm requires notification of affected individual persons of the security breach and/or other remedies, the Contractor shall carry out these remedies without cost to SSA.

5. Applicability of this Clause to Subcontractors/Subcontractor Employees

- a. The Contractor shall include this clause in all resulting subcontracts whenever there is any indication that the subcontractor and their employees, or successor subcontractor (s) and their employees, will or might have access to PII.
- b. The Contractor shall, within reason, take appropriate and necessary action to assure SSA that its subcontractor(s) and their employees, or any successor subcontractor(s) and their employees, with access to PII know the rules of conduct in protecting and reporting the loss or suspected loss of PII as prescribed in this clause, such as those regarding the emailing of PII as stated in Section 2(d) above.
- c. *Notification of Subcontractor Handling of PII.* If the Contractor engages a subcontractor under this agreement whose employee(s) will actually or potentially be given or have access to PII, the Contractor shall do the following: (1) Notify in advance both the SSA COTR and the Contracting Officer of this arrangement, providing the subcontractor name(s) and address(es) and, upon request, a description of the nature of the PII to which the employee(s) will actually or potentially be given/have access (e.g., phone numbers, Social Security numbers); and (2) Provide the SSA COTR the names of the subcontractor employee(s) who will actually or potentially be assigned and/or have access to the PII. The Contractor may satisfy this requirement when submitting the name(s) of the subcontractor employee(s) to the SSA COTR for the requisite security background check described in Section 6, below.

6. Contractor/Subcontractor Background Checks – Security & Suitability Requirements Clause

For each Contractor and subcontractor employee handling PII, the Contractor shall fulfill the requirements of the Security & Suitability Requirements Clause, found elsewhere in this contract, to ensure that any such individual has the appropriate background checks.

Worksheet for Reporting the Loss, Compromise, or Potential Compromise of Personally Identifiable Information

Contractor and Subcontractor Employees: See last page of this attachment for instructions on completing this worksheet.

1. **My primary SSA contact for reporting the loss, compromise, or potential compromise of PII is:**

Name Address Telephone

Bashiru Kamara Office of Employment Support Programs (410) 965-9128

6401 Security Boulevard

107 Altmeyer Building

Baltimore, MD 21235-6401

The alternate to the primary contact is:

Name Address Telephone

Theola Snowden same as above (410) 966-8989

2. Information about the individual making the report to SSA's Network Customer Service Center (NCSC):

Name:			
Position:			
Deputy Commissioner Level Organization:		Office of Retirement & Disability Policy (ORDP)	
Phone Numbers:			
Work:	Cell:	Home/Other:	
E-mail Address:			
Check one of the following:			
Management Official	<input type="checkbox"/>	Security Officer	Non- Management

Additional Information (to be provided when a contractor or subcontractor employee is reporting directly to the NCSC):

* Contractor/Subcontractor (circle as appropriate):

**SSA Agreement Number (if known):

3. Information about the data that was lost/stolen:

Describe what was lost or stolen (e.g., case file, MBR (Master Beneficiary Record) data):

Which element(s) of PII did the data contain?

Name	Bank Account Info	
SSN	Medical/Health Information	
Date of Birth	Benefit Payment Info	
Place of Birth	Mother's Maiden Name	
Address	Other (describe):	

Estimated volume of records involved:

4. How was the data physically stored, packaged and/or contained?

Paper or Electronic (circle one):

If Electronic, what type of device?

Laptop	Tablet	Backup Tape	Blackberry	
Workstation	Server	CD/DVD	Blackberry Phone #	
Hard Drive	Floppy Disk	USB Drive		
Other (describe):				

Additional Questions if Electronic:

	Yes	No	Not Sure
a. Was the device encrypted?			
b. Was the device password protected?			
c. If a laptop or tablet, was a VPN SmartCard lost?			
Cardholder's Name:			
Cardholder's SSA logon PIN:			
Hardware Make/Model:			
Hardware Serial Number:			

Additional Questions if Paper:

	Yes	No	Not Sure
a. Was the information in a locked briefcase?			
b. Was the information in a locked cabinet or drawer?			
c. Was the information in a locked vehicle trunk?			

d. Was the information redacted?			
e. Other circumstances:			

5. If the employee/Contractor/subcontractor that was in possession of the data or to whom the data was assigned is not the person making the report to the NCSC (as listed in #1), information about this employee/Contractor/subcontractor:

Name:			
Position:			
Deputy Commissioner Level Organization:	Office of Retirement & Disability Policy (ORDP)		
Phone Numbers:			
Work:	Cell:	Home/Other:	
E-mail Address:			

Additional Information (to be provided when person who was in possession of the data or assigned to the data is a Contractor/subcontractor employee):

*Contractor/Subcontractor (circle as appropriate):

**SSA Agreement Number (if known):

6. Circumstances of the loss:

- a. When was it lost/stolen?
- b. Brief description of how the loss/theft occurred:
- c. When was it reported to SSA management official (date and time)?

7. Have any other SSA components been contacted? If so, who? (Include Deputy Commissioner level, Agency level, Regional/Associate level component names)

8. Which reports have been filed? (include FPS, local police, and SSA reports)

Report Filed	Yes	No	Report Number
Federal Protective Service			
Local Police			
			Yes No
SSA-3114 (Incident Alert) -- Not Applicable for Contractors or Subcontractors			

SSA-342 (Report of Survey) -- Not Applicable for Contractors or Subcontractors		
Other (describe)		

INSTRUCTIONS (to the Contractor/Subcontractor Employee): Worksheet for Reporting Loss or Potential Loss of Personally Identifiable Information

1. If you are reporting the incident to a SSA manager or alternate, only complete Items 3 through 6. *Special notes regarding Item 5:*

- For “Position,” write “Contractor Employee” or “Subcontractor Employee,” as applicable, followed by a hyphen and your job title under the contract.
- With respect to Deputy Commissioner Level Organization, this should be the SSA COTR’s Deputy Commissioner Office and should already be provided on the form. If it is not (and you do not know this), have your primary or alternate contact, as applicable, complete the information.
- Be sure to provide the additional information regarding your company/organization’s name and, if known, the Agency-assigned agreement number.

2. If you are reporting the incident directly to the NCSC, complete all items to the extent possible (***NOTE: Item 4 will be “not applicable”***). *Special notes regarding Item 2:*

- For “Position,” write “Contractor Employee” or “Subcontractor Employee,” as applicable, followed by a hyphen and your job title under the contract.
- With respect to Deputy Commissioner Level Organization, this should be the SSA COTR’s Deputy Commissioner Office and should already be provided on the form. If it is not and you do not know this information, try to identify the name of the main program office, which the agreement is servicing (e.g., Office of Telecommunications and Systems Operations).
- Be sure to provide the additional information regarding your company/organization’s name and, if known, the Agency-assigned agreement number.

Message: FW: UI Integrity mandate - recent developments

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:43 PM
Item ID: 40862029
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ **FW: UI Integrity mandate - recent developments**

From Douglas, Jodi [IWD] **Date** Tuesday, March 04, 2014 3:14 PM
To Olivencia, Nicholas [IWD]
Cc

Do you get these?

From: Equifax Workforce Solutions [mailto:webinars@equifax.com]
Sent: Tuesday, March 04, 2014 2:23 PM
To: Douglas, Jodi [IWD]
Subject: UI Integrity mandate - recent developments



EQUIFAX WORKFORCE SOLUTIONS

Webinar Coming Soon

UI Integrity Update: Identifying Improper Claims

Date: Wednesday, March 12, 2014

Time: 2:00 PM ET, 1:00 PM CT, 12:00 PM MT, 11:00 AM PT

Fee: Free

REGISTER NOW →

Duration: 1 hour

With the recent adoption of a new UI Integrity mandate, we are pleased to present the next webinar in a series detailing this new legislation and its impact on employers. Moving forward, unemployment claims response is no longer an issue of whether or not to protest a claim. Under the new mandate, employers are required to respond to all claims in order to remain in compliance with state legislation and avoid financial penalties.

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Speakers

Lori Roberts
Director of Government Relations, Equifax Workforce Solutions

Sheldon Jackson
Director of UC Product Management, Equifax Workforce Solutions

Michelle Dooley
Director of UC Product Management, Equifax Workforce Solutions

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Sent to: jodi.douglas@iwd.iowa.gov
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Sent By: **Equifax Workforce Solutions** powered by **swiftpage**
11432 Lackland Road
St. Louis Missouri 63146
United States

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Message: RE: UI Integrity mandate - recent developments

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:43 PM
Item ID: 40862030
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: UI Integrity mandate - recent developments

From Douglas, Jodi [IWD] **Date** Tuesday, March 04, 2014 3:16 PM
To Olivencia, Nicholas [IWD]
Cc

Do you want me to send the ones that seem applicable to you?

From: Olivencia, Nicholas [IWD]
Sent: Tuesday, March 04, 2014 3:15 PM
To: Douglas, Jodi [IWD]
Subject: RE: UI Integrity mandate - recent developments

no

From: Douglas, Jodi [IWD]
Sent: Tuesday, March 04, 2014 3:14 PM
To: Olivencia, Nicholas [IWD]
Subject: FW: UI Integrity mandate - recent developments

Do you get these?

From: Equifax Workforce Solutions [<mailto:webinars@equifax.com>]
Sent: Tuesday, March 04, 2014 2:23 PM
To: Douglas, Jodi [IWD]
Subject: UI Integrity mandate - recent developments



WORKFORCE SOLUTIONS



UI Integrity Update: Identifying Improper Claims

Date: Wednesday, March 12, 2014
Time: 2:00 PM ET, 1:00 PM CT, 12:00 PM MT, 11:00 AM PT

[REGISTER NOW →](#)

Fee: Free

Duration: 1 hour

With the recent adoption of a new UI Integrity mandate, we are pleased to present the next webinar in a series detailing this new legislation and its impact on employers. Moving forward, unemployment claims response is no longer an issue of whether or not to protest a claim. Under the new mandate, employers are required to respond to all claims in order to remain in compliance with state legislation and avoid financial penalties.

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Message: RE: UI Integrity mandate - recent developments

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:43 PM
Item ID: 40862031
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: UI Integrity mandate - recent developments

From Douglas, Jodi [IWD] **Date** Tuesday, March 04, 2014 3:18 PM
To Olivencia, Nicholas [IWD]
Cc

Will do.

From: Olivencia, Nicholas [IWD]
Sent: Tuesday, March 04, 2014 3:17 PM
To: Douglas, Jodi [IWD]
Subject: RE: UI Integrity mandate - recent developments

Please

From: Douglas, Jodi [IWD]
Sent: Tuesday, March 04, 2014 3:16 PM
To: Olivencia, Nicholas [IWD]
Subject: RE: UI Integrity mandate - recent developments

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Subject: RE: UI Integrity mandate - recent developments

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Sent: Tuesday, March 04, 2014 2:23 PM
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Subject: UI Integrity mandate - recent developments

EQUIFAX

WORKFORCE SOLUTIONS



UI Integrity Update: Identifying Improper Claims

Date: Wednesday, March 12, 2014
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Fee: Free

[REGISTER NOW →](#)

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Message: FW: Add the week if you get a call**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:53 PM
 Item ID: 40862294
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **FW: Add the week if you get a call**

From Douglas, Jodi [IWD] **Date** Monday, March 17, 2014 11:18 AM
To Eklund, David [IWD]
Cc Wilkinson, Michael [IWD]

 **image001.jpg** (3 Kb HTML)

Hi Dave,

8 of our 9 cases for BAM this week (Key Week ending 3/8/14) show method of filing as MANBATCH with 9 employer contacts. Would you please provide a statement that the QC team can put in their case files with respect to the potential overpayment due to the system error?

Thank you!

Jodi Douglas

Quality Control Manager, Unemployment Insurance Services
 Iowa Workforce Development
 1000 East Grand Avenue
 Des Moines, IA 50319
 515-281-5225
 Jodi.Douglas@iwd.iowa.gov

From: West, Ryan [IWD]
Sent: Monday, March 10, 2014 10:23 AM
To: Allen, Shannell [IWD]; Anderson, Shantel [IWD]; Andreano, Lori [IWD]; Baccam, Frisco [IWD]; Batten, Gary [IWD]; Beattie, Adam [IWD]; Borgeson, Jill [IWD]; Boten, Brenda [IWD]; Chounlamountry, Pho [IWD]; Close, Kara [IWD]; Cogan, Karen [IWD]; Cozart, Jeanine [IWD]; Croushore, Brianne [IWD]; Dawson,

Dianne [IWD]; Densmore, Terryne [IWD]; DeSmidt, James [IWD]; Devine, Roxy [IWD]; Donlin, Michael [IWD]; Dyer, Ray [IWD]; Dykstra, Connie [IWD]; Edmonds, Linda [IWD]; Eklund, David [IWD]; Ellenwood, Kasandra [IWD]; Finck, Christal [IWD]; Garrett, Brent [IWD]; Gaulke-Lilly, Sharon [IWD]; Gifford, Matt [IWD]; Guy, Marlys [IWD]; Hallengren, Jon [IWD]; Hoard, Aaron [IWD]; Holett, Karen [IWD]; Hosier, Michael [IWD]; Irvine, Erin [IWD]; Irvine, Kevan [IWD]; Khounlo, Nhoui [IWD]; Kolontar, Lisa [IWD]; Kooiker, Quentin [IWD]; Landrew, Paul [IWD]; Lewis, Irma [IWD]; Long, Maria [IWD]; Moses, Ryan [IWD]; Nutting, Jenifer [IWD]; Oyibo, Joan [IWD]; Parry, Sharon [IWD]; Peacock, Phillip [IWD]; Prettyman, Laura [IWD]; Ramirez, Rebecca [IWD]; Rieger, Kim [IWD]; Roovaart, Michelle [IWD]; Ruby, Evelyn [IWD]; Saddoris, Michelle [IWD]; Schafer, Cathy [IWD]; Schlumbohm, Spomenka [IWD]; Schmalzried, Leslie [IWD]; Seivert, Shanlyn [IWD]; Shepherd, Deborah [IWD]; Spencer, Barbara [IWD]; Starr, Tracy [IWD]; Steen, Christina [IWD]; Stewart, Brian [IWD]; Stielow, Lisa [IWD]; Tavegia, Thomas [IWD]; Ung, Kham [IWD]; Vo, Vu [IWD]; Vogt, Jennifer [IWD]; Wey, Kevin [IWD]; Wolfe, Kathie [IWD]; Wood, Kirsten [IWD]; Young, Veronica [IWD]; Alden, Carmela [IWD]; Alexander, Marty [IWD]; Brendeland, Deb [IWD]; Buntenschach, Edward [IWD]; Conrath, Mary [IWD]; Dennis, Carla [IWD]; Drake, Denise [IWD]; Dugan, Boyd [IWD]; Gomez, Carmen [IWD]; Greco, Mary [IWD]; Hammond, Simona [IWD]; Harmon, Jeri [IWD]; Koonce, Kerry [IWD]; Kramer, Vicki [IWD]; Milligan, Joy [IWD]; OBrien, Karla [IWD]; Piper, Shari [IWD]; Rodriguez, Maria [IWD]; Shaw, Carmela [IWD]; Summy, Kelly [IWD]; Tate, Sherry [IWD]; Woods, Tamar [IWD]; Woods, Tina [IWD]; Batten, Ellen [IWD]; Douglas, Jodi [IWD]; Gilkison, Judy [IWD]; Halferty, Dan [IWD]; Jergenson, Kathy [IWD]; Lainson, Geralyn [IWD]; Piagentini, Mary [IWD]; Putzier, Juli [IWD]; Shenk, Jim [IWD]; Van Syoc, Jim [IWD]

Cc: Wilkinson, Michael [IWD]; Adams, Lori [IWD]

Subject: Add the week if you get a call

Importance: High

Please add the week for any and all claimants who call us today because of issues over the weekend. They should not have to call us back today once we get them off the phone.

Ryan West

Regional Operations Manager

Phone (515) 725-3732

Fax (515) 281-9321

Description:
titlegraphic

Message: RE: Add the week if you get a call

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:53 PM
Item ID: 40862315
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ RE: Add the week if you get a call

From Douglas, Jodi [IWD] **Date** Monday, March 17, 2014 2:39 PM
To Eklund, David [IWD]
Cc Wilkinson, Michael [IWD]

 **image001.jpg** (3 Kb HTML)

Thank you very much!

From: Eklund, David [IWD]
Sent: Monday, March 17, 2014 2:21 PM
To: Douglas, Jodi [IWD]
Cc: Wilkinson, Michael [IWD]
Subject: RE: Add the week if you get a call

Jodi,

IWD discovered a processing problem for continued claims reported for week ending 03/08/14. IT was able to manually recreate those continued claims, but without any wages that may have been reported.

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Dave

David Eklund
Regional Operations Manager
UI Benefits Services
Iowa Workforce Development
Ph: 515/281-5792
Cell: 515/229-4482
Fax: 515/281-9033
david.eklund@iwd.iowa.gov



From: Douglas, Jodi [IWD]
Sent: Monday, March 17, 2014 11:18 AM
To: Eklund, David [IWD]
Cc: Wilkinson, Michael [IWD]
Subject: FW: Add the week if you get a call
Importance: High

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To: Allen, Shannell [IWD]; Anderson, Shantel [IWD]; Andreano, Lori [IWD]; Baccam, Frisco [IWD]; Batten, Gary [IWD]; Beattie, Adam [IWD]; Borgeson, Jill [IWD]; Boten, Brenda [IWD]; Chounlamountry, Pho [IWD]; Close, Kara [IWD]; Cogan, Karen [IWD]; Cozart, Jeanine [IWD]; Croushore, Brianne [IWD]; Dawson, Dianne [IWD]; Densmore, Terryne [IWD]; DeSmidt, James [IWD]; Devine, Roxy [IWD]; Donlin, Michael [IWD]; Dyer, Ray [IWD]; Dykstra, Connie [IWD]; Edmonds, Linda [IWD]; Eklund, David [IWD]; Ellenwood, Kasandra [IWD]; Finck, Christal [IWD]; Garrett, Brent [IWD]; Gaulke-Lilly, Sharon [IWD]; Gifford, Matt [IWD]; Guy, Marlys [IWD]; Hallengren, Jon [IWD]; Hoard, Aaron [IWD]; Holett, Karen [IWD]; Hosier,

Michael [IWD]; Irvine, Erin [IWD]; Irvine, Kevan [IWD]; Khounlo, Nhoui [IWD]; Kolontar, Lisa [IWD]; Kooiker, Quentin [IWD]; Landrew, Paul [IWD]; Lewis, Irma [IWD]; Long, Maria [IWD]; Moses, Ryan [IWD]; Nutting, Jenifer [IWD]; Oyibo, Joan [IWD]; Parry, Sharon [IWD]; Peacock, Phillip [IWD]; Prettyman, Laura [IWD]; Ramirez, Rebecca [IWD]; Rieger, Kim [IWD]; Roovaart, Michelle [IWD]; Ruby, Evelyn [IWD]; Saddoris, Michelle [IWD]; Schafer, Cathy [IWD]; Schlumbohm, Spomenka [IWD]; Schmalzried, Leslie [IWD]; Seivert, Shanlyn [IWD]; Shepherd, Deborah [IWD]; Spencer, Barbara [IWD]; Starr, Tracy [IWD]; Steen, Christina [IWD]; Stewart, Brian [IWD]; Stielow, Lisa [IWD]; Tavegia, Thomas [IWD]; Ung, Kham [IWD]; Vo, Vu [IWD]; Vogt, Jennifer [IWD]; Wey, Kevin [IWD]; Wolfe, Kathie [IWD]; Wood, Kirsten [IWD]; Young, Veronica [IWD]; Alden, Carmela [IWD]; Alexander, Marty [IWD]; Brendeland, Deb [IWD]; Buntenbach, Edward [IWD]; Conrath, Mary [IWD]; Dennis, Carla [IWD]; Drake, Denise [IWD]; Dugan, Boyd [IWD]; Gomez, Carmen [IWD]; Greco, Mary [IWD]; Hammond, Simona [IWD]; Harmon, Jeri [IWD]; Koonce, Kerry [IWD]; Kramer, Vicki [IWD]; Milligan, Joy [IWD]; OBrien, Karla [IWD]; Piper, Shari [IWD]; Rodriguez, Maria [IWD]; Shaw, Carmela [IWD]; Summy, Kelly [IWD]; Tate, Sherry [IWD]; Woods, Tamar [IWD]; Woods, Tina [IWD]; Batten, Ellen [IWD]; Douglas, Jodi [IWD]; Gilkison, Judy [IWD]; Halferty, Dan [IWD]; Jergenson, Kathy [IWD]; Lainsion, GERALYN [IWD]; Piagentini, Mary [IWD]; Putzier, Juli [IWD]; Shenk, Jim [IWD]; Van Syoc, Jim [IWD]

Cc: Wilkinson, Michael [IWD]; Adams, Lori [IWD]

Subject: Add the week if you get a call

Importance: High

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Ryan West

Regional Operations Manager

Phone (515) 725-3732

Fax (515) 281-9321

Description:
titlegraphic

Message: RE: SPUG Updates**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:54 PM
 Item ID: 40862330
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: SPUG Updates**

From Douglas, Jodi [IWD] **Date** Tuesday, March 18, 2014 3:32 PM
To Wilkinson, Michael [IWD]
Cc

 [SPUG 09 UI Tax_TOP mod request 0314.docx](#) (78 Kb HTML)

Working on the modifications for this SPUG and UI Tax. Any specific language you'd like me to use for SPUG 04 letter? Attached is UI Tax TOP for your comments.

Thanks!
Jodi

From: Wilkinson, Michael [IWD]
Sent: Thursday, February 27, 2014 8:55 AM
To: Douglas, Jodi [IWD]
Subject: RE: SPUG Updates

Thank you for the reminder.

SPUG 4 will likely need an extension; I have been reviewing sample RFP's from Florida and South Carolina. The development and issuance of the RFP will take more time than anticipated. As well, IT just announced problems in the way to track overpayment balances and payments. I will work with you on an extension request.

From: Douglas, Jodi [IWD]
Sent: Thursday, February 27, 2014 8:04 AM
To: O'Brien, Carie [IWD]; Rouse, Linda [IWD]; Anderson, Ryan [IWD]; Eklund, David [IWD]; Wilkinson, Michael [IWD]; West, Ryan [IWD]
Subject: SPUG Updates

Good morning,

Just a friendly reminder that your monthly SPUG status reports/updates are due today.

Thank you!

Jodi Douglas

Quality Control Manager, Unemployment Insurance Services

Iowa Workforce Development

1000 East Grand Avenue

Des Moines, IA 50319

515-281-5225

Jodi.Douglas@iwd.iowa.gov

Terry E. Branstad, Governor
Kim Reynolds, Lt. Governor
Teresa Wahlert, Director
Gay Gilbert
Administrator
Employment & Training Administration
United States Department of Labor
Office of Workforce Security
200 Constitution Avenue NW
Washington DC 20210-0002

March 18, 2014

Dear Gay Gilbert,

Iowa Workforce Development (IWD) is requesting to modify the project completion and liquidation date of the UI Tax-TOP Integration as originally outlined in the Unemployment Insurance (UI) Supplemental Funding Opportunity for Program Integrity, Performance and System Improvements dated July 25, 2013 (UIPL 24-13)(IA-13-10).

In our original request, a timeline was provided indicating this project would be completed by 12/31/14. We are requesting to extend the completion date to 09/30/15 and the liquidation date to 90 days after completion.

We are waiting for the program guidance from the ETA for adding UI Tax debt to the Treasury Offset Program to be provided to the state. IWD has been in communication with Tom Crowley, UI Tax Chief, USDOL who has indicated that Treasury officials and the IRS are actively working on this process and expect resolution soon. IWD is ready to move forward once we receive communication that the program guidance is available.

Iowa Workforce Development will continue toward the ultimate goal of ensuring the strategy exceeds Federal Department of Labor requirements. IWD looks forward to working closely with the U.S. Department of Labor to make this modification request possible and achieve the necessary objectives.

Sincerely,

Teresa Wahlert Michael Wilkinson
Director Division Administrator, Unemployment Insurance

Iowa Workforce Development Iowa Workforce Development

Message: RE: Add the week if you get a call**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:57 PM
 Item ID: 40862402
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **RE: Add the week if you get a call**

From Douglas, Jodi [IWD] **Date** Friday, March 21, 2014 8:21 AM
To Eklund, David [IWD]
Cc Wilkinson, Michael [IWD]

 **image001.jpg** (3 Kb HTML)

Hi Dave,

Sorry to be a pain in the neck, but I need a little more clarification for my staff.

Mary has a situation where the claimant did not call in for week ending 3/8/14 as he went back to work on 3/3/14 however he was paid. He wasn't even aware he was paid (money went to debit card) until Mary did her investigation. I assume that based on your previous email below that by not penalizing the claimant means that we are not setting up the overpayment? Or, are we to set up the overpayment and then waive it? Please advise.

Thank you!
 Jodi

From: Eklund, David [IWD]
Sent: Monday, March 17, 2014 2:21 PM
To: Douglas, Jodi [IWD]
Cc: Wilkinson, Michael [IWD]
Subject: RE: Add the week if you get a call

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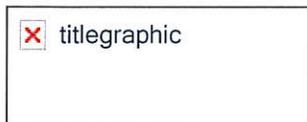
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From: West, Ryan [IWD]

Sent: Monday, March 10, 2014 10:23 AM

To: Allen, Shannell [IWD]; Anderson, Shantel [IWD]; Andreano, Lori [IWD]; Baccam, Frisco [IWD]; Batten, Gary [IWD]; Beattie, Adam [IWD]; Borgeson, Jill [IWD]; Boten, Brenda [IWD]; Chounlamountry, Pho [IWD]; Close, Kara [IWD]; Cogan, Karen [IWD]; Cozart, Jeanine [IWD]; Croushore, Brianne [IWD]; Dawson, Dianne [IWD]; Densmore, Terryne [IWD]; DeSmidt, James [IWD]; Devine, Roxy [IWD]; Donlin, Michael [IWD]; Dyer, Ray [IWD]; Dykstra, Connie [IWD]; Edmonds, Linda [IWD]; Eklund, David [IWD]; Ellenwood, Kasandra [IWD]; Finck, Christal [IWD]; Garrett, Brent [IWD]; Gaulke-Lilly, Sharon [IWD]; Gifford, Matt [IWD]; Guy, Marlys [IWD]; Hallengren, Jon [IWD]; Hoard, Aaron [IWD]; Holett, Karen [IWD]; Hosier, Michael [IWD]; Irvine, Erin [IWD]; Irvine, Kevan [IWD]; Khounlo, Nhoui [IWD]; Kolontar, Lisa [IWD]; Kooiker, Quentin [IWD]; Landrew, Paul [IWD]; Lewis, Irma [IWD]; Long, Maria [IWD]; Moses, Ryan [IWD]; Nutting, Jenifer [IWD]; Oyibo, Joan [IWD]; Parry, Sharon [IWD]; Peacock, Phillip [IWD]; Prettyman, Laura [IWD]; Ramirez, Rebecca [IWD]; Rieger, Kim [IWD]; Roovaart, Michelle [IWD]; Ruby, Evelyn [IWD]; Saddoris, Michelle [IWD]; Schafer, Cathy [IWD]; Schlumbohm, Spomenka [IWD]; Schmalzried, Leslie [IWD]; Seivert, Shanlyn [IWD]; Shepherd, Deborah [IWD]; Spencer, Barbara [IWD]; Starr, Tracy [IWD]; Steen, Christina [IWD]; Stewart, Brian [IWD]; Stielow, Lisa [IWD]; Tavegia, Thomas [IWD]; Ung, Kham [IWD]; Vo, Vu [IWD]; Vogt, Jennifer [IWD]; Wey, Kevin [IWD]; Wolfe, Kathie [IWD]; Wood, Kirsten [IWD]; Young, Veronica [IWD]; Alden, Carmela [IWD]; Alexander, Marty [IWD]; Brendeland, Deb [IWD]; Buntenbach, Edward [IWD]; Conrath, Mary [IWD]; Dennis, Carla [IWD]; Drake, Denise [IWD]; Dugan, Boyd [IWD]; Gomez, Carmen [IWD]; Greco, Mary [IWD]; Hammond, Simona [IWD]; Harmon, Jeri [IWD]; Koonce, Kerry [IWD]; Kramer, Vicki [IWD]; Milligan, Joy [IWD]; OBrien, Karla [IWD]; Piper, Shari [IWD]; Rodriguez, Maria [IWD]; Shaw, Carmela [IWD]; Summy, Kelly [IWD]; Tate, Sherry [IWD]; Woods, Tamar [IWD]; Woods, Tina [IWD]; Batten, Ellen [IWD]; Douglas, Jodi [IWD]; Gilkison, Judy [IWD]; Halferty, Dan [IWD]; Jergenson, Kathy [IWD]; Lainson, Geralyn [IWD]; Piagentini, Mary [IWD]; Putzier, Juli [IWD]; Shenk, Jim [IWD]; Van Syoc, Jim [IWD]

Cc: Wilkinson, Michael [IWD]; Adams, Lori [IWD]

Subject: Add the week if you get a call

Importance: High

Please add the week for any and all claimants who call us today because of issues over the weekend. They should not have to call us back today once we get them off the phone.

Ryan West

Regional Operations Manager

Phone (515) 725-3732

Fax (515) 281-9321

Description:
titlegraphic

Message: BYE Calculation**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:36 PM
 Item ID: 40861832
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ **BYE Calculation**

From Douglas, Jodi [IWD] **Date** Friday, March 28, 2014 4:25 PM
To Wilkinson, Michael [IWD]
Cc

Hi Mike,

Calculation: The measure will be calculated from BAM data using the following data elements:

Dollar Amount of Key Week Error: BAM data element ei1 - defines the overpayment amount for the key (sampled) week of benefits.

Key Week Action: BAM data element ei2 - 10 (fraud), 11 (nonfraud recoverable), 12 (nonfraud nonrecoverable), 13 (overpayment – finality), 15 (overpayment – other than finality).

Error Cause: BAM data element ei3 - 100-119 and 150-159 - defines BYE overpayments.

Original Amount Paid: BAM data element f13 - defines amount paid to claimant in key week.

The rate is the ratio (expressed as a percentage) of the estimated amount of UI benefits that were overpaid due to BYE issues to the total amount of UI benefits paid. Both the numerator and the denominator are weighted (by the number of paid UI weeks in the BAM survey population) estimates.

$$\frac{\text{Amount overpaid due to BYE}}{\text{Amount of UI benefits paid}} \times 100$$

Jodi Douglas

Quality Control Manager, Unemployment Insurance Services
 Iowa Workforce Development
 1000 East Grand Avenue
 Des Moines, IA 50319

515-281-5225
Jodi.Douglas@iwd.iowa.gov

Message: UIPL 26-11**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:41 PM
 Item ID: 40861951
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 **UIPL 26-11**

From Douglas, Jodi [IWD] **Date** Tuesday, April 08, 2014 8:38 AM
To Wilkinson, Michael [IWD]
Cc

Here is the info for UIPL 26-11.

Unit	Sub Unit	Description	UIPL #	Grant Number	Total per Grant
SPES	10	NDNH Cross-Match	26-11	UI 21099-11-55-A-19	250,000.00
SPES	11	Claimant/Employer Messaging	26-11	UI 21099-11-55-A-19	100,000.00
SPES	12	State of Specific Solutions/Contractor cost for overpayment	26-11	UI 21099-11-55-A-19	550,000.00
SPES	13	Misclassification Automation	26-11	UI 21099-11-55-A-19	439,520.00
SPES	14	Integrity Utilization of Business Process / Improvement	26-11	UI 21099-11-55-A-19	105,050.00

Jodi Douglas

Quality Control Manager, Unemployment Insurance Services
Iowa Workforce Development

1000 East Grand Avenue
Des Moines, IA 50319
515-281-5225
Jodi.Douglas@iwd.iowa.gov

Message: 01311 CDDM013823 Court Order(s) -- DO NOT REPLY

Case Information:

Message Type: Exchange
Message Direction: External, Inbound
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:58 PM
Item ID: 40862449
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

✉ 01311 CDDM013823 Court Order(s) -- DO NOT REPLY

From dubuque.county.clerk@iowacourts.gov **Date** Monday, March 24, 2014
2:42 PM

To

Cc

 [CDDM013823 Duehr npt.email.pdf](#) (75 Kb HTML)

This email contains attachments containing Court Order information for Case ID 01311 CDDM013823. Do not reply to this message as it was automatically generated by the DUBUQUE County Clerk of Court. If you have any questions please contact the DUBUQUE County Clerk of Court.

- [Image 1](#)
 - [Image 2](#)
-

Image 1

IN THE IOWA DISTRICT COURT IN AND FOR DUBUQUE COUNTY

**UPON THE PETITION OF
SUSAN M. DUEHR,**

Petitioner,

and concerning

MARK A. DUEHR,

Respondent.

Case No. CDDM 013823

ORDER NUNC PRO TUNC

The Court entered its decree in this matter on January 28, 2014. Petitioner moved for an order nunc pro tunc, noting an inconsistency between the Court's conclusions of law and paragraph 9 of the decree, which established the Respondent's support obligation. Respondent does not resist.

The decree language is a typographical error. The actual support obligation the Court intended is as set forth in the conclusions of law - \$557.00 as long as support is payable for two children and \$420.00 as long as support is payable for one child. Accordingly,

paragraph 9 of
the decree is amended to read as follows:

9. Mark shall pay monthly child support of \$557.00. Child support shall be paid through the Dubuque County Clerk of Court on or before the 1st day of each and every month, commencing February 1, 2014. When support becomes payable for only one child, Mark's monthly obligation shall reduce to \$420.00.

This change is retroactive to the date of the decree. Any overpayment by Respondent as a result of the decree language shall be credited toward his obligation in future months.

The other point raised in Petitioner's motion addresses the possibility that Mark may not legally be able to claim Stephanie as a dependent. By operation of law, a party's ability to claim a dependency exemption for a particular child is subject to the child's eligibility under applicable tax laws. If Stephanie is eligible to be claimed as a dependent in 2014, Respondent may claim the exemptions for Stephanie and Mike, subject to the other language in paragraph 13 of the decree. If Stephanie is not eligible, Respondent may claim the dependency exemption for Mike, again subject to the language of paragraph 13. With this clarification, no amendment of the paragraph 13 is necessary.

DONE AND ORDERED this 21st day of March, 2014.

BY THE COURT: _____

MICHAEL J. SHUBATT, JUDGE

FIRST JUDICIAL DISTRICT OF IOWA

FILED 03/24/2014 08:03AM CLERK DISTRICT COURTDUBUQUE COUNTY IOWA

Image 2

2

*Order has been filed electronically.

Distributed To: _____ If you require the assistance of auxiliary aids or services to

_____ participate in court because of a disability, immediately call

_____ your district ADA coordinator @ 1-319-833-3332. If you are

On: _____ By: _____ hearing impaired, call Relay Iowa @ 1-800-735-2942.

Message: RE: DIA Overpayment Recovery Unit Contacts Update**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:44 PM
 Item ID: 40862043
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

RE: DIA Overpayment Recovery Unit Contacts Update

From: Buls, Danna [IWD] **Date:** Tuesday, March 04, 2014 3:35 PM
To: Horne, Diane [IWD]
Cc: Adams, Lori [IWD]; Nelson, Jon [IWD]

I was unaware this was being sent out. When I asked Stacy why it was sent, she stated it came from a conversation at the morning meeting and people were unaware of the process. When asked why you weren't included, she stated you were the one who gave her the information at a previous time and so since it came from you, she felt you were already aware and wouldn't need the information again. I advised her to go ahead and include everyone next time and then individuals can decide if they need the information or not.

Danna Buls

PROMISE JOBS Supervisor
 IowaWORKS | Southern Hills
 215 N ELM ST | Creston, IA 50801
 Office: 641-782-2119 x-21
 Cell: 641-344-8672
 Fax: 641-782-7060

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Strong people don't let others down...they lift them up. - Michael P. Watson

From: Horne, Diane [IWD]
Sent: Tuesday, March 04, 2014 2:44 PM
To: Buls, Danna [IWD]
Cc: Adams, Lori [IWD]; Nelson, Jon [IWD]
Subject: FW: DIA Overpayment Recovery Unit Contacts Update

Danna,
 Would you be able to say why all local PJ staff was sent this e-mail from Stacy, except for me? Thank you.
 Diane Horne

From: Ryan, Mary [IWD]
Sent: Tuesday, March 04, 2014 9:32 AM
To: Horne, Diane [IWD]
Subject: FW: DIA Overpayment Recovery Unit Contacts Update

Noticed you were not on the list and thought this info may be helpful to you as well, Diane☺

Mary L. Ryan, BSW, MSW
 Workforce Advisor
 PROMISE JOBS
 300 W. Broadway, Suite 13
 Council Bluffs, IA 51503

Phone: 712-242-2109
 Fax: 712-242-2148

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From: Perkins, Stacy [IWD]
Sent: Tuesday, March 04, 2014 9:14 AM
To: Reed, Hershel [IWD]; Schnackel, Nicole [IWD]; Navarrete, Jasmin [IWD]; Cooper, Wendy [IWD]; Anderson, Leslie [IWD]; Ryan, Mary [IWD]
Cc: Buls, Danna [IWD]
Subject: FW: DIA Overpayment Recovery Unit Contacts Update

I have a specific folder in my email to save information like this because it does not come up often enough to memorize. I would suggest doing the same so you have it when you need it. You also can always search old emails by using keywords.

I have been told that an email request to the correct Investigator is another way to request the overpayment status be changed to a 2. However you choose to do it, this email

contains all information needed.

In addition to this contact information, the fax number for updated overpayment recovery claims is 515-242-6507. This is typically included in your individual appeal information sheet when a client files an appeal.

Stacy Perkins

Workforce Advisor/PROMISE JOBS

Iowa Works

300 W. Broadway Ste. 13

Council Bluffs, IA 51503

Phone - 712.242.2146 Fax - 712.242.2148

Do, or do not! There is no "try". *Yoda*

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From: Barnhill, DeAnn [IWD]

Sent: Tuesday, March 22, 2011 4:36 PM

To: IWD-PJStaff

Subject: DIA Overpayment Recovery Unit Contacts Update

This message was received from DIA and is intended for all PROMISE JOBS Staff.

A copy can be located in PROMISE JOBS SharePoint > Frequently Asked Questions (left-hand side) > Overpayment > DIA Overpayment Recovery Unit Contacts

From: Farnsworth, Megan [DIA]

Sent: Tuesday, March 22, 2011 4:29 PM

To: Wiebers, Ann [DHS]; Adams, Lori [IWD]

Cc: Smith, Anita [DHS]; Stratemeyer, Carol [DHS]; Barnhill, DeAnn [IWD]

Subject: DIA Overpayment Recovery Unit Contacts Update

Can you please forward this note to Division staff, DHS Field Staff and IWD PJ staff. Thanks.

The DIA Overpayment Recovery Unit has experienced recent staffing changes. This message is to advise you who to contact regarding recovery questions.

Overpayment Recovery General Number: (800) 572-3945

For questions regarding income taxes being held or general claim information contact:

Jennifer Huisman

Administrative Assistant 2

Phone: 515-281-3872

Email: jennifer.huisman@dia.iowa.gov

If the last name of the client begins with A-K:

Lee Navin

Investigator

Phone: 515-281-8242

Email: lee.navin@dia.iowa.gov

If the last name of the client begins with L-Z:

Heather Myer-Davis

Investigator

Phone: 515-281-5759

Email: heather.myerdavis@dia.iowa.gov

General questions regarding entering claims into the overpayment recoupment system contact:

Lori Lavender

ITS Support Worker

Phone: 515-281-3911.

Email: Lori.Lavender@dia.state.ia.us

Changes to existing claims (updates) are handled by Lee Navin or Heather Myer-Davis. As long as you route the claims to DIA Investigations Overpayment Recovery, the forms will be given to the appropriate staff to handle.

Technical assistance can be directed to:

Megan Farnsworth

Executive Officer

Phone: 515-281-4645

Email: megan.farnsworth@dia.iowa.gov

Message: RE: DIA Overpayment Recovery Unit Contacts Update**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:52 PM
 Item ID: 40862257
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

RE: DIA Overpayment Recovery Unit Contacts Update

From: Buls, Danna [IWD] **Date:** Friday, March 14, 2014 3:07 PM
To: Adams, Lori [IWD]
Cc:

I have done some checking and there were a few changes. PJCMs have been informed of the updates and an updated contact list has been added to PJ SharePoint.
 Thanks,
 Danna

From: Adams, Lori [IWD]
Sent: Tuesday, March 04, 2014 3:53 PM
To: Horne, Diane [IWD]
Cc: Buls, Danna [IWD]; Nelson, Jon [IWD]
Subject: Re: DIA Overpayment Recovery Unit Contacts Update

Do we know if anyone checked with DHS to see if these people are still in these roles? The original note here is almost three years old. I know DHS has had a lot of changes, and I'm not confident this information is current.

Sent from my iPad

On Mar 4, 2014, at 4:09 PM, "Horne, Diane [IWD]" <Diane.Horne@iwd.iowa.gov> wrote:

Danna, Lori, Jon.

If you don't mind me asking, at what morning meeting would Stacy be referring to? I am drawing a blank to when/what/how I was involved. Why would we be talking about PJ overpayments? Shouldn't any information over a certain amount of time, old, be considered for a "possible update" before sending it out to all staff? Is the update on Sharepoint? Shouldn't you, as a PJ supervisor, first be aware that "people were unaware of the process" and determine if it should be sent or addressed in a staff meeting, or otherwise? Shouldn't only PJ supervisors and/or/team leads, send out clarification type of e-mails?

Thank you.
 Diane Horne

From: Buls, Danna [IWD]
Sent: Tuesday, March 04, 2014 3:35 PM
To: Horne, Diane [IWD]
Cc: Adams, Lori [IWD]; Nelson, Jon [IWD]
Subject: RE: DIA Overpayment Recovery Unit Contacts Update

I was unaware this was being sent out. When I asked Stacy why it was sent, she stated it came from a conversation at the morning meeting and people were unaware of the process. When asked why you weren't included, she stated you were the one who gave her the information at a previous time and so since it came from you, she felt you were already aware and wouldn't need the information again. I advised her to go ahead and include everyone next time and then individuals can decide if they need the information or not.

Danna Buls

PROMISE JOBS Supervisor
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 215 N ELM ST | Creston, IA 50801
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 Fax: 641-782-7060

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Danna,
 Would you be able to say why all local PJ staff was sent this e-mail from Stacy, except for me? Thank you.
 Diane Horne

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To: Horne, Diane [IWD]
Subject: FW: DIA Overpayment Recovery Unit Contacts Update

Noticed you were not on the list and thought this info may be helpful to you as well, Diane☺

Mary L. Ryan, BSSW, MSW
 Workforce Advisor
 PROMISE JOBS
 300 W. Broadway, Suite 13
 Council Bluffs, IA 51503

Phone: 712-242-2109
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Sent: Tuesday, March 04, 2014 9:14 AM
To: Reed, Hershel [IWD]; Schnackel, Nicole [IWD]; Navarrete, Jasmin [IWD]; Cooper, Wenday [IWD]; Anderson, Leslie [IWD]; Ryan, Mary [IWD]
Cc: Buls, Danna [IWD]
Subject: FW: DIA Overpayment Recovery Unit Contacts Update

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In addition to this contact information, the fax number for updated overpayment recovery claims is 515-242-6507. This is typically included in your individual appeal information sheet when a client files an appeal.

Stacy Perkins
 Workforce Advisor/PROMISE JOBS

Iowa Works
 300 W. Broadway Ste. 13
 Council Bluffs, IA 51503
 Phone - 712.242.2146 Fax - 712.242.2148

Do, or do not! There is no "try". *Yoda*

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Sent: Tuesday, March 22, 2011 4:36 PM
To: IWD-PJStaff
Subject: DIA Overpayment Recovery Unit Contacts Update

This message was received from DIA and is intended for all PROMISE JOBS Staff.
 A copy can be located in PROMISE JOBS SharePoint > Frequently Asked Questions (left-hand side) > Overpayment > DIA Overpayment Recovery Unit Contacts

From: Farnsworth, Megan [DIA]
Sent: Tuesday, March 22, 2011 4:29 PM
To: Wiebers, Ann [DHS]; Adams, Lori [IWD]
Cc: Smith, Anita [DHS]; Stratemeyer, Carol [DHS]; Barnhill, DeAnn [IWD]
Subject: DIA Overpayment Recovery Unit Contacts Update

Can you please forward this note to Division staff, DHS Field Staff and IWD PJ staff. Thanks.

The DIA Overpayment Recovery Unit has experienced recent staffing changes. This message is to advise you who to contact regarding recovery questions.

Overpayment Recovery General Number: (800) 572-3945

For questions regarding income taxes being held or general claim information contact:

Jennifer Huisman
 Administrative Assistant 2
 Phone: 515-281-3872
 Email: jennifer.huisman@dia.iowa.gov

If the last name of the client begins with A-K:

Lee Navin
 Investigator
 Phone: 515-281-8242
 Email: lee.navin@dia.iowa.gov

If the last name of the client begins with L-Z:

Heather Myer-Davis
 Investigator

Phone: 515-281-5759
Email: heather.myerdavis@dia.iowa.gov

General questions regarding entering claims into the overpayment recoupment system contact:

Lori Lavender
ITS Support Worker
Phone: 515-281-3911.
Email: Lori.Lavender@dia.state.ia.us

Changes to existing claims (updates) are handled by Lee Navin or Heather Myer-Davis. As long as you route the claims to DIA Investigations Overpayment Recovery, the forms will be given to the appropriate staff to handle.

Technical assistance can be directed to:

Megan Farnsworth
Executive Officer
Phone: 515-281-4645
Email: megan.farnsworth@dia.iowa.gov

Message: 10 Things Every Business Owner Should Know About VoIP**Case Information:**

Message Type: Exchange
 Message Direction: External, Inbound
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:58 PM
 Item ID: 40862479
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

10 Things Every Business Owner Should Know About VoIP

From: Business Brief News **Date:** Tuesday, March 25, 2014 10:56 AM
To: Wilkinson, Michael [IWD]
Cc:

Business Brief

10 Things Every Business Owner Should Know About VoIP

Understanding new technologies can be a challenge; however, business VoIP systems are fairly simple to understand. Before you can really understand the importance of business VoIP, you first need to grasp the main ideas behind the service. There is no question that business VoIP is the way of the future, so it makes sense to do your research to find the right company and equipment for your unique needs. Let BuyerZone help you sort through all your options and provide you with free price quotes from several qualified vendors so you can compare and find the system that's right for your business.

Fixed Assets Primer

Asset accounting is a complex and sometimes seemingly inscrutable subject, with gray areas ripe for interpretation. In fact, many professionals readily admit that fixed assets accounting is one of the more complex areas of financial accounting. While the concept of an asset is fundamental to business accounting, for many organizations fixed assets management is still one of the weakest areas of internal controls, resulting in overpayment of taxes and insurance, higher total costs of ownership, missed opportunities for income tax deductions, and the risk of non-compliance with regulatory mandates.

iPad CTO Kit: including the iPad Tips and Tricks Guide for IT Executives and Managers

Download this kit to learn everything you need to know about IT Management. The iPad CTO Kit brings together the latest in information, coverage of important developments, and expert commentary to help with your IT Management related decisions.

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Message: Control Your Energy Bill

Case Information:

Message Type: Exchange
 Message Direction: External, Inbound
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:35 PM
 Item ID: 40861797
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

Control Your Energy Bill

From Business Brief News Date Thursday, March 27, 2014 2:53 PM
 To Wilkinson, Michael [IWD]
 Cc

Business Brief!

Control Your Energy Bill

Want to lower your electricity costs? Green Energy Partners (GEP) can show you how to harness the sun to generate power using clean energy, and you'll save hundreds of dollars on your electric bill. By diversifying your energy portfolio with solar electricity you'll be able to put in place a strong hedge against future energy price fluctuations. Whether your organization is large or small, GEP can help you achieve significant savings through the production of clean energy while reducing your carbon footprint. Find out how you can start saving.

Best Practices for Fixed Asset Managers

Discover how to develop solid techniques for proper management of fixed assets. The goal of this paper is to help you learn about best practices for fixed asset management and suggest tips for implementing them in your organization. These best practices will help you to seek out potential savings in your fixed asset base and show you how to save time in the process.

Fixed Assets Primer

Asset accounting is a complex and sometimes seemingly inscrutable subject, with gray areas ripe for interpretation. In fact, many professionals readily admit that fixed assets accounting is one of the more complex areas of financial accounting. While the concept of an asset is fundamental to business accounting, for many organizations fixed assets management is still one of the weakest areas of internal controls, resulting in overpayment of taxes and insurance, higher total costs of ownership, missed opportunities for income tax deductions, and the risk of non-compliance with regulatory mandates.

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Message: Business Record Daily PM 3.7.14

Case Information:

Message Type: Exchange
Message Direction: External, Inbound
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:45 PM
Item ID: 40862094
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

Business Record Daily PM 3.7.14

From businessrecord@bpcdm.com Date Friday, March 07, 2014 3:16 PM
To Wallace, Edward [IWD]
Cc

View as webpage, click here



March 7, 2014

Business Record DAILY PM

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BY KENT DARR | Senior Staff Writer | @KentiDarr

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Stock Prices

Table with columns: Company, Price, +/-

Advertisement for shcre romance with text 'A SPECIAL WEEKEND RATE STARTING AT \$109/nt' and an image of a couple.

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President, Community Foundation of Greater Des Moines

"My advanced M.P.A. degree prepared me to provide strategic leadership for the Community Foundation—now and well into the future.."



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Last day to register for **HEALTHIEST EMPLOYERS**



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In the Business Record

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Our Pick: Blog of the day

I turned my smartphone off for 72 hours and the world didn't explode
Tammy Kahn Fennell, CEO of MarketMeSuite, shares five signs you're addicted to your smartphone and what happened when she decided to turn hers off for 72 hours. [Read more](#)

Read more blogs at www.iowabiz.com

News Briefs

Learn to rise above the crowd at AAF event

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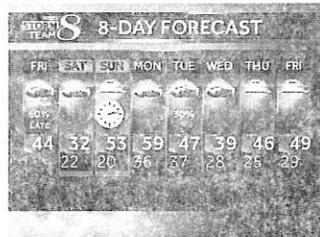
KCCI Top Stories

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[Get more news at www.kcci.com](http://www.kcci.com)

KCCI Weather



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Saturday
 Mostly sunny. Colder. High around 30. North wind 10 to 15 mph.

Sunday
 Sunny. Much warmer. High in the lower 50s. Southwest wind 5 to 15 mph with gusts to around 25 mph.

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From businessrecord@bpcdm.com Date Friday, March 07, 2014 3:16 PM
 To Adams, Lori [IWD]
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Company	Price	+/-
Dow	16430.37	8.48
NASDAQ	4330.93	-21.15
Am. Equity	23.52	0.35
Arts-Way	6.02	0.05
Ames Nat.	22.98	0.17
Bank Am.	17.28	-0.07
Mets Fin.	45.42	0.42
Casey's	66.49	-0.74
Rockwell	62.01	-0.34
DuPont	67.26	-0.24
Deere	88.79	0.56
Dica	7.27	-0.05
EMC	31.82	0.05
FBI Fin.	43.80	0.58
Fidelity Gu.	25.21	0.17
Flexsteel	38.56	0.42
Gannett	28.89	-0.58
Green Plains	27.71	-0.60
HNI Corp.	36.09	-0.22
Hiland Exp.	21.85	0.46
Hiland Fin.	27.83	-0.06
Loe	6.19	-0.05
Meradith	45.87	-0.21
Marsh	49.50	0.22
MidWestOne	26.48	0.05
NewLink	31.54	-0.17
Principal	47.20	0.51
Ran. Eng.	11.50	0.07
United Fire	29.64	0.05
U.S. Bank	42.13	0.46
ING U.S.	36.98	0.15
Wells Fargo	47.88	0.54
Winnipeg	26.34	0.36
Windstream	8.16	-0.02
West Bank	15.36	-0.08

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Our Pick: Blog of the day

I turned my smartphone off for 72 hours and the world didn't explode
Tammy Kahn Fennell, CEO of MarketMeSuite, shares five signs you're addicted to your smartphone and what happened when she decided to turn hers off for 72 hours. [Read more](#)

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News Briefs

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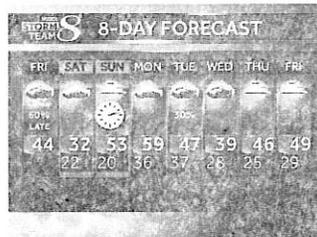
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Message: FW: IWD Pamphlet Information**Case Information:**

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:31:35 PM
 Item ID: 40860743
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

FW: IWD Pamphlet Information

From: Carson, Etha [IWD] **Date:** Thursday, May 03, 2012 1:56 PM
To: Wilkinson, Michael [IWD]
Cc:

 70-6202 Click Click Brochure 12-03-06.pdf (112 Kb HTML)  68-0057 - Weekly Call In Instructions 08-27-07.pdf (271 Kb HTML)  image002.gif (2 Kb HTML)
 Brochure 3-29.pdf (1398 Kb HTML)  image004.png (16 Kb HTML)  image005.png (16 Kb HTML)

I am guessing that it is used when we file mass claims to give claimants specific instructions for weekly filing.

Etha, Executive Officer

Unemployment Insurance Services



150 Des Moines Street
 Des Moines, Iowa 50306

Etha.Carson@iwd.iowa.gov

Phone: 515 281-9363

Fax: Please label clearly with my name, Thank you

515 242-0498

242-0494

or 281-7695

From: Wilkinson, Michael [IWD]
Sent: Monday, April 30, 2012 11:26 AM
To: Carson, Etha [IWD]
Subject: FW: IWD Pamphlet Information

When do we use 68-0057?

From: Carson, Etha [IWD]
Sent: Monday, April 30, 2012 10:01 AM
To: Wilkinson, Michael [IWD]
Cc: Johnson, Brei [IWD]; Dow, Penny [IWD]; Gcode, JoAnn [IWD]
Subject: FW: IWD Pamphlet Information

Brei is checking on these brochures and whether we still need the update?
 I indicated I thought we did, but I would check with you.

Thanks,

Etha, Executive Officer

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Phone: 515 281-9363

Fax: Please label clearly with my name, Thank you

515 242-0498

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or 281-7695

From: Johnson, Brei [IWD]
Sent: Friday, April 27, 2012 1:14 PM
To: Roovaart, Michelle [IWD]; Dow, Penny [IWD]
Cc: Carson, Etha [IWD]
Subject: RE: IWD Pamphlet Information

This project was on the back burner for me and so now I just want to touch base with everyone to see how to proceed now that this has been reversed. I didn't want to just assume this request isn't needed and so I wanted to check

Also, I found the attached Brochure in our SharePoint library and it is an updated version of the one initially provided to me for this project. Please see the attachment titled Brochure 3-25.

Thanks,

Brei Johnson
Marketing Communications Specialist
Communications Bureau

1000 East Grand Avenue
Des Moines, IA 50319-0209
515-281-8102 Phone
515-281-4698 Fax
www.iowaworkforce.org

From: Roovaart, Michelle [IWD]
Sent: Friday, March 09, 2012 3:19 PM
To: Johnson, Brei [IWD]; Dow, Penny [IWD]; Carson, Etha [IWD]
Subject: IWD Pamphlet Information

Attached is the only thing i could find at this point. We can start with this unless Penny has a hard copy of something that would work better.

Michelle Roovaart, Management Analyst III
Unemployment Insurance Division
150 Des Moines Street, Des Moines, IA 50309-1836
Phone (515) 242-0402 Fax (515) 242-0494

- [Image 1](#)
 - [Image 2](#)
-

Image 1

For general questions, contact:
UIClaimsHelp@iwd.iowa.gov

70-6202 (12-08)

An Equal Employment Opportunity Agency
Auxiliary aids and services are available
Upon request, for people with disabilities.
For deaf and hard of hearing, use Relay 711.

**To locate your closest Workforce
Development Center check your
local telephone directory or visit
our website**

www.iowaworkforce.org

Failure to report your weekly continued-claim
will cause a delay in your payments.

To Check on the status of your claim or
benefit payment;

The on-line benefit status information at
<https://www.Iwd.state.ia.us/WeeklyClaims>

is available 24 hrs a day 7 days a week.

Or

The touch tone telephone benefit information
line at (800) 850-5627 (outside of Des Moines)
281-6231 (in Des Moines calling area) is available
Tuesday through Friday from 7:30 a.m. to 4:59
p.m.

Note: If Monday is a holiday, updated information is not available until Wednesday.

**You can file
on-line for
Unemployment
Benefits by
visiting**

www.iowaworkforce.org

Note: You must use a touch-tone
telephone to ensure your calls are
correctly recorded by the interactive
voice response system.

Receiving Your Benefit Payments:

Most Iowans may receive unemployment for up to 26 weeks and in some cases 39 weeks. After you have filed your unemployment claim, you must confirm your eligibility each week you are unemployed using one of the following methods:

Continued Claim Web Reporting

You may file your weekly-continued claim on-line at <https://www1.iwd.state.ia.us/WeeklyClaims>

Important: If you get disconnected or close out this application before the application tells you that your claim has been accepted, you will have to log-in and start again to successfully file your continued claim.

Touch-Tone Telephone Reporting

To file your weekly-continued claim by telephone, just call the continued claims IVR reporting system at (800) 850-5627 (outside of Des Moines) or 281-6231 (in the Des Moines calling area)

It is best to make your call during the hours of 10:00 a.m. Saturday to 11:30 p.m. on Sunday. The system is also available Monday through Friday 7:30 a.m. to 4:59 p.m.

The weekly call is a pre-recorded message that will ask you a series of questions and you will use your telephone keypad to enter your responses or respond to the online questions.

Image 2

If you do not meet the criteria to file on-line, you should contact a local Workforce Development Center for additional assistance in filing your unemployment claim.

Even if you do not have a home computer, you can file your unemployment claim on-line from any Internet connected computer, such as those found at the public library, your union hall, or your closest Workforce Development Center.

Eligibility Requirements

The basic eligibility requirements are that you:

- Are totally or partially unemployed.
- Have worked and earned a minimum amount of wages in work covered by unemployment tax during the past 18 months.
- Have lost your job through no fault of your own.
- Are able and available for work.
- Are registered for work at your local Workforce Development Center, unless work search is waived. You can register for work on-line by

using the Employment Registration Services application.

- Are actively seeking work unless work search is waived.

For additional information or to better understand the eligibility requirements please read the **Facts about Unemployment Insurance Guide** on our website at www.iowaworkforce.org

. You

may also get a copy of the guide by visiting your closest Workforce Development Center.

Filing an Unemployment Claim

Iowa Workforce Development wants to help Iowans receive unemployment benefits to which they are entitled. Iowans eligible for this assistance may file a new unemployment claim by using one of the following methods:

On the Internet at www.iowaworkforce.org or by visiting your local Workforce Development Center.

Is filing a claim on-line right for you?

The fastest, most efficient way to apply for unemployment benefits is online. The Internet filing option is available 24 hours a day, seven days a week – it's always open!

To be able to file a claim online you must meet all of the following criteria:

- You must have worked in Iowa during the past 18 months. (earned Iowa wages);
- You must **not** have an existing unemployment claim in any other state with money (benefits) still available;
- You must **not** have an existing Railroad Unemployment claim with money still available;
- If you served in the U.S. military during the past 18 months, you **MUST** have an Iowa residence;
- If you have earned wages in more than one state in the past 18 months and you want those wages added to your claim, you must live in Iowa.

www.iowaworkforce.org

No matter how you file your unemployment benefit claim you will need to have the following information available:

What you will need:

- Your Social Security number;
- The name, payroll address and telephone number of your most recent employer;

- The first and last date you worked for that employer;
 - An Alien Registration number if you are NOT a U.S. citizen or permanent refugee.
 - If you served on active duty in the U.S. military during the past 18 months, a DD214 (member copy 4);
 - If you worked for the federal government in the past 18 months, a Standard Form 8, if one was provided to you;
 - The names of any dependents that you can claim as exemptions on your federal income tax return.
 - You may claim your spouse as a dependent if her/his gross wages were \$120 or less in the week prior to filing your claim. Self employment does not count as gross wages for dependent purposes.
-

- [Image 1](#)
 - [Image 2](#)
-

Image 1

You have applied for unemployment insurance benefits and the effective date of your claim will be Sunday, _____. To receive your unemployment insurance benefits each week you MUST call the continued claims reporting system at (800) 850-5627 (toll free outside the Des Moines area) or 281-6231 (within the Des Moines calling area). You may select either the English or the Spanish version of the script. The best hours to call are between 10 a.m., Saturday to 11:30 p.m., Sunday, or Monday through Friday, 7:30 a.m. to 4:59 p.m.

You should make your first call to the automated voice response system on _____, and will be claiming benefits for the period beginning _____ and ending _____. A prerecorded interactive voice

response (IVR) system will ask you to certify that you:

- Are unemployed or working reduced hours;
- Are able and available for work;
- Have not refused any job offers or referrals;
- Are actively looking for work (unless waived); and
- Are reporting any pay or pension you may be receiving.

If you had earned wages or were paid vacation or severance pay for the week listed above, failure to report the income will result in delays on your claim and possible overpayment of benefits. All gross wages earned, including supplemental or part time wages, during weeks claimed must be reported when making weekly calls. This call is MANDATORY every week if you want to receive an unemployment insurance payment.

PERSONAL ID NUMBER (PIN)

When you make your continued claims call for the first time, you will be asked to enter a personal identification number (PIN). Be sure to select a PIN that will be easy to remember since you must use the same PIN each time you call to file your weekly claim or call to reactivate an existing claim. Do not use the same numbers in sequence (such as 1111 or 3333) or numbers in sequence (such as 1234). If you forget your PIN or think someone else knows your PIN, contact your local Iowa Workforce Development Center.

WORK SEARCH REQUIREMENTS

If your separation from your employer is permanent, you are required to activate a work registration with Iowa Workforce Development and make a minimum of two job contacts per week. Ask your Iowa Workforce Development representative how to activate your work registration. The same representative can clarify acceptable work search contacts. Keep a written record of your work search contacts in your *Facts About Unemployment Insurance* guide. Keep your record of contacts for work for up to 18 months from the initial filing of your claim.

Your work search requirement is waived if you will be called back to your regular employer.

If you are a union member in good standing, you are required to make a weekly contact to your union hall.

WEEKLY CALL-IN INSTRUCTIONS

68-0057 (08-07)

IOWA

DEVELOPMENT
Smart. Results.

Image 2

FACT FINDING INTERVIEW

On a new unemployment claim, your last employer and all employers you worked for in approximately the last 18 months will receive notice of this claim and may be responsible for paying some of the charges on the claim. If any of the employers notified protest your claim, a fact finding interview may be scheduled to gather information to issue decisions on your eligibility for benefits and potential charges to employer accounts. If you quit or were fired from your most recent job you will be scheduled for a fact finding interview. You and your former employer will receive

a *Notice of Unemployment Insurance Fact-finding Interview* containing the scheduled date and time of a telephone interview. Be sure you check your mail carefully so you do not miss a scheduled telephone interview. **It is important to make your weekly call to the continued claims reporting system while unemployed, even during the weeks you are waiting for your scheduled interviews or appeals. It does take several weeks to process your application and determine eligibility.**

To check on the status of your claim or status of your benefit payment, call:

**Outside Des Moines, (800) 850-5627
Des Moines Area 281-6231**

The status information is only available Tuesday through Friday, 7:30 a.m. to 4:59 p.m.

Note: If Monday is a holiday, status information is not available until Wednesday of the week.

MONETARY DETERMINATION

New unemployment insurance applicants will receive a monetary determination form in the mail that includes the name of their last employer, Iowa wages used to set up the claim, number of dependents, the maximum potential payment each week and the maximum total potential payment on the claim. Carefully review the earnings listed and if they are incorrect, contact Iowa Workforce Development immediately. If your claim involves federal/military or out-of-state wages you will receive a second monetary determination after we request and receive the wage information from those departments.

FACTS ABOUT UNEMPLOYMENT INSURANCE GUIDE

New applicants will also receive a booklet, *Facts about Unemployment Insurance* guide. It is your responsibility to read and know the contents of the guide.

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.
For deaf and hard of hearing, use Relay 711.

- [Image 1](#)
 - [Image 2](#)
-

image 1

File Online

Unemployment Insurance Benefits:

IowaWORKS

Receiving UI Benefits

Iowans are typically approved for UI benefits

for up to 26 weeks, and in some cases up to 39 weeks. Once your claim is approved, you will need to confirm your eligibility weekly.

Each week you will be asked to apply for two jobs and confirm that you were able and available for work. You can do this either online or by calling (800) 850-5681 (outside of Des Moines) or (515) 281-6231 (in the Des Moines calling area).

To receive your benefit money on time, you should file your weekly claim anytime between the hours of 10:00 a.m. Saturday through 11:30 p.m. Sunday. However, the system is also available Monday-Friday from 7:30 a.m. – 4:59 p.m.

The weekly pre-recorded message will ask you a series of question and you will use your telephone keypad to enter your responses.

To make sure your calls are correctly recorded by the interactive voice response system, you should use a touch-tone phone.

Failure to provide updated information weekly will cause a delay in your payments.

To check the status of your claim or your benefit payments, call (800) 850-5627 or (515) 281-6231.

In addition, benefit status information is available Tuesday-Friday from 7:30 a.m. – 5:00 p.m.

NOTE: If Monday is a holiday, this information will not be available until Wednesday.

UI Claims Status Check

To find your local Iowa *WORKS* office or for more information, please visit www.iowaworkforce.org.

For general UI question, e-mail UIClaimsHelp@iwd.iowa.gov.

Iowa *WORKS*

*Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
70-6202 (02-11)*

www.iowaworkforce.org

Image 2

Iowa *WORKS* is committed to assisting Iowans in filing for Unemployment Insurance (UI) benefits in a quick, efficient manner. Iowans who are eligible for UI benefits need to file a claim to receive this assistance.

The fastest, most efficient way is to apply for benefits online is by visiting www.iowaworkforce.org.

Eligibility Requirements

Not everyone will be eligible to receive UI

benefits. In order to receive benefits, you should:

- Be totally or partially unemployed
- Have lost your job through no fault of your own be able and available for work
- Have worked and earned a minimum amount of wages in work covered by UI tax during the past 18 months
- Be actively seeking work and

registered for work at your local Iowa *WORKS* office (unless work search is waived). You can register for work online by using the Employment Registration Services application.

No matter how you file a UI benefit claim, you will need to have the following information available:

- Your social security number
- Your most recent employer's name, payroll address and telephone number of your recent employer
- The first and last date worked for your previous employer
- An alien registration number if you are
- NOT a U.S. citizen or permanent refugee
- A copy of your DD214, if you've served in the military during the past 18 months
- A Standard Form 8, if you've worked for the federal government in the past 18 months

What You'll Need to File a Claim

In order to file a claim online, you must:

- Not have an existing unemployment claim in any other state with money (benefits) still available
- Not have an existing Railroad UI claim with money still available
- Have an Iowa residence, if you've served in the military in the last 18 months
- live in Iowa if you've earned wages in more than one state in the past 18 months and you want those wages added to your claim
- Names of any dependents that you can claim as exemptions on your federal income tax return. You may claim your spouse as a dependent if his/her gross wages were \$120 or less in the week prior to filing your claim. (Self-employment does not count as gross wages for dependent purposes.)

For additional information or to better understand the eligibility requirements, you can read the "*Facts about Unemployment Insurance Guide*" on our website at www.iowaworkforce.org.

You may also get a copy of the guide by visiting your local Iowa *WORKS* office.

If you do not meet the criteria to file online, you can receive additional assistance for filing your claim at your local Iowa *WORKS* office.

Eligibility Requirements for Filing a UI Claim Online

Message: Unemployment Insurance Interstate Information Exchange Agreement
Case Information:

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:54 PM
 Item ID: 40862317
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 Unemployment Insurance Interstate Information Exchange Agreement

From Carson, Etha [IWD] **Date** Monday, March 17, 2014 3:24 PM
To Bervid, Joseph [IWD]; Wilkinson, Michael [IWD]
Cc Olivencia, Nicholas [IWD]; Moses, Ryan [IWD]; Guy, Marlys [IWD]; Young, Veronica [IWD]

 image001.png (16 Kb HTML)

After reading the interstate agreement, I have a Question:
 I had recently talked to Veronica, Ryan and Marlys concerning CWC and Interstate Claims and Overpayments.

Currently the overpayment information is not shared or available to be seen between states, when you are viewing or taking claim information. Starting about 6 months ago states started sharing electronically the overpayment information, via an electronic form 8606. The information is shared after the claims are filed by the state with the overpayment who must furnish an 8606 decision letter to the "paying state" who sets up the overpayment and sends a notice to the claimant for the overpayment to be deducted. The paying state then starts to collect the overpayment but, the overpayment is not paid to that state until either the paying state has collected "ALL" the dollars owed or the claimant has exhausted his eligibility. Then the paying state will send the money collected to the overpaid state.

Will there be a change in how the overpayment information is shared?

I am suggesting ICON should include the data about the overpayment to assist communication between states. So the states can better inform each other about the existing overpayment and the amount the paying state has/is collecting. This would assist states in knowing what is happening and eliminate in-person communication about something that could be viewed electronically. Data should be shared either in fields or on a separate view screen. Currently ICON has the original view screen for the basic claim information and existing weeks claimed; then a WAGE view for the wages available and used by another state. A third view of the overpayment would be helpful.

Etha Carson, Executive Officer

Etha.Carson@iwd.iowa.gov

Phone: 515 242-5145

Fax: 515 281-7695

Or 515 725-2676

Cell: 641 521-3087

Unemployment Insurance Services

X Description:
 cid:image001.png@0
 1CD94D2.4F176A30

1000 East Grand Avenue
 Des Moines, Iowa 50319

Message: Scanning "Old Forms" (Bin)

Case Information:

Message Type: Exchange
 Message Direction: Internal
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:35 PM
 Item ID: 40861804
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

Scanning "Old Forms" (Bin)

From Carson, Etha [IWD] Date Thursday, March 27, 2014 6:16 PM
 To Boten, Brenda [IWD]; West, Ryan [IWD]; Eklund, David [IWD]
 Cc

image001.png (16 Kb HTML) image002.jpg (3 Kb HTML) image005.jpg (30 Kb HTML)

Brenda, You indicated you were looking into the priority and scanning process.... I have done some digging about documents since I have been the finder.... Perhaps you all can use this knowledge to help with the reviewing process. Best wishes!

Impartial, information from Scanning and my search for documents especially, concerning Typed Decisions:

My recent "searches" gave me a need to understand. I really don't think the problem is only in one place.

Several variables are involved:

- the individual who typed the decision and when did they take it to the scanning bin
- did the individual who typed the decision split the documents properly into separate groups
- when was the "Old Forms" bin batch prepped and sent to 1000
- when were the items batched and scanned at 1000

Scanners indicate the typed decisions are never placed in a priority bin. They are always mixed in with other batched forms. To find them they would have to dig and specifically look for them – possible if they are coming daily, a waste if they aren't.

At the UISC the typed decisions go in the "Old Forms" bin.

Many items in the old forms bin are single sheets. Typed decisions will be single sheets.

Forms included in the "Old Forms" bin and the form number for the form:

- 60-0186 Typed decision
- 68-0032 Data Base Overpayment
- 60-0030 JIFs (for the dependents claimed) 32 were scanned in 2013
- 65-5314 Overpayment Statement
- 65-5522 Notice of Wage Transfer (worked then sent to scanning for a data record)
- 68-0064 Request for Special Warrant
- 68-0251 Correction in Fund Account
- ES931 (probably 90% are printed and 10% are hand written forms)
- IB5P wages received from other state for a CWC claim
- IB5T wages transferred to another state for a CWC-T claim
- IB14 copy of an interstate missing wages for either a CWCT or CWCP. The CWC-P is sent to the state where the wages are missing with the available documentation of the wages

Items in this group are placed together, because of the type of coding needed to scan the form.

This winter the bundle dates from the UISC were changed to the Bundle dates in scanning. Jana says in the future they will try to keep both dates on the batches to help finding things. Hopefully they aren't this far behind again.... Proverbial optimist ☺

The statements/sup docs that go with a typed decision are in several different locations in the bin system: from SIR 65-5315, Decision of Overpayment Worksheet 65-0031 or Statement of Fact Worksheets 60-0140 and probably more. They appear to be "New Forms" that are processed by scanners differently than the "Old Forms". And from my opinion may not be scanned on the same day.

Scanners indicate we are inconsistent with how we place the individual typed decisions for scanning. Most are where they are supposed to be in the "Old Forms – singles, 1 page" bin. They must watch for them often as the top sheet over a statement of fact worksheet the way we used to package them for Image Plus; and sometimes as the second sheet. If an individual wants a copy of the decision as a duplicate with the statement it should be marked that way (Even if the scanner misses an original only copy decision -- the decision will be with the statement file.). Less of an issue than lost and gone forever in the wrong place.

Using the specific claim documents, I was to find for Appeals on Tuesday, March 18th, (-9031 Craig E Graham) to demonstrate the inconsistencies. You know as well as I do that Nhoui turned those documents the same day she entered them. But there is a terrible disparity in dates, below are the parts and scan dates followed by NMRO dates:



NMRO

01/05/14 02 999999 999 970 D 02/07/14 appealed 02/18/14
01/05/14 03 999999 999 970 D 02/24/14 appealed 02/25/14

My 2 cents worth:

Judging by where I found the Reference 3 Overpayment Decision Worksheet it came up about March 13 or 14 (the scanners scanned and verified for me that day), but the typed decision didn't come up until March 25 the day it was scanned. That is a big difference for something appeals might need.

It appears to me many of these items in the "Old Forms" bin are scans for a data file copy that is less urgent and also less likely to be having immediate action than the Typed Decisions. I think many of these items are more automated than they were over the years, but the automation does not automatically make an image copy- your business specialists will know and be able to help there.

Jana, showed me we can put the form number and dates -- from and through -- and see when things are getting scanned in that time frame. Typed decisions are in larger batches than daily batches would be when you compare the January monthly total of 351 to 4 scan dates (01/10/14, 01/14/14, 01/21/14 and 01/28/14). You can't tell if only one batch of decisions was scanned that day or if multiples of batches were scanned. The scanners swore to me when I was looking for them that I would find them in a larger group. To me, the scan dates support the larger batches. Jana indicates that the scanners try to scan everything that was sent up on one day on the same day. Because of the batch dates from the UISC were changed at 1000 to the dates they got around to batching them I don't think they could tell what the date of UISC processing really was. Everything I looked for this winter was in the middle of over/under dates in the neighborhood of.... Dates ... that did normally help me compared to when the individual said they sent the information.

Best wishes!

Etha, Executive Officer
Etha.Carson@iwd.iowa.gov
Phone: 515 242-5145
Fax: 515 281-7695
or 515 725-2676
Cell: 641 521-3087

Unemployment Insurance Services

✕ Description:
Description:
cid:image001.png@0

1000 East Grand Avenue
Des Moines, Iowa 50319

From: Boten, Brenda [IWD]

Sent: Wednesday, March 26, 2014 9:52 AM

To: Allen, Shannell [IWD]; Anderson, Shantel [IWD]; Andreano, Lori [IWD]; Baccam, Frisco [IWD]; Batten, Gary [IWD]; Beattie, Adam [IWD]; Borgeson, Jill [IWD]; Boten, Brenda [IWD]; Carson, Etha [IWD]; Chounlamountry, Pho [IWD]; Close, Kara [IWD]; Cogan, Karen [IWD]; Cozart, Jeanine [IWD]; Croushore, Brianne [IWD]; Dawson, Dianne [IWD]; Densmore, Terryne [IWD]; DeSmidt, James [IWD]; Devine, Roxy [IWD]; Donlin, Michael [IWD]; Dyer, Ray [IWD]; Dykstra, Connie [IWD]; Edmonds, Linda [IWD]; Eklund, David [IWD]; Ellenwood, Kasandra [IWD]; Finck, Christal [IWD]; Garrett, Brent [IWD]; Gaulke-Lilly, Sharon [IWD]; Gifford, Matt [IWD]; Guy, Marlys [IWD]; Hallengren, Jon [IWD]; Hoard, Aaron [IWD]; Holett, Karen [IWD]; Hosier, Michael [IWD]; Irvine, Erin [IWD]; Irvine, Kevan [IWD]; Khounlo, Nhoui [IWD]; Kolontar, Lisa [IWD]; Kooiker, Quentian [IWD]; Landrew, Paul [IWD]; Long, Maria [IWD]; Moses, Ryan [IWD]; Nutting, Jenifer [IWD]; Oyibo, Joan [IWD]; Parry, Sharon [IWD]; Peacock, Phillip [IWD]; Prettyman, Laura [IWD]; Ramirez, Rebecca [IWD]; Rieger, Kim [IWD]; Roovaart, Michelle [IWD]; Ruby, Evelyn [IWD]; Saddoris, Michelle [IWD]; Schafer, Cathy [IWD]; Schlumbohm, Spomenka [IWD]; Schmalzried, Leslie [IWD]; Shepherd, Deborah [IWD]; Spencer, Barbara [IWD]; Starr, Tracy [IWD]; Steen, Christina [IWD]; Stewart, Brian [IWD]; Stielow, Lisa [IWD]; Tavegia, Thomas [IWD]; Ung, Kham [IWD]; Vo, Vu [IWD]; Vogt, Jennifer [IWD]; West, Ryan [IWD]; Wey, Kevin [IWD]; Wolfe, Kathie [IWD]; Wood, Kirsten [IWD]; Young, Veronica [IWD]

Subject: Information to Scanning

Please make sure that you are putting all your completed work into the scanning boxes on a daily basis.

Thank you

Brenda Boten
Unemployment Insurance Manager
Phone (515) 725-3757
Fax (515) 281-9323

✕ Description:
telegraphic

Message: FYI: Retention of 1099G -- RE: 1099G wasn't issued for -7811 T Ayers

Case Information:

Message Type: Exchange
Message Direction: Internal
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:39 PM
Item ID: 40861924
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

FYI: Retention of 1099G -- RE: 1099G wasn't issued for -7811 T Ayers

From Carson, Etha [IWD] Date Friday, April 04, 2014 11:10 AM
To Nwizu, Hyginus [IWD]
Cc Bervid, Joseph [IWD]; Wilkinson, Michael [IWD]; Eklund, David [IWD]; West, Ryan [IWD]; Guy, Marlys [IWD]; Olivencia, Nicholas [IWD]

image001.png (16 Kb HTML)

Chuks, please add this information for future reference.

Joe, has indicated our legal obligation is to keep the information 6 years after last payment. Adding a cushion, he indicated when we program to purge we should be purging on the 8th year or record.

Thanks,

Etha, Executive Officer
Etha.Carson@iwd.iowa.gov
Phone: 515 242-5145
Fax: 515 281-7695 or 515 725-2676
Cell: 641 521-3087

Unemployment Insurance Services

Description: cid:image001.png@01CD94D2.4F176A30

1000 East Grand Avenue
Des Moines, Iowa 50319

From: Nwizu, Hyginus [IWD]
Sent: Friday, April 04, 2014 10:34 AM
To: Carson, Etha [IWD]
Subject: RE: 1099G wasn't issued for -7811 T Ayers

I have already raised it to 15 years.

From: Carson, Etha [IWD]
Sent: Friday, April 04, 2014 9:54 AM
To: Nwizu, Hyginus [IWD]
Subject: RE: 1099G wasn't issued for -7811 T Ayers

When Joe comes back in I will see what he says about how far to raise it and will get back to you.... If you decide you need a JIRA let me know. Thanks

Etha, Executive Officer
Etha.Carson@iwd.iowa.gov
Phone: 515 242-5145
Fax: 515 281-7695 or 515 725-2676
Cell: 641 521-3087

Unemployment Insurance Services

Description: cid:image001.png@01CD94D2.4F176A30

1000 East Grand Avenue
Des Moines, Iowa 50319

From: Nwizu, Hyginus [IWD]
Sent: Friday, April 04, 2014 9:51 AM
To: Carson, Etha [IWD]
Subject: RE: 1099G wasn't issued for -7811 T Ayers

It is enough unless it takes too long to fix.

From: Carson, Etha [IWD]
Sent: Friday, April 04, 2014 9:50 AM
To: Nwizu, Hyginus [IWD]
Cc: Guy, Marlys [IWD]; Hammond, Simona [IWD]
Subject: FW: 1099G wasn't issued for -7811 T Ayers

What do you need is this trouble ticket enough Or do you need a JIRA?

Etha, Executive Officer
Etha.Carson@iwd.iowa.gov
 Phone: 515 242-5145
 Fax: 515 281-7695
 or 515 725-2676
 Cell: 641 521-3087

Unemployment Insurance Services

X Description:
 cid:image001.png@0
 1CD94D2.4F176A30

1000 East Grand Avenue
 Des Moines, Iowa 50319

From: Nwizu, Hyginus [IWD]
Sent: Friday, April 04, 2014 9:34 AM
To: Carson, Etha [IWD]
Subject: RE: 1099G wasn't issued for -7811 T Ayers

Yeah, it only displayed 10 years. We need to up it.

From: Carson, Etha [IWD]
Sent: Thursday, April 03, 2014 5:20 PM
To: Nwizu, Hyginus [IWD]
Subject: RE: 1099G wasn't issued for -7811 T Ayers

Why doesn't it show on KPY3?

Etha, Executive Officer
Etha.Carson@iwd.iowa.gov
 Phone: 515 242-5145
 Fax: 515 281-7695
 or 515 725-2676
 Cell: 641 521-3087

Unemployment Insurance Services

X Description:
 cid:image001.png@0
 1CD94D2.4F176A30

1000 East Grand Avenue
 Des Moines, Iowa 50319

From: Nwizu, Hyginus [IWD]
Sent: Thursday, April 03, 2014 4:54 PM
To: Carson, Etha [IWD]
Cc: Budrevich, Steven [IWD]; Guy, Marlys [IWD]; Hammond, Simona [IWD]
Subject: RE: 1099G wasn't issued for -7811 T Ayers

The 1099G was sent to this individual on January 15, 2014.
 PO BOX 9935
 CEDAR RAPIDS IA 52409

From: Carson, Etha [IWD]
Sent: Thursday, April 03, 2014 3:52 PM
To: IWD-HelpDesk
Cc: Budrevich, Steven [IWD]; Guy, Marlys [IWD]; Hammond, Simona [IWD]; Nwizu, Hyginus [IWD]
Subject: 1099G wasn't issued for -7811 T Ayers

I don't think this would have an effect -- but his name is Tom Ayers on DBIN/ 2 & 3 and changes to Thomas for DBIN/1 and current DBRO .

The payments show on KPY1 as 2013 and as far as I can tell are regular UI with no interruptions, no overpayment, or anything weird....
 - 1 week on DBIN/2 oc of 012912 @\$400. and ten(10) weeks on OC 012713 @\$426 = \$4660 gross

Can you tell us what happened? Or why he wouldn't get one?

Thanks,
 Marlys, Simona &
Etha Carson, Executive Officer
Etha.Carson@iwd.iowa.gov
 Phone: 515 242-5145
 Fax: 515 281-7695
 Or 515 725-2676
 Cell: 641 521-3087

Unemployment Insurance Services

X Description:
cid:image001.png@0
1CD9AD2.4F176A30

1000 East Grand Avenue
Des Moines, Iowa 50319

Message: R5 FGM Quarterly Call

Case Information:

Message Type: Exchange
 Message Direction: External, Inbound
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:20 PM
 Item ID: 40861607
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 R5 FGM Quarterly Call

From Castaneda, Chanel - ETA

Date
 Wednesday,
 January 22, 2014
 9:57 AM

To Abdel Aly; O'Hair, Anieta [IWD]; arpohl@michigan.gov; Audrey Cunningham; Bill Clark; Bonnie Sawyer; Briant Coombs; BSeldomridge@dwd.IN.gov; callahans@michigan.gov; Charles Dooley; Chris Ortega; Daly, Pat [IWD]; Dolensek, Jean (DEED); Elizabeth Berger; Swacker, Jamie [IWD]; Janet Histed; Jen Utemark; John.W.Barr@illinois.gov; Taylor, Kelly [IWD]; Les Williams; Linda.DeMore@illinois.gov; Lori Schomisch; Ly Tran; Manley, Nancy (DWD); Maria Toledo; Mary Cupp; Melissa Holbek; Mike LaCharite; modij1@michigan.org; Mona.hou@dwd.wisconsin.gov; Nancy Able; Nancy Eilks; Phil Wyatt; Randy Gillespie; Rebecca Voss; Rich Gollither; Robert Eggebrecht; Ron Weber; Sharleen Daniels; Shelley Landgraf; Tami Moe; Theresa R. Figge; Tim Weishaar; Tonya Thompson; Tracey Brown; Ward, Debbie Kay; zzETA-CHI-WfS-DFMAS-Fiscal Group

Cc Traci Herrick; Voss, Rebecca (Fin Mgmt); Gollither, Rich - DWD; Wolff, Janel M - DWD; Moe, Tami A - DWD; Jackson, Michael C - ETA; Dawn Palmberg; Taylor, Nancy - ETA; DiLisio, Thomas - ETA; JANET HISTED; Jamison, Lorraine - ETA

 AGENDA R5 01 23 2014.docx (53 Kb HTML)  ETA 14.pdf (65 Kb HTML)  table.pdf (120 Kb HTML)  14 DOL General provisions.pdf (45 Kb HTML)  Div G - INTERIOR.OCR.PDF (465 Kb HTML)  TEGL_7_13_Acc.pdf (298 Kb HTML)

Heilo -- Attached is the agenda as well as all the attachments that we will be discussing during the conference all.

Omnibus Lanruage:

TEGL 7-13:

Please forward this along to anyone that I have missed.

And please send any topics you would like to discuss to castaneda.chanel@dol.gov

We have requested more phone lines to ensure that everyone can call-in.

01/23/2014, 1:30PM CST

Phone #: 877-791-5904

Passcode: 7020604

Thank you!

AGENDA: Region 5 FGM Quarterly Call

01/23/2014, 1:30PM CST

Phone #: 877-791-5904

Passcode: 7020604

AGENDA TOPICS

- **New State Assignments (Fiscal POC) -- Region V fiscal staff**
 - Mike Jackson: Illinois & Iowa
 - Lorraine Jamison: Ohio & Minnesota
 - Chanel Castaneda: Kansas, Indiana & Missouri
 - Nancy Taylor: Wisconsin, Nebraska & Michigan
- **Omnibus Language**

House Press Release

Department of Labor (DoL) – The bill provides \$12 billion for the Department of Labor, a cut of \$449 million below the fiscal year 2013 enacted level. This funding includes:

- \$10.4 billion for the Employment Training Administration – a decrease of \$562 million from the fiscal year 2013 enacted level;
- \$1.7 billion for the Office of Job Corps – \$14 million less than the fiscal year 2013 enacted level but approximately \$75 million above the sequester level – to help unemployed, young Americans receive education, job training, and employment assistance;
- \$269.5 million for Veterans Employment and Training Service (VETS) – \$5.1 million above the fiscal year 2013 enacted level, including \$14 million for the Transition Assistance Program to help new veterans receive training for civilian employment and job search assistance; and
- \$375.9 million for the Mine Safety and Health Administration (MSHA), virtually equal to fiscal year 2013 enacted level and \$4.8 million below the President's budget request.

Senate Press Release

- **Job Training:** The bill includes \$2.6 billion, an increase of \$121 million, for Workforce Investment Act Grants to States to provide job training skills and assistance to low-skilled adults, dislocated workers, and low-income youth with barriers to employment.
- **Veterans Employment and Training:** The bill includes \$270 million, an increase of \$19 million, to expand employment services to transitioning service members, veterans with disabilities, and their spouses and caregivers.
- **Unemployment Insurance (UI) Program Integrity:** The bill includes a minimum of \$80 million, an increase of \$16 million, to conduct reemployment and eligibility assessments and UI improper payment reviews. This level is projected to save State UI trust funds an estimated \$315 million by helping claimants exit the UI program faster and avoid exhausting their benefits.
- **Omni Circular**
 - <http://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf>
 - **12/20 webcast by Council on Financial Assistance Reform (COFAR) and members of the grants community held a roundtable discussion on the recently published Uniform Guidance: Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Available on Youtube:**
 - <http://www.youtube.com/watch?v=xBmjulDwDWk&feature=youtu.be>
 - **Cross-walk and side by side comparisons can be found at:**
 - http://www.whitehouse.gov/omb/grants_docs

[Uniform Guidance Crosswalk from Predominant Source in Existing Guidance](#) (29 pages, 442 kb)

[Uniform Guidance Crosswalk to Predominant Source in Existing Guidance](#) (10 pages, 282 kb)

[Uniform Guidance Cost Principles Text Comparison](#) (174 pages, 1.62 mb)

[Uniform Guidance Audit Requirements Text Comparison](#) (46 pages, 731 kb)

[Uniform Guidance Definitions Text Comparison](#) (76 pages, 476 kb)

[Uniform Guidance Administrative Requirements Text Comparison](#) (123 pages, 1 mb)

- **Upcoming Webinar by COFAR (01/27)**
 - For more information on Federal grant management policies or the Council on Financial Assistance Reform, please visit www.cfo.gov/cofar. Since its creation in October 2011, the COFAR with OMB as co-chair, has led several efforts to improve delivery, management, coordination, and accountability of Federal grants and cooperative agreements. The COFAR continues to engage with stakeholders including Congress, Federal Agencies, state, local, and tribal governments, institutions of higher education, nonprofit organizations, Federal Councils including the Government Accountability and Transparency Board, and other groups to foster more efficient Federal financial management, ultimately for better outcomes for Federal grants. Please sign up to the [COFAR Mailing List](#) to receive more information on the Uniform Guidance and access to upcoming training events.

- Possible Reinstatement of UI Extended Benefits
 - Changes in TAA (Trade Adjustment Assistance) Act
 - TEGL 7-13: Operating Instructions for Implementing the Sunset Provision of the Amendments to the Trade Act of 1974 Enacted by the TAAEA of 2011
 - The 2011 Amendments expired at the end of December 31, 2013 so for FY14 Q1, TAA was under the 2011 Amendments and the remainder of FY14 will operate under the old Trade laws:
 - *Individuals who file petitions on October 21, 2011, through 11:59 PM EST, Tuesday, December 31, 2013, will have access to benefits and services under the 2011 Amendments for the certification series TA-W-81,000-84,999, as provided in TEGL No. 10-11 and its Changes 1 and 2. Individuals who file petitions on or after January 1, 2014, must meet the group eligibility certification requirements of the 2002 Amendments and only the reduced benefits and services under Reversion 2014 will be available to workers covered under those certifications, in accordance with statutory sunset provisions to the 2011 Amendments...*
 - Items I Personnel Benefit Costs
 - FY14 funds, State Administration costs may not exceed 11.5%
 - Final ETA 9130 & PMS
 - Reports marked final in E-Grants are locked after accepted by Regional Staff
 - PMS account is locked after 90 days the end of the period of performance
 - Discretionary grants awarded to States (i.e. WIF grants) are assigned under new PINs and passwords
 - SAM.gov (System for Award Management)
 - The System for Award Management (SAM) is the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS.
 - Are States using SAM.gov to utilizing this website?
 - R5 Roundtable with State Administrator meeting
 - Fiscal Forum
 - Q&A's
-

- [Image 1](#)
- [Image 2](#)
- [Image 3](#)
- [Image 4](#)
- [Image 5](#)
- [Image 6](#)
- [Image 7](#)
- [Image 8](#)
- [Image 9](#)
- [Image 10](#)
- [Image 11](#)
- [Image 12](#)
- [Image 13](#)
- [Image 14](#)
- [Image 15](#)

Image 1

850

**DIVISION H—DEPARTMENTS OF LABOR, 1
 HEALTH AND HUMAN SERVICES, AND 2
 EDUCATION, AND RELATED AGENCIES 3
 APPROPRIATIONS ACT, 2014 4**

TITLE I 5

DEPARTMENT OF LABOR 6

EMPLOYMENT AND TRAINING ADMINISTRATION 7

TRAINING AND EMPLOYMENT SERVICES 8

(INCLUDING TRANSFER OF FUNDS) 9

For necessary expenses of the Workforce Investment 10
 Act of 1998 (referred to in this Act as "WIA"), the Sec-11
 ond Chance Act of 2007, the Women in Apprenticeship 12
 and Non-Traditional Occupations Act of 1992 ("WANTO 13
 Act"), and the Workforce Innovation Fund, as established 14
 by this Act, \$3,148,855,000, plus reimbursements, shall 15
 be available. Of the amounts provided: 16

(1) for grants to States for adult employment 17
 and training activities, youth activities, and dis-18
 located worker employment and training activities, 19
 \$2,588,108,000 as follows: 20

(A) \$766,080,000 for adult employment 21
 and training activities, of which \$54,080,000 22
 shall be available for the period July 1, 2014, 23

through June 30, 2015, and of which 24

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Image 2

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\$712,000,000 shall be available for the period 1

October 1, 2014 through June 30, 2015; 2

(B) \$820,430,000 for youth activities, 3

which shall be available for the period April 1, 4

2014 through June 30, 2015; and 5

(C) \$1,001,598,000 for dislocated worker 6

employment and training activities, of which 7

\$141,598,000 shall be available for the period 8

July 1, 2014 through June 30, 2015, and of 9

which \$860,000,000 shall be available for the 10

period October 1, 2014 through June 30, 2015: 11

Provided, That notwithstanding the transfer limitation 12

under section 133(b)(4) of the WIA, up to 30 percent of 13

such funds may be transferred by a local board if approved 14

by the Governor: *Provided further*, That a local board may 15

award a contract to an institution of higher education or 16

other eligible training provider if the local board deter-17

mines that it would facilitate the training of multiple indi-18

viduals in high-demand occupations, if such contract does 19

not limit customer choice: *Provided further*, That notwith-20

standing section 128(a)(1) of the WIA, the amount avail-21

able to the Governor for statewide workforce investment 22

activities shall not exceed 8.75 percent of the amount al-23

lotted to the State from each of the appropriations under 24

the preceding subparagraphs; 25

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Image 3

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(2) for federally administered programs, 1
\$474,669,000 as follows: 2
(A) \$220,859,000 for the dislocated work-3
ers assistance national reserve, of which 4
\$20,859,000 shall be available for the period 5
July 1, 2014 through June 30, 2015, and of 6
which \$200,000,000 shall be available for the 7
period October 1, 2014 through June 30, 2015: 8
Provided, That funds provided to carry out sec-9
tion 132(a)(2)(A) of the WIA may be used to 10
provide assistance to a State for statewide or 11
local use in order to address cases where there 12
have been worker dislocations across multiple 13
sectors or across multiple local areas and such 14
workers remain dislocated; coordinate the State 15
workforce development plan with emerging eco-16
nomic development needs; and train such eligi-17
ble dislocated workers: *Provided further*, That 18
funds provided to carry out section 171(d) of 19
the WIA may be used for demonstration 20
projects that provide assistance to new entrants 21
in the workforce and incumbent workers: *Pro-22*
vided further, That none of the funds shall be 23
obligated to carry out section 173(e) of the 24
WIA; 25

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Image 4

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(B) \$46,082,000 for Native American pro-grams, which shall be available for the period 2 July 1, 2014 through June 30, 2015; 3

(C) \$81,896,000 for migrant and seasonal 4 farmworker programs under section 167 of the 5 WIA, including \$75,885,000 for formula grants 6 (of which not less than 70 percent shall be for 7 employment and training services), \$5,517,000 8 for migrant and seasonal housing (of which not 9 less than 70 percent shall be for permanent 10 housing), and \$494,000 for other discretionary 11 purposes, which shall be available for the period 12 July 1, 2014 through June 30, 2015: *Provided*, 13 That notwithstanding any other provision of 14 law or related regulation, the Department of 15 Labor shall take no action limiting the number 16 or proportion of eligible participants receiving 17 related assistance services or discouraging 18 grantees from providing such services; 19

(D) \$994,000 for carrying out the 20 WANTO Act, which shall be available for the 21 period July 1, 2014 through June 30, 2015; 22

(E) \$77,534,000 for YouthBuild activities 23 as described in section 173A of the WIA, which 24

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Image 5

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shall be available for the period April 1, 2014 1 through June 30, 2015; and 2

(F) \$47,304,000 to be available to the Sec-3

retary of Labor (referred to in this title as 4
"Secretary") for the Workforce Innovation 5
Fund to carry out projects that demonstrate in-6
novative strategies or replicate effective evi-7
dence-based strategies that align and strength-8
en the workforce investment system in order to 9
improve program delivery and education and 10
employment outcomes for beneficiaries, which 11
shall be for the period July 1, 2014 through 12
September 30, 2015: *Provided*, That amounts 13
shall be available for awards to States or State 14
agencies that are eligible for assistance under 15
any program authorized under the WIA, con-16
sortia of States, or partnerships, including re-17
gional partnerships: *Provided further*, That not 18
more than 5 percent of the funds available for 19
workforce innovation activities shall be for tech-20
nical assistance and evaluations related to the 21
projects carried out with these funds: *Provided 22
further*, That the Secretary may authorize 23
awardees to use a portion of awarded funds for 24

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Image 6

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evaluation, upon the Chief Evaluation Officer's 1
approval of an evaluation plan; 2
(3) for national activities, \$86,078,000, as fol-3
lows: 4
(A) \$80,078,000 for ex-offender activities, 5
under the authority of section 171 of the WIA 6
and section 212 of the Second Chance Act of 7

2007, which shall be available for the period 8
April 1, 2014 through June 30, 2015, notwith-9
standing the requirements of section 10
171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Pro-*11
vided, That of this amount, \$20,000,000 shall 12
be for competitive grants to national and re-13
gional intermediaries for activities that prepare 14
young ex-offenders and school dropouts for em-15
ployment, with a priority for projects serving 16
high-crime, high-poverty areas; and 17
(B) \$6,000,000 for the Workforce Data 18
Quality Initiative, under the authority of section 19
171(c)(2) of the WIA, which shall be available 20
for the period July 1, 2014 through June 30, 21
2015, and which shall not be subject to the re-22
quirements of section 171(c)(4)(D). 23

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Image 7

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OFFICE OF JOB CORPS 1

To carry out subtitle C of title I of the WIA, includ-2
ing Federal administrative expenses, the purchase and 3
hire of passenger motor vehicles, the construction, alter-4
ation, and repairs of buildings and other facilities, and the 5
purchase of real property for training centers as author-6
ized by the WIA, \$1,688,155,000, plus reimbursements, 7
as follows: 8

- (1) \$1,578,008,000 for Job Corps Operations, 9
which shall be available for the period July 1, 2014 10
through June 30, 2015; 11
- (2) \$80,000,000 for construction, rehabilitation 12

and acquisition of Job Corps Centers, which shall be 13
available for the period July 1, 2014 through June 14
30, 2017: *Provided*, That the Secretary may transfer 15
up to 15 percent of such funds to meet the oper-16
ational needs of such centers or to achieve adminis-17
trative efficiencies: *Provided further*, That any funds 18
transferred pursuant to the preceding proviso shall 19
not be available for obligation after June 30, 2015: 20
Provided further, That the Committees on Appro-21
priations of the House of Representatives and the 22
Senate are notified at least 15 days in advance of 23
any transfer; and 24

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Image 8

857

(3) \$30,147,000 for necessary expenses of the 1
Office of Job Corps, which shall be available for obli-2
gation for the period October 1, 2013 through Sep-3
tember 30, 2014: 4

Provided further, That no funds from any other appropria-5
tion shall be used to provide meal services at or for Job 6
Corps centers. 7

COMMUNITY SERVICE EMPLOYMENT FOR OLDER 8

AMERICANS 9

To carry out title V of the Older Americans Act of 10
1965 (referred to in this Act as "OAA"), \$434,371,000, 11
which shall be available for the period July 1, 2014 12
through June 30, 2015, and may be recaptured and reobli-13
gated in accordance with section 517(c) of the OAA. 14

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES 15

For payments during fiscal year 2014 of trade ad-16

justment benefit payments and allowances under part I 17
of subchapter B of chapter 2 of title II of the Trade Act 18
of 1974, and section 246 of that Act; and for training, 19
employment and case management services, allowances for 20
job search and relocation, and related State administrative 21
expenses under part II of subchapter B of chapter 2 of 22
title II of the Trade Act of 1974, including benefit pay-23
ments, allowances, training, employment and case man-24
agement services, and related State administration pro-25

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Image 9

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vided pursuant to section 231(a) of the Trade Adjustment 1
Assistance Extension Act of 2011, \$656,000,000, together 2
with such amounts as may be necessary to be charged to 3
the subsequent appropriation for payments for any period 4
subsequent to September 15, 2014. 5

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT 6

SERVICE OPERATIONS 7

For authorized administrative expenses, 8

\$81,566,000, together with not to exceed \$3,596,813,000 9

which may be expended from the Employment Security 10

Administration Account in the Unemployment Trust Fund 11

("the Trust Fund"), of which: 12

(1) \$2,861,575,000 from the Trust Fund is for 13

grants to States for the administration of State un-14

employment insurance laws as authorized under title 15

III of the Social Security Act (including not less 16

than \$60,000,000 to conduct in-person reemploy-17

ment and eligibility assessments and unemployment 18

insurance improper payment reviews, and 19

\$10,000,000 for activities to address the 20
misclassification of workers), the administration of 21
unemployment insurance for Federal employees and 22
for ex-service members as authorized under 5 U.S.C. 23
8501–8523, and the administration of trade read-24
justment allowances, reemployment trade adjustment 25

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Image 10

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assistance, and alternative trade adjustment assist-1
ance under the Trade Act of 1974 and under section 2
231(a) of the Trade Adjustment Assistance Exten-3
sion Act of 2011, and shall be available for obliga-4
tion by the States through December 31, 2014, ex-5
cept that funds used for automation acquisitions or 6
competitive grants awarded to States for improved 7
operations, reemployment and eligibility assessments 8
and improper payments, or activities to address 9
misclassification of workers shall be available for 10
Federal obligation through December 31, 2014 and 11
for obligation by the States through September 30, 12
2016, and funds used for unemployment insurance 13
workloads experienced by the States through Sep-14
tember 30, 2014 shall be available for Federal obli-15
gation through December 31, 2014; 16

(2) \$10,676,000 from the Trust Fund is for na-17
tional activities necessary to support the administra-18
tion of the Federal-State unemployment insurance 19
system; 20

(3) \$642,771,000 from the Trust Fund, to-21
gether with \$21,413,000 from the General Fund of 22

the Treasury, is for grants to States in accordance 23
with section 6 of the Wagner-Peyser Act, and shall 24

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Image 11

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be available for Federal obligation for the period 1

July 1, 2014 through June 30, 2015; 2

(4) \$19,818,000 from the Trust Fund is for na-3
tional activities of the Employment Service, includ-4
ing administration of the work opportunity tax cred-5
it under section 51 of the Internal Revenue Code of 6
1986, and the provision of technical assistance and 7
staff training under the Wagner-Peyser Act, includ-8
ing not to exceed \$1,166,000 that may be used for 9
amortization payments to States which had inde-10
pendent retirement plans in their State employment 11
service agencies prior to 1980; 12

(5) \$61,973,000 from the Trust Fund is for the 13
administration of foreign labor certifications and re-14
lated activities under the Immigration and Nation-15
ality Act and related laws, of which \$47,691,000 16
shall be available for the Federal administration of 17
such activities, and \$14,282,000 shall be available 18
for grants to States for the administration of such 19
activities; and 20

(6) \$60,153,000 from the General Fund is to 21
provide workforce information, national electronic 22
tools, and one-stop system building under the Wag-23
ner-Peyser Act and section 171 (e)(2)(C) of the 24

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Image 12

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WIA and shall be available for Federal obligation for 1
the period July 1, 2014 through June 30, 2015: 2
Provided, That to the extent that the Average Weekly In-3
sured Unemployment ("AWIU") for fiscal year 2014 is 4
projected by the Department of Labor to exceed 5
3,357,000, an additional \$28,600,000 from the Trust 6
Fund shall be available for obligation for every 100,000 7
increase in the AWIU level (including a pro rata amount 8
for any increment less than 100,000) to carry out title 9
III of the Social Security Act: *Provided further*, That 10
funds appropriated in this Act that are allotted to a State 11
to carry out activities under title III of the Social Security 12
Act may be used by such State to assist other States in 13
carrying out activities under such title III if the other 14
States include areas that have suffered a major disaster 15
declared by the President under the Robert T. Stafford 16
Disaster Relief and Emergency Assistance Act: *Provided* 17
further, That the Secretary may use funds appropriated 18
for grants to States under title III of the Social Security 19
Act to make payments on behalf of States for the use of 20
the National Directory of New Hires under section 21
453(j)(8) of such Act: *Provided further*, That funds appro-22
priated in this Act which are used to establish a national 23
one-stop career center system, or which are used to sup-24
port the national activities of the Federal-State unemploy-25

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Image 13

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ment insurance or immigration programs, may be obli-1
gated in contracts, grants, or agreements with non-State 2
entities: *Provided further*, That States awarded competi-3
tive grants for improved operations under title III of the 4
Social Security Act, or awarded grants to support the na-5
tional activities of the Federal-State unemployment insur-6
ance system, may award subgrants to other States under 7
such grants, subject to the conditions applicable to the 8
grants: *Provided further*, That funds appropriated under 9
this Act for activities authorized under title III of the So-10
cial Security Act and the Wagner-Peyser Act may be used 11
by States to fund integrated Unemployment Insurance 12
and Employment Service automation efforts, notwith-13
standing cost allocation principles prescribed under the 14
Office of Management and Budget Circular A--87: *Pro-15*
vided further, That the Secretary, at the request of a State 16
participating in a consortium with other States, may 17
reallot funds allotted to such State under title III of the 18
Social Security Act to other States participating in the 19
consortium in order to carry out activities that benefit the 20
administration of the unemployment compensation law of 21
the State making the request: *Provided further*, That the 22
Secretary may collect fees for the costs associated with 23
additional data collection, analyses, and reporting services 24
relating to the National Agricultural Workers Survey re-25

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Image 14

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quested by State and local governments, public and private 1
institutions of higher education, and non-profit organiza-2

tions and may utilize such sums, in accordance with the 3
provisions of 29 U.S.C. 9a, for the National Agricultural 4
Workers Survey infrastructure, methodology, and data to 5
meet the information collection and reporting needs of 6
such entities, which shall be credited to this appropriation 7
and shall remain available until September 30, 2015, for 8
such purposes. 9

In addition, \$20,000,000 from the Employment Se-10
curity Administration Account of the Unemployment 11
Trust Fund shall be available to conduct in-person reem-12
ployment and eligibility assessments and unemployment 13
insurance improper payment reviews. 14

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND 15 OTHER FUNDS 16

For repayable advances to the Unemployment Trust 17
Fund as authorized by sections 905(d) and 1203 of the 18
Social Security Act, and to the Black Lung Disability 19
Trust Fund as authorized by section 9501(c)(1) of the In-20
ternal Revenue Code of 1986; and for nonrepayable ad-21
vances to the revolving fund established by section 901(e) 22
of the Social Security Act, to the Unemployment Trust 23
Fund as authorized by 5 U.S.C. 8509, and to the "Federal 24
Unemployment Benefits and Allowances" account, such 25

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Image 15

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sums as may be necessary, which shall be available for 1
obligation through September 30, 2015. 2

PROGRAM ADMINISTRATION 3

For expenses of administering employment and train-4
ing programs, \$100,577,000, together with not to exceed 5

\$49,982,000 which may be expended from the Employ-6
ment Security Administration Account in the Unemploy-7
ment Trust Fund. 8

EMPLOYEE BENEFITS SECURITY ADMINISTRATION 9

SALARIES AND EXPENSES 10

For necessary expenses for the Employee Benefits 11

Security Administration, \$178,500,000. 12

PENSION BENEFIT GUARANTY CORPORATION 13

PENSION BENEFIT GUARANTY CORPORATION FUND 14

The Pension Benefit Guaranty Corporation ("Cor-15
poration") is authorized to make such expenditures, in-16
cluding financial assistance authorized by subtitle E of 17
title IV of the Employee Retirement Income Security Act 18
of 1974, within limits of funds and borrowing authority 19
available to the Corporation, and in accord with law, and 20
to make such contracts and commitments without regard 21
to fiscal year limitations, as provided by 31 U.S.C. 9104, 22
as may be necessary in carrying out the program, includ-23
ing associated administrative expenses, through Sep-24
tember 30, 2014, for the Corporation: *Provided*, That 25

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- [Image 4](#)
- [Image 5](#)
- [Image 6](#)

Image 1

Image 2

Image 3

Image 4

Image 5

Image 6

- [Image 1](#)
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 - [Image 5](#)
 - [Image 6](#)
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Image 1

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OFFICE OF INSPECTOR GENERAL 1

For salaries and expenses of the Office of Inspector 2
General in carrying out the provisions of the Inspector 3
General Act of 1978, \$74,721,000, together with not to 4
exceed \$5,590,000 which may be expended from the Em-5
ployment Security Administration account in the Unem-6
ployment Trust Fund. 7

GENERAL PROVISIONS 8

SEC. 101. None of the funds appropriated by this Act 9
for the Job Corps shall be used to pay the salary and bo-10
nuses of an individual, either as direct costs or any prora-11
tion as an indirect cost, at a rate in excess of Executive 12
Level II. 13

(TRANSFER OF FUNDS) 14

SEC. 102. Not to exceed 1 percent of any discre-15
tionary funds (pursuant to the Balanced Budget and 16
Emergency Deficit Control Act of 1985) which are appro-17
priated for the current fiscal year for the Department of 18
Labor in this Act may be transferred between a program, 19
project, or activity, but no such program, project, or activ-20
ity shall be increased by more than 3 percent by any such 21
transfer: *Provided*, That the transfer authority granted by 22
this section shall not be used to create any new program 23
or to fund any project or activity for which no funds are 24
provided in this Act: *Provided further*, That the Commit-25

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tees on Appropriations of the House of Representatives 1
and the Senate are notified at least 15 days in advance 2
of any transfer. 3

SEC. 103. In accordance with Executive Order 4
13126, none of the funds appropriated or otherwise made 5
available pursuant to this Act shall be obligated or ex-6
pended for the procurement of goods mined, produced, 7
manufactured, or harvested or services rendered, in whole 8
or in part, by forced or indentured child labor in industries 9
and host countries already identified by the United States 10
Department of Labor prior to enactment of this Act. 11

SEC. 104. None of the funds made available to the 12
Department of Labor for grants under section 414(c) of 13
the American Competitiveness and Workforce Improve-14
ment Act of 1998 may be used for any purpose other than 15
competitive grants for training individuals over the age of 16
16 who are not currently enrolled in school within a local 17
educational agency in the occupations and industries for 18
which employers are using H-1B visas to hire foreign 19
workers, and the related activities necessary to support 20
such training: *Provided*, That the preceding limitation 21
shall not apply to funding provided pursuant to solicita-22
tions for grant applications issued prior to January 15, 23
2014. 24

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Image 3

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SEC. 105. None of the funds made available by this 1 Act under the heading "Employment and Training Ad-2 ministration" shall be used by a recipient or subrecipient 3 of such funds to pay the salary and bonuses of an indi-4 vidual, either as direct costs or indirect costs, at a rate 5 in excess of Executive Level II. This limitation shall not 6 apply to vendors providing goods and services as defined 7 in Office of Management and Budget Circular A-133. 8 Where States are recipients of such funds, States may es-9 tablish a lower limit for salaries and bonuses of those re-10 ceiving salaries and bonuses from subrecipients of such 11 funds, taking into account factors including the relative 12 cost-of-living in the State, the compensation levels for 13 comparable State or local government employees, and the 14 size of the organizations that administer Federal pro-15 grams involved including Employment and Training Ad-16 ministration programs. Notwithstanding this section, the 17 limitation on salaries for the Job Corps shall continue to 18 be governed by section 101. 19

SEC. 106. The Secretary shall take no action to 20 amend, through regulatory or administration action, the 21 definition established in section 667.220 of title 20 of the 22 Code of Federal Regulations for functions and activities 23 under title I of WIA, or to modify, through regulatory or 24 administrative action, the procedure for redesignation of 25

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local areas as specified in subtitle B of title I of that Act 1 (including applying the standards specified in section 2

116(a)(3)(B) of that Act, but notwithstanding the time 3
limits specified in section 116(a)(3)(B) of that Act), until 4
such time as legislation reauthorizing the Act is enacted. 5
Nothing in the preceding sentence shall permit or require 6
the Secretary to withdraw approval for such redesignation 7
from a State that received the approval not later than Oc-8
tober 12, 2005, or to revise action taken or modify the 9
redesignation procedure being used by the Secretary in 10
order to complete such redesignation for a State that initi-11
ated the process of such redesignation by submitting any 12
request for such redesignation not later than October 26, 13
2005. 14

(INCLUDING TRANSFER OF FUNDS) 15

SEC. 107. Notwithstanding section 102, the Sec-16
retary may transfer funds made available to the Employ-17
ment and Training Administration by this Act, either di-18
rectly or through a set-aside, for technical assistance serv-19
ices to grantees to "Program Administration" when it is 20
determined that those services will be more efficiently per-21
formed by Federal employees: *Provided*, That this section 22
shall not apply to section 173A(f)(2) of the WIA. 23

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(INCLUDING TRANSFER OF FUNDS) 1

SEC. 108. (a) The Secretary may reserve not more 2
than 0.5 percent from each appropriation made available 3
in this Act identified in subsection (b) in order to carry 4
out evaluations of any of the programs or activities that 5
are funded under such accounts. Any funds reserved under 6
this section shall be transferred to "Departmental Man-7

agement" for use by the Office of the Chief Evaluation 8
Officer within the Department of Labor, and shall be 9
available for obligation through September 30, 2015: *Pro-10*
vided, That such funds shall only be available if the Chief 11
Evaluation Officer of the Department of Labor submits 12
a plan to the Committees on Appropriations of the House 13
of Representatives and the Senate describing the evalua-14
tions to be carried out 15 days in advance of any transfer. 15

(b) The accounts referred to in subsection (a) are: 16
"Training and Employment Services", "Office of Job 17
Corps", "Community Service Employment for Older 18
Americans", "State Unemployment Insurance and Em-19
ployment Service Operations", "Employee Benefits Secu-20
rity Administration", "Office of Workers' Compensation 21
Programs", "Wage and Hour Division", "Office of Fed-22
eral Contract Compliance Programs", "Office of Labor 23
Management Standards", "Occupational Safety and 24
Health Administration", "Mine Safety and Health Admin-25

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istration", funding made available to the "Bureau of 1
International Affairs" and "Women's Bureau" within the 2
"Departmental Management, Salaries and Expenses" ac-3
count, and "Veterans Employment and Training". 4
SEC. 109. None of the funds made available by this 5
Act may be used to promulgate the Definition of "Fidu-6
ciary" regulation (Regulatory Identification Number 7
1210-AB32) published by the Employee Benefits Security 8
Administration of the Department of Labor on October 9
22, 2010 (75 Fed. Reg. 65263). 10

SEC. 110. (a) Of the funds appropriated under sec-11
tion 272(b) of the Trade Act of 1974 for fiscal year 2014, 12
the Secretary may reserve no more than 3 percent of such 13
funds to conduct evaluations and provide technical assist-14
ance relating to the activities carried out under section 15
271 of such Act, including activities carried out under 16
such section supported by the appropriations provided for 17
fiscal years 2011 through 2013. 18

(b) Institutions of higher education awarded grants 19
under section 271 of the Trade Act of 1974 may award 20
subgrants to other institutions of higher education that 21
meet the definition of "eligible institution" under section 22
271(b)(1)(A) of such Act, subject to the conditions appli-23
cable to such grants. 24

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SEC. 111. (a) Section 5315 of title 5, United States 1
Code, is amended after the item relating to the Assistant 2
Secretaries of Labor by inserting "Administrator, Wage 3
and Hour Division, Department of Labor." 4

(b) Section 5316, title 5, United States Code, is 5
amended by striking "Administrator, Wage and Hour and 6
Public Contracts Division, Department of Labor." 7

DIRECTIVE FOR THE SECRETARY OF LABOR 8

SEC. 112. In an investigation by the Department of 9
substantial violations related to the admission of non-10
immigrants described in section 101(a)(15)(H)(ii)(a) of 11
the Immigration and Nationality Act, if the employer of 12
such nonimmigrants demonstrates, by a preponderance of 13
the evidence, that an agent of the employer engaged in 14

fraud or misrepresentation to the Department that was 15
outside the scope of the authority conferred by the em-16
ployer, the Secretary is authorized— 17

(1) to exclude the employer of such non-18
immigrants from debarment proceedings under sec-19
tion 655.118 of title 20, Code of Federal Regula-20
tions, which were commenced on or after January 1, 21
2013; and 22

(2) to initiate or continue debarment pro-23
ceedings against the agent who engaged in such 24
fraud or misrepresentation. 25

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SEC. 113. (a) FLEXIBILITY WITH RESPECT TO THE 1
CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE 2
SEAFOOD INDUSTRY.— 3

(1) IN GENERAL.—Subject to paragraph (2), if 4
a petition for H-2B nonimmigrants filed by an em-5
ployer in the seafood industry is granted, the em-6
ployer may bring the nonimmigrants described in 7
the petition into the United States at any time dur-8
ing the 120-day period beginning on the start date 9
for which the employer is seeking the services of the 10
nonimmigrants without filing another petition. 11

(2) REQUIREMENTS FOR CROSSINGS AFTER 12
90TH DAY.—An employer in the seafood industry 13
may not bring H-2B nonimmigrants into the United 14
States after the date that is 90 days after the start 15
date for which the employer is seeking the services 16
of the nonimmigrants unless the employer— 17

(A) completes a new assessment of the 18
 local labor market by— 19
 (i) listing job orders in local news-20
 papers on 2 separate Sundays; and 21
 (ii) posting the job opportunity on the 22
 appropriate Department of Labor Elec-23
 tronic Job Registry and at the employer's 24
 place of employment; and 25

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(B) offers the job to an equally or better 1
 qualified United States worker who— 2
 (i) applies for the job; and 3
 (ii) will be available at the time and 4
 place of need. 5

(3) EXEMPTION FROM RULES WITH RESPECT 6

TO STAGGERING.—The Secretary of Labor shall not 7
 consider an employer in the seafood industry who 8
 brings H-2B nonimmigrants into the United States 9
 during the 120-day period specified in paragraph (1) 10
 to be staggering the date of need in violation of sec-11
 tion 655.20(d) of title 20, Code of Federal Regula-12
 tions, or any other applicable provision of law. 13

(b) H-2B NONIMMIGRANTS DEFINED.—In this sec-14
 tion, the term "H-2B nonimmigrants" means aliens ad-15
 mitted to the United States pursuant to section 16
 101(a)(15)(H)(ii)(B) of the Immigration and Nationality 17
 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)). 18

(c) This section shall be in effect until September 30, 19
 2014. 20

This title may be cited as the "Department of Labor 21
Appropriations Act, 2014". 22

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Image 1

STATE WORKFORCE ADMINISTRATORS/DIRECTORS FROM: ERIC M. SELEZNOW

RESCISSIONS
None

EXPIRATION DATE
Continuing

EMPLOYMENT AND TRAINING ADMINISTRATION
ADVISORY SYSTEM

U.S. DEPARTMENT OF LABOR
Washington, D.C. 20210

CLASSIFICATION
TAA
CORRESPONDENCE SYMBOL
OTAA
DATE

December 27, 2013

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 7-13

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS

AFFILIATE AMERICAN JOB CENTER MANAGERS
COMPREHENSIVE AMERICAN JOB CENTER MANAGERS

STATE WORKFORCE ADMINISTRATORS

STATE AND LOCAL WORKFORCE BOARD CHAIRS AND
DIRECTORS

STATE LABOR COMMISSIONERS

RAPID RESPONSE COORDINATORS

TRADE ADJUSTMENT ASSISTANCE LEADS

FROM: ERIC M. SELEZNOW /s/
Acting Assistant Secretary

SUBJECT: Operating Instructions for Implementing the Sunset Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA or the 2011 Amendments)

1. Purpose. To assist State Workforce Agencies or agencies designated by Governors as "Cooperating State Agencies" (CSAs or "states") to implement the sunset provisions to the Trade Adjustment Assistance Extension Act of 2011 (TAAEA or the 2011 Amendments) by

providing operating instructions to apply to adversely affected workers covered by petitions filed on or after January 1, 2014, and identifying prior guidance that CSAs must continue to follow.

2. Scope. These Operating Instructions primarily address changes to the Trade Adjustment Assistance (TAA) program made by the sunset provisions of TAAEA, and will be referred to as *Reversion 2014*. For issues that are not addressed by these operating instructions, such as

performance and reporting, states must continue to comply with Training and Employment Guidance Letters (TEGLs) cited in the section below and other such program guidance letters issued by the U.S. Department of Labor (Department) applicable to the TAA benefits and assistance for adversely affected workers covered under TAA certifications resulting from petitions filed before 11:59 PM EST, Tuesday, December 31, 2013.

3. References.

Chapter 2 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618) (1974 A

ct and, as amended, Trade Act);

Image 2

2

Trade Adjustment Assistance Reform Act of 2002, Division A, Title I, Subtitle A of the Trade Act of 2002 (Pub. L. 107-210), as amended by the Miscellaneous Trade and Technical Corrections Act of 2004, (Pub. L. 108-429);

Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5);

Omnibus Trade Act of 2010 (Pub. L. 111-344) (Omnibus Trade Act);
Trade Adjustment Assistance Extension Act of 2011 (Pub. L. 112-40);
20 Code of Federal Regulations (CFR) part 617;
20 CFR part 618;
29 CFR part 90;

TEGL No. 11-02, *Operating Instructions for Implementing the Amendments to the*

Trade Act of 1974 Enacted by the Trade Act of 2002, and its Changes 1; 2, and 3;

TEGL No. 2-03, *Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program Established by the Trade Adjustment Assistance Reform Act of 2002, and its Change 1 and 2;*

TEGL No. 22-08, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009, and its Change 1;*

TEGL No. 6-09, *Instructions for Implementing the Revised 2010 Trade Adjustment*

Assistance Trade Activity Participant Report (TAPR) and its Change 1 and 2;
 TEGL No. 16-10, *Instructions for Phasing Out Changes to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009, and its Change 1;*

TEGL No. 08-11, *Availability of Equitable Tolling of Deadlines for Workers Covered Under Trade Adjustment Assistance (TAA) Certifications;* and

TEGL No. 10-11, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), and its Changes 1 and 2.*

4. Definitions.

- a) *2002 Amendments* means the Trade Act of 1974, Pub. L. 93-618, as amended by the Trade Adjustment Assistance Reform Act of 2002 (TAARA), Pub. L. 107-210 and the Miscellaneous Trade and Technical Corrections Act of 2004, Pub. L. 108429 (TAARA).
- b) *2002 Program* means the TAA program under the 2002 Amendments or TAARA.
- c) *2009 Amendments* means the Trade Act of 1974, as amended by the Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA).
- d) *2009 Program* means the TAA program under the 2009 Amendments or TGAAA.
- e) *2011 Amendments* means the Trade Act, as amended by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA).
- f) *2011 Program* means the TAA program under the 2011 Amendments or TAAEA.
- g) *ATAA* means the Demonstration Project for Alternative Trade Adjustment Assistance for Older Workers, under Section 246 of the 2002 Act, as in effect on May 17, 2009, the day before the effective date of the 2009 Act, and during the period from February 13, 2011 through October 20, 2011.
- h) *CSA* means Cooperating State Agency.

Image 3

3

- i) *Department* means the United States Department of Labor.
- j) *HCTC* means Health Coverage Tax Credit (Section 35, Internal Revenue Code (I.R.C.) of 1986) (26 U.S.C. 35).
- k) *Reversion 2014* means the TAA program under the Sunset Provisions of the TAAEA.
- l) *RTAA* means Reemployment Trade Adjustment Assistance, under Section 246 of the 2009 Act and the 2011 Act.
- m) *Secretary* means the Secretary of Labor.
- n) *TAA Program* means the Trade Adjustment Assistance for Workers Program under chapter 2 of title II of the Trade Act (19 U.S.C. 2271 et seq.).
- o) *TRA* means Trade Readjustment Allowances.
- p) *Trade Act of 1974* means the Trade Act of 1974, Pub. L. 93-618, as amended (through Pub. L. No. 106-113).
- q) *Wagner Peyser* means the Wagner Peyser Act of 1933, Pub. L. 73-30, as amended (29 U.S.C. 49 et seq.).
- r) *WIA* means the Workforce Investment Act of 1998, Pub. L. 105-220, as amended (29 U.S.C. 2801, et seq.).

5. Background. The TAA program is a federal entitlement program that assists U.S. workers who have lost their jobs as a result of foreign trade. The TAA program for workers, established by the Trade Act of 1974, has been amended a number of times over the past 40 years. The latest amendments, referred to as the 2011 Amendments, are contained in the TAAEA. Currently, adversely affected workers may be covered and eligible to apply for TAA benefits and services under either the 2002 Amendments, the 2009 Amendments, or the 2011 Amendments. Workers receiving TAA program benefits and services under any of

these amendments will continue to receive the applicable benefits and services as directed under these programs.

Previously issued guidance related to the above mentioned amendments remains in effect and is available as follows:

1. Workers covered by certifications numbered TA-W-81,000-84,999, are addressed in TEGL No. 10-11 and its Changes 1 and 2; except for TEGL No. 10-11, Change 1, Section H, Question and Answer H1, which is superseded by the guidance provided herein;
2. Workers covered by certifications numbered TA-W-70,000-79,999, are addressed in TEGL No. 22-08 and its Change 1;
3. Workers covered by certifications numbered TA-W-69,999 and below, are addressed in TEGL No. 11-02 and its Changes 1, 2, and 3.
4. An exception exists for workers covered by certifications numbered TA-W-80,000-

80,999. The 2009 Amendments expired on February 12, 2011, at which time the program reverted to operating under the 2002 Amendments. Between February 12, 2011, and October 21, 2011, the Department certified and states served workers under the 2002 Amendments. The 2011 Amendments included a provision allowing workers covered under this certification series who were receiving benefits under the 2002 Amendments on or before December 20, 2011, to make a one-time choice (between

Image 4

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December 20, 2011 and March 19, 2012) to continue being served under the 2002 Program or to receive the 2011 Program level of benefits and services. Therefore, CSAs should take care to identify which law governs workers certified under TA-W80,000-80,999 and guidance is contained in TEGL No. 10-11 and its Changes 1 and 2.

Individuals who file petitions on October 21, 2011, through 11:59 PM EST, Tuesday, December 31, 2013, will have access to benefits and services under the 2011 Amendments for the certification series TA-W-81,000-84,999, as provided in TEGL No. 10-11 and its Changes 1 and 2. Individuals who file petitions on or after January 1, 2014, must meet the group eligibility certification requirements of the 2002 Amendments and *only* the reduced benefits and services under Reversion 2014 will be available to workers covered under those certifications, in accordance with statutory sunset provisions to the 2011 Amendments, which read in pertinent part as follows:

SEC. 233. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)

(i) in paragraph (2), by substituting "104-week period" for "104-week period" and all that follows through "130-week period"; and

(ii) in paragraph (3) —

(I) in the matter preceding subparagraph (A), by substituting "65" for "52"; and

(II) by substituting "78-week period" for "52-week period" each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE

TRAINING.— Notwithstanding any other provision of this section, in order to assist an

adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary

for the worker to complete the training;

(2) the worker participates in training in each such week; and

(3) the worker—

(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

Image 5

5

(B) is expected to continue to make progress toward the completion of the training; and

(C) will complete the training during that period of eligibility.”

(4) section 245 of that Act shall be applied and administered by substituting “2014” for

“2007”;

(5) section 246(b)(1) of that Act shall be applied and administered by substituting “December 31, 2014” for “the date that is 5 years” and all that follows through

“State”;

** * * * **

(6) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting “2014” for “2007” each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

(b) EXCEPTIONS.—The provisions of chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after January 1, 2014, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2014;

In accordance with Federal regulations at 29 CFR 90.2 which define the “date of filing” as the “date on which petitions are received by” the Office of Trade Adjustment Assistance (OTAA), a petition filed before January 1, 2014, is covered under the 2011 Program *only* if OTAA receives it on or before 11:59 PM EST, Tuesday, December 31, 2013. The date and time in the Eastern Standard Time (EST) zone controls whether a petition is filed by that deadline. Note that, due to security protocols, mail to the Department may be delayed, so it is recommended that all mailed petitions are submitted early to meet the above deadline. The Department strongly recommends that petitioners consider using the on-line petition filing or fax the petition to ensure receipt by the Department before the statutory deadline. Below are the options mentioned for filing a petition:

Via mail at the U.S. Department of Labor, Employment and Training Administration, Office of Trade Adjustment Assistance, 200 Constitution Avenue, NW, Washington DC 20210 (must have a postmarked date on or before Tuesday, December 31, 2013);

Via fax to (202) 693-3585 on or before 11:59 PM EST, Tuesday, December 31, 2013. The Department strongly suggests that petitioners retain the fax cover sheet with the date and time stamp.

Via online petition processing located on OTAA’s website,

<http://www.doleta.gov/tradeact/>.

A confirmation email generated by the system is sent to the worker that indicates the petition was received in OTAA on or before 11:59 PM EST, Tuesday, December 31, 2013.

6. Operating Instructions. The operating instructions contained in this TEGL constitute the controlling program guidance issued to states and are provided by the Department, through the Employment and Training Administration (ETA), in its role as the principal of the TAA program. The states, as agents of the Secretary, are directed to administer the following Reversion 2014 guidance and may not vary from the operating instructions in this document

Image 6

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without prior approval from ETA. These operating instructions primarily address changes to the TAA program made by the sunset provisions of the TAAEA. To that end, the operating instructions in the remainder of this guidance include statutory references from both TAAEA and TAARA.

A. BENEFITS AND SERVICES

Statute: Section 233(a) of the TAAEA reads in pertinent part:

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply...

Administration: Beginning on January 1, 2014, the Department will once again start a new petition number series to identify workers who are certified under *Reversion 2014*. At the same time, CSAs will be required to manage benefits and services for four programs and five distinct participant cohorts resulting from the enactment of the TGAAA and the TAAEA and their sunset provisions. The relevant laws governing each cohort, marked by certification numbers and effective dates, are provided in the table below, along with the guidance documents that CSAs must continue to apply. The Department will identify petitions received on or after January 1, 2014, with petition numbers TA-W-85,000 and above.

Petition Series Amendment Guidance

I. TA-W-69,999 and below TAARA (2002 Amendments) TEGL No. 11-02 and Changes 1, 2, and 3; TEGL No. 2-03, and Change 1; 20 CFR parts 617 and 618, and 29 CFR

part 90.

II. TA-W-70,000 through TAW-79,999 TGAAA (2009 Amendments) TEGL No. 22-08 and Change 1; Omnibus Trade

Act; and 20 CFR parts 617 and 618, and 29 CFR part

90.

III. TA-W-80,000 through TAW-80,999 TAARA (2002 Amendments under TGAAA sunset

provisions) –or– TAAEA (2011 Amendments under “choice”

provisions)

These workers are subject to either (I) or (IV), as described in TEGL No. 10-11, and its Changes 1 and 2

IV. TA-W-81,000 through TAW-84,999 TAAEA (2011 Amendments) TEGL No. 10-11, and Changes 1, and 2; and 20

CFR parts 617 and 618 and 29 CFR part 90.

Image 7

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V. TA-W-85,000 and above Reversion 2014 (2002 Amendments under TAAEA sunset provisions)

TEGL No. 11-02 and Changes, 1, 2, and 3; TEGL No. 2-03, and Change 1; and TEGL 1011, and its Changes 1 and 2, where it applies 2011 policies retained by the 2011 sunset provisions; these operating instructions; and 20 CFR parts 617 and 618, and 29 CFR part 90.

The table above illustrates the following benefits and services by petition series, amendments, and guidance:

I. Workers covered by petitions filed on or before May 17, 2009, identified by certification numbers TA-W-69,999 and below. These workers are subject to the provisions of the 2002 Amendments, as implemented in TEGL No. 11-02 and its Changes, 1, 2, and 3; TEGL No. 2-03, and its Change 1; as well as regulations codified at 20 CFR parts 617 and 618, and 29 CFR part 90.

II. Workers covered by petitions filed on or after May 18, 2009, and on or before 11:59 PM on February 14, 2011, are identified by certification numbers TA-W-70,000 through TAW-79,999. These workers are subject to the provisions of the 2009 Amendments as implemented in TEGL No. 22-08 and its Change 1; as well as regulations codified at 20 CFR parts 617 and 618, and 29 CFR part 90.

III. Workers covered by petitions filed on or after February 15, 2011, and on or before 11:59 PM on October 20, 2011, are identified by certification numbers TA-W-80,000 through TA-W-80,999. These workers are subject either to the provisions of the 2002 Amendments indicated in (I) above, or the 2011 Amendments as provided in (IV) below through a one-time election subject to the statutory conditions explained in TEGL No. 10-11 and its Changes 1 and 2.

IV. Workers covered by petitions filed on or after October 21, 2011, and on or before 11:59 PM on December 31, 2013, are identified by certification numbers TA-W-81,000 through TA-W-84,999. These workers are subject to the provisions of the 2011 Amendments as

implemented in TEGL No. 10-11, and its Changes 1, and 2; as well as regulations at 20 CFR 617 and 618 and 29 CFR 90.

V. Workers covered by petitions filed on or after January 1, 2014, are identified by the petition series TA-W-85,000 and above. These workers will be subject to the provisions of the 2002 Amendments, as implemented in TEGL No. 11-02 and its Changes, 1, 2, and 3; TEGL No. 2-03, and its Change 1; and TEGL 10-11, and its Changes 1 and 2 where it

Image 8

8

applies 2011 policies retained by the 2011 sunset provisions; as well as these operating instructions; also regulations codified at 20 CFR 617 and 618, and 29 CFR 90.

B. GROUP ELIGIBILITY

Under Reversion 2014, the more limited TAARA Group Eligibility requirements, including petition investigation criteria, explained in TEGL No. 11-02, Section C., apply to petitions filed on or after January 1, 2014. The broader criteria for group eligibility for workers under the 2009 and 2011 Amendments will no longer apply to petitions received after January 1, 2014. This includes but is not limited to workers in the service sectors, and those workers will not be certified under Reversion 2014. Furthermore, workers will now only be able to access TAA benefits and services after layoffs occur and not prior to separation.

C. TRADE READJUSTMENT ALLOWANCES (TRA)

TRA eligibility and subsequent benefits available under the TAAEA are generally extended. The maximum number of weeks of income support for workers is 130. Due to the complexity related to TRA, requirements for Reversion 2014 are explained below in detail.

C.1. Weeks of Additional TRA

The TAAEA changed the maximum number of available weeks of Additional TRA to 65 weeks. Reversion 2014 retains this change.

Statute: Section 213 of TAAEA amended section 233(a)(3) of the Trade Act to read:

(3) Notwithstanding paragraph (1), in order to assist the adversely affected worker to complete a training program approved for the worker under section 236, and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 65 additional weeks in the 78-week period that
(A) follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter; or
(B) begins with the first week of such training, if such training begins after the last week described in subparagraph (A).
Payments for such additional weeks may be made only for weeks in such 78-week period during which the individual is participating in such training

Administration: Under the TAAEA, a maximum of 65 weeks of Additional TRA were available to assist the worker to complete TAA training, which was payable to workers over a 78 consecutive calendar week eligibility period, as explained in TEGL No. 10-11, Section C.2. Under Reversion 2014, these provisions continue to apply and the worker must actually

be participating in TAA training, on a full-time basis, during the weeks for which the worker may be eligible to receive Additional TRA.

Image 9

C.2. Availability of Completion TRA

The TAAEA introduced Completion TRA while eliminating Remedial TRA. Up to 13 weeks are available to assist a worker complete TAA training after exhausting the maximum amount payable of Additional TRA. Reversion 2014 retains this change. Section 233(f) must be re-designated as section 233(g) because of the return of section 233(b), as covered under Section C.4., below.

Statute: Section 213 of the TAAEA amended section 233(f) of the Trade Act to read:

(f) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.— Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

(2) the worker participates in training in each such week; and

(3) the worker—

(A) has substantially met the performance benchmarks established as part of the training approved for the worker; (B) is expected to continue to make progress toward the completion of the training; and (C) will complete the training during that period of eligibility.”

Administration: Under TAAEA, a worker who has exhausted the maximum 65 weeks of Additional TRA and requires a longer period of income support to complete an approved training program and who also meets training benchmarks may be eligible to receive up to 13 weeks of Completion TRA, as described in TEGl No. 10-11, Section C.3 and its Changes 1 and 2. Under Reversion 2014, this benefit is retained and continues to be available under the same conditions. Completion TRA is payable after exhaustion of Additional TRA, provided the individual meets all other eligibility requirements of the Act, as amended.

The five eligibility criteria for Completion TRA are as follows: 1) the requested weeks are necessary for the worker to complete a training program that leads to completion of a degree or industry-recognized credential, as described in TEGl No. 15-10; 2) the worker is participating in training in each such week; 3) the worker has substantially met the performance benchmarks established in the approved training plan; 4) the worker is expected to continue to make progress towards the completion of approved training; and 5) the worker will complete training during the period authorized for receipt of Completion TRA.

Image 10

C.3. Eligibility for TRA – Enrollment in TAA Training Deadlines

Reversion 2014 requires that the worker be enrolled in TAA training by the TAARA deadlines. These deadlines require enrollment no later than the later of: 1) last day of the 8

th

week following the date in which the certification covering the worker was issued by the

Secretary; or 2) the 16th week following the day in which the worker was most recently totally separated from adversely affected employment. These are the deadlines established under TAARA and found in TEGL No. 11-02, Section D.2.

Statute: 231(a)(5)(A) of the Trade Act (as provided under the 2002 Amendments) reads:

"(5) Such worker (A)(i) is enrolled in a training program approved by the Secretary under Section 236(a) of this title, and (ii) the enrollment required under clause (i) occurs no later than the latest of (I) the last day of the 16th week after the worker's most recent total separation from adversely affected employment which meets the requirements of paragraphs (1) and (2), (II) the last day of the 8th week after the week in which the Secretary issues a certification covering the worker, (III) 45 days after the later of the dates specified in subclause (I) or (II), if the Secretary determines that there are extenuating circumstances that justify an extension in the enrollment period, or (IV) the last day of a period determined by the Secretary to be approved for enrollment after the termination of a waiver issued pursuant to subsection (c)."

Administration: Section 231(a)(5)(A) requires, as a condition for receiving TRA, that the worker be enrolled in training. It also allows a worker to receive a waiver of the training requirement in order to receive Basic TRA. Section 231(a)(5)(A)(ii) sets deadlines by which the enrollment in training must occur. These deadlines apply for eligibility for Basic TRA, Additional TRA, and Completion TRA. An extension of the enrollment deadlines for 45 days applies where the CSA determines that there are extenuating circumstances justifying the extension.

A worker must be enrolled in training as a condition of Basic TRA when the enrollment in training deadline is reached. Furthermore, a CSA may not waive the enrollment in training requirement after the deadlines have passed, as explained in TEGL No. 11-02, Change 1. Workers who have received a waiver of the training requirement must be enrolled in training before the last day of a period set by the Secretary after the termination of a waiver in order to maintain future eligibility for TRA, as explained in TEGL No. 11-02, Change 1. The Department has determined that the worker must be enrolled in training by the Monday of the first week occurring 30 days after the date on which the waiver terminated, whether by revocation or expiration. As explained in TEGL No. 10-11, Section A.2.4.2, and TEGL No. 22-08, Section C.2. The Department believes 30 calendar days is sufficient time for a worker whose waiver has been terminated or revoked to be advised of, and consider, training options, select an option, and enroll in training.

Image 11

11

"Extenuating circumstances" continue to be situations beyond the worker's control. This includes situations where training programs are abruptly cancelled as well as where the worker suffers injury or illness preventing participation in training, as described in TEGL No. 11-02, Section D.2.

"Enrolled in training" continues to mean that the worker's application for training has been approved by the CSA and that the training institution has furnished written notice to the CSA

that the worker has been accepted into the approved program, which is to begin within 30 days of such approval, as described in TEGL No. 11-02, Section D.2.

C.4. Eligibility for Additional TRA Requires an Application for TAA Training within 210 days

Reversion 2014 reinstates the requirements for an application for TAA training within 210 days for Additional TRA eligibility as provided under TAARA. Reversion 2014 requires that a worker file a bona fide application for TAA training within 210 days after the date the worker is covered by a TAA certification or, if later, within 210 days after the date of the worker's total or partial separation. Eligibility for Additional TRA requires the enrollment in TAA training by the deadlines established at C.3.2. and those explained in this section.

C.5. Training Benchmarks to Meet Completion TRA Eligibility Requirements

The TAAEA training benchmark requirements described in TEGL No. 10-11, Section C.3.1., must be applied to Completion TRA under Reversion 2014. All other Completion TRA provisions described in TEGL No. 10-11, including Changes 1 and 2, continue to apply.

C.6. Maximum Number of Weeks of TRA and Duration

Under Reversion 2014, the maximum number of weeks of TRA for which a worker may be eligible is 130 weeks.

Basic TRA

Basic TRA is payable for up to 52 times the individual's weekly benefit amount (WBA) during the first Unemployment Insurance (UI) benefit period following the TRA qualifying separation. This maximum amount of Basic TRA payable is reduced by the amount of the worker's full UI entitlement (or the amount the worker would have been entitled if the worker had applied) in the first benefit period, as described in TEGL No. 11-02, Section D.1. Basic TRA is payable to workers who are enrolled in or participating in TAA-approved training, or who completed TAA training following a qualifying separation, or have received a timely waiver of the training requirement as described below in Section C.7.

Image 12

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Additional TRA

Additional TRA is payable for up to 65 weeks after exhaustion of Basic TRA. Additional TRA is payable in the 78 week period that follows the last week of entitlement to Basic TRA or beginning with the first week of approved TAA training if the training begins after the last week of entitlement to Basic TRA, as described in TEGL No. 10-11, Section C.2.

Completion TRA

Completion TRA is payable for up to 13 weeks to assist a worker in completing TAA training after exhaustion of Additional TRA. Completion TRA is payable during a 20 consecutive week eligibility period that begins with the first week in which the training participant files a claim for Completion TRA and seeks compensation for such given week. The 20 consecutive week eligibility period to receive up to 13 weeks of Completion TRA allows for the flexibility of a break in training of up to 7 weeks, but no more, as explained in TEGL No. 10-11, Section C.2.

C.7. Reduction in Types of Waivers of the Training Requirement

Waivers of the training requirement apply to eligibility for Basic TRA only. Reversion 2014

retains the waivers available under the TAAEA. States may continue to issue waivers based on the following: 1) Health, 2) Enrollment Unavailable, and 3) Training Not Available.

Statute: Section 212 of TAAEA amended section 231(c) of the Trade Act of 1974 (19 U.S.C. § 2291), Waivers of Training Requirements, to read:

(C) WAIVERS OF TRAINING REQUIREMENTS.—

(1) ISSUANCE OF WAIVERS—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a)(5)(A) if the Secretary determines that it is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

(A) HEALTH—The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

(B) ENROLLMENT UNAVAILABLE.—The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

(C) TRAINING NOT AVAILABLE—Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

Image 13

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Administration: Basic TRA is only payable if an individual is enrolled in TAA approved training, participating in TAA approved training, has received a waiver of the requirement to participate in training, or has completed TAA approved training. Waivers available under Reversion 2014 are explained in TEGl No. 10-11, Section C.5.

C.8. Limitations on TRA

Basic TRA may be payable only during the 104 week period beginning with a worker's most recent total qualifying separation. States must continue to apply this eligibility period under Reversion 2014.

Statute: Section 233 of TAAEA reads in pertinent part:

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)

(i) in paragraph (2), by substituting "104-week period" for "104-week period" and all that follows through "130-week period"; and

(ii) in paragraph (3) --

(I) in the matter preceding subparagraph (A), by substituting "65" for "52"; and

(II) by substituting "78-week period" for "52-week period" each place it appears

Administration: The 104 week eligibility period for Basic TRA begins with the first week following the week in which the worker was most recently totally separated from adversely affected employment within the period covered by the certification. This period is fixed

unless the worker has experienced a subsequent total qualifying separation within the certification period,

o The 78 week eligibility period for Additional TRA is fixed and begins with the week that follows the last week of entitlement to Basic TRA or beginning with the first week of approved TAA training if the training begins after the last week of entitlement to Basic

TRA,

o The 20 week eligibility period for Completion TRA is fixed and begins with the first week in which the training participant files a claim for Completion TRA and seeks compensation for such given week, as explained in TEGL No. 10-11, Change 2.

Image 14

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C.9. Elimination of the Special Rules for Calculating Separations

The TGAAA introduced and TAAEA extended certain special rules and provisions that

impact timeframes for TRA, as described in TEGL No. 22-08, Section C. 6., and TEGL No. 10-11, Section C.6. Reversion 2014 does not include these special rules because they were not allowable under the 2002 Program and the sunset provisions of the TAAEA did not retain them.

C.9.1. Elimination of Federal and State Good Cause Provisions for Waiving Certain Time Limits

Reversion 2014 eliminates the Federal or State "good cause" provisions that allowed for a waiver for good cause of the deadlines relating to time limitations on filing an application for TRA or enrolling in training as provided under section 212(b) of TAAEA which amended section 234(b). While these statutory waiver provisions are no longer available, states may apply the doctrine of Equitable Tolling, consistent with the guidance provided at TEGL No. 08-11, to extend benefit deadlines in egregious circumstances.

C.9.2. Elimination of Judicial or Administrative Appeal

Reversion 2014 eliminates the Special Rule under TGAAA which allowed for the 104 week eligibility period for Basic TRA to begin with the week following the week in which the certification was issued in cases where a judicial or administrative appeal delayed the certification.

The 104 week eligibility period for Basic TRA begins with the first week following the week in which the worker was most recently totally separated from adversely affected employment within the period covered by the certification. If the 104 week eligibility period expires before a certification is issued under Reversion 2014 and the delay is the result of a judicial or administrative appeal, the eligibility period will not automatically begin with the date of certification.

C.9.3. Elimination of Justifiable Cause to Extend the Period

Reversion 2014 eliminates the Special Rule under TGAAA which allowed for the extension of the period in which a worker could receive Basic TRA and Additional TRA for justifiable cause, as described in TEGL No. 22-08, Section C.6.2.

C.9.4. Elimination of the Special Rule for Military Service

Reversion 2014 eliminates the Special Rule for the Military under TGAAA which allowed states to extend any deadlines for any TAA benefit if the worker's military service precluded meeting such deadlines, as described in TEGL No. 22-08, Section C.6.3.

Image 15

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C.9.5. The First Week of TRA Eligibility is Changed

Reversion 2014 eliminated the requirement under TGAAA and TAAEA that the first week of TRA eligibility is the first week following the TAA certification date. Under Reversion 2014, the first week of TRA eligibility is the week that begins more than 60 days after the date on which the petition that resulted in such certification was filed.

Statute: Section 231(a) of the Trade Act will read:

i) Payment of a trade readjustment allowance shall be made to an adversely affected worker covered by a certification under subchapter A [19 USCS §§ 2271 et seq.] who files an application for such allowance for any week of unemployment which begins more than 60 days after the date on which the petition that resulted in such certification was filed under section 221 [19 USCS § 2271],

Administration: Reversion 2014 reinstates the requirement that the first week of TRA eligibility is the one that begins more than 60 days after the date when the petition covering the worker was filed. This means that it is possible for a worker to be eligible and receive TRA for a week that occurs prior to the certification provided such worker meets all other eligibility requirements of the Act. It also means that workers who have exhausted their UI entitlement before 60 days following the filing of a petition will have to wait up to 60 days from the petition filing date to be eligible to receive TRA. The regulations explain this requirement at 20 CFR 617.11(b).

C.9.6. Elimination of the earnings allowance up to the TRA WBA

Reversion 2014 eliminates the earnings allowance up to the TRA WBA when the worker is participating in full-time TAA training while working which was incorporated by TGAAA and TAAEA.

Statute: Section 232(a)(1) and (2) of the Trade Act will read:

(a) Subject to subsections (b), and (c), the trade readjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the workers' first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B) reduced (but not below zero) by—

(1) any training allowance deductible under subsection (c); and
(2) income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law.

Image 16

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Administration: Section 232(a) establishes the weekly amount of TRA a worker may receive. Section 232(a)(2) requires the deduction from that weekly amount all income that is deductible from UI under the disqualifying income provisions of State or Federal UI law. The regulations explain this requirement in 20 CFR 61713(c)(1).

C.9.7. Elimination of the Election of TRA or UI

Reversion 2014 eliminates the option of filing for TRA or UI in a subsequent benefit period as provided under TGAAA and TAAEA. This option was provided under section 232(d) but no longer applies under Reversion 2014. **All TRA requires the exhaustion of all UI entitlement.**

Statute: Section 231(a)(3) of the Trade Act will provide that TRA eligibility is available if:

(3) Such worker--

(A) was entitled to (or would be entitled to if he applied therefor) unemployment insurance for a week within the benefit period (i) in which such total or partial separation took place, or (ii) which began (or would have begun) by reason of the filing of a claim for unemployment insurance by such worker after such total or partial separation;

(B) has exhausted all rights to any unemployment insurance to which he was

entitled (or would be entitled if he applied therefor); and

(C) does not have an unexpired waiting period applicable to him for any such unemployment insurance.

Administration: Reversion 2014 reinstates the absolute requirement that all UI entitlement must be exhausted before the payment of any TRA. This includes Basic TRA, Additional TRA, and Completion TRA. The regulations explain this requirement at 20 CFR 617.11(a)(2) (v).

C.9.8. Waiver of Recovery of TAA Overpayments

Reversion 2014 eliminates the waiver of overpayment guidance provided at TEGL 22-08, Section C.8. States must apply the requirements as provided in the regulations at 20 CFR 617.55. A CSA "may waive" repayment of any payment made in error where "the payment was made without fault" on the worker's part and where requiring repayment "would be contrary to equity and good conscience."

D. TRAINING

Reversion 2014 applies the more limited TAARA Job Retraining requirements, explained in TEGL No. 11-02, Section E., to certifications for petitions filed on or after January 1, 2014. The broader criteria for training under the TGAAA and TAAEA will no longer apply. Training may only be approved on a full-time basis as required by 20 CFR 617.22(f)(4), and certified workers may not begin approved training until they have been totally or partially separated from adversely affected employment, as defined in Section 247(2) of the TAARA .

Image 17

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D.1. Establishing Training Benchmarks to Meet Completion TRA Eligibility Requirements

To implement Completion TRA under Reversion 2014, CSAs must establish training benchmarks for a worker when a worker enrolls in training to be able to monitor the worker's progress toward completing the approved training within the 130 week maximum duration of training, as described in TEGL 10-11, and its Changes 1 and 2. CSAs must evaluate that each training participant has met the following two benchmarks at intervals of no more than 60

days, beginning with the start of the training plan, to determine whether the worker is:

1. maintaining satisfactory academic standing (e.g. not on probation or determined to be "at risk" by the instructor or training institution), and
2. on schedule to complete training within the timeframe identified in the approved

training plan.

For more details about these training benchmark requirements, see TEGL No. 10-11, Section C.3.1. For workers covered under Reversion 2014, TAA funds may not be used to provide the Employment and Case Management Services necessary to establish training benchmarks and track the worker's progress. Refer to Section G of this document for further guidance.

D.2. Length of Training

Under Reversion 2014, the maximum length of training is 130 weeks. Remedial and prerequisite training may be part of an approved training plan and included within the 130 weeks.

D.3. Cap on Funding for TAA Training, Other Benefits and Services, and Administration

Further guidance will be provided about the financial reporting requirements for fiscal year 2014.

E. JOB SEARCH ALLOWANCES

The TAARA Job Search Allowance requirements apply and should be administered as provided in TEGL No. 11-02, Section F.

F. RELOCATION ALLOWANCES

The TAARA Relocation Allowance requirements apply and should be administered as provided in TEGL No. 11-02, Section G.

Image 18

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G. COORDINATION WITH PARTNER PROGRAMS FOR EMPLOYMENT SERVICES

TAA funds may not be used to provide Employment and Case Management Services to workers covered under Reversion 2014, as is the case with respect to workers covered under the 2002 Program. States are to use these funds to provide these services to workers covered under the 2009 Program and the 2011 Program, using merit staff as required by 20 CFR 618.890.

For workers covered under Reversion 2014 and the 2002 Program, Section 235 of the TAARA and TEGL No. 11-02, Section I., explain that CSAs are required to, "make every reasonable effort" to secure adversely affected workers with counseling, testing, and placement services, and supportive and other services, provided for under any other Federal law, including the services provided through American Job Center delivery systems described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)). CSAs are directed to coordinate the provision of such services through its partner programs, including the Workforce Investment Act and Wagner-Peyser Act. Merit staffing

requirements described in 20 CFR Part 618.890 are still applicable to TAA-funded activities.

H. ATAA

ATAA is the wage subsidy benefit for older workers applicable under Reversion 2014. Eligibility requirements and operational guidelines for ATAA are described in TEGL No. 1102, Section L, and TEGL No. 2-03 and its Change 1. TEGL No. 2-03 and TEGL No. 10-11, Question 8, explains that the operational interpretation of the statutory eligibility requirement for ATAA is that workers must be "aged 50 or over" which is interpreted as being age 50 at the point of ATAA eligible reemployment, and not turning 50 during the 26 week period from separation within which the worker must become reemployed to be eligible for ATAA.

I. TERMINATION OF HEALTH COVERAGE TAX CREDIT (HCTC)

The Health Coverage Tax Credit (HCTC) expires on January 1, 2014, and TAA recipients will no longer receive HCTC to assist them in paying their health coverage premiums.

It is important that CSAs continue to transmit individual HCTC eligibility records for eligible TAA recipients to the Internal Revenue Service (IRS) via the UC Interstate Connection (ICON) network through April 2014 because the IRS requires these 2013 individual HCTC eligibility records to verify who is eligible to claim the HCTC on 2013 federal income tax returns. The IRS will disregard any individual HCTC eligibility records for months in 2014, but will retain any backdated or other eligible updates or deletions, to manage Yearly HCTC during the 2013 tax year filing season. The necessary infrastructure within the ICON network will not be available to support the HCTC program after April 15, 2014. **More clarification on the HCTC expiration will be provided in separate guidance.**

For inquiries about HCTC, please visit the IRS Web site at:
[http://www.irs.gov/Individuals/The-Health-Coverage-Tax-Credit-\(HCTC\)-Program](http://www.irs.gov/Individuals/The-Health-Coverage-Tax-Credit-(HCTC)-Program)

Image 19

19

7. Sunset Provisions. Reversion 2014 is authorized to be in effect from January 1, 2014, through December 31, 2014, at which time the TAA program expires. Absent legislative action to reauthorize the TAA program, guidance will be provided, as necessary, for activities occurring after December 31, 2014.

8. Action Requested. CSAs are required to implement guidance set forth in these Operating

Instructions for workers certified under petitions filed on or after January 1, 2014. Additionally, CSAs must continue to administer the 2002 Program, the 2009 Program, and 2011 Program as they apply to workers covered under petitions filed before the effective

date of Reversion 2014, in accordance with prior guidance. States must inform all appropriate staff of the contents of these instructions.

9. Inquiries. States should direct all inquiries to the appropriate ETA regional office.

Message: Your EA News- PM Exchange at Kirkwood Continuing Ed Center

Case Information:

Message Type: Exchange
Message Direction: External, Inbound
Case: IWD Senator Petersen Request - Version 3
Capture Date: 7/10/2014 1:32:48 PM
Item ID: 40862193
Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

Your EA News- PM Exchange at Kirkwood Continuing Ed Center

From Cedar Rapids Metro Economic Alliance Date Tuesday, March 11, 2014 3:10 PM
To Wallace, Edward [IWD]
Cc

Having trouble viewing this email? Click here



eConnection

New Members

Welcome to our newest Economic Alliance members:

- New Pioneer Food Co-Op
- Girls on the Run of Eastern Iowa
- McGough Construction

Farmers' Market

We are seeking volunteers to fill shifts for the Cedar Rapids Downtown Farmers' Market. If you are interested in learning more about this opportunity, please contact Jenn Draper at 319/730.1421 or jdraper@cedarrapids.org.

PM Exchange at Kirkwood

5 to 7 p.m.
Thurs., March 20
NOTE LOCATION
Kirkwood Continuing Education Center
101 50th Ave. SW

Join us for the March PM Exchange, hosted by Kirkwood Community College - at the Continuing Education Center, 101 50th Ave. SW.



This free networking event is a member-favorite. Hosted monthly by an Economic Alliance member organization, appetizers and drinks are provided at this fun, low-key social event, and there is plenty of opportunity to meet and greet contacts from throughout the metro Cedar Rapids area.

Legislative Networking

"Policy on the Rocks"
4:30 to 5:30 p.m.
Fri., March 21
Doubletree by Hilton
Burd Light Lounge, 1st Floor
350 First Ave. NE



Our local state legislators will be on hand to discuss policies and priority issues in a fun and informal setting over drinks.

More than 50 Economic Alliance members and five state legislators attended the inaugural event held in February. Feedback from members and legislators has been very positive for this new public policy advocacy event. There is no cost to attend but registration is requested.

Get to Know the Creative Corridor
Free Employee Onboarding Session

"Conquer the Creative Corridor"
8 to 9 a.m.
Tues., March 25
Economic Alliance, multipurpose room

We never stop moving.™



HEDGES REALTY



501 First St. SE

Congratulations! You made the choice to live and work in Iowa's Creative Corridor. And now we're here to help you learn all the region has to offer.

This one-hour, FREE session, called "Conquer the Creative Corridor," is ideal for employees new to the region or for those employees who want a refresher on what the Creative Corridor has to offer.



We provide information and ways to connect to the community by covering a variety of topics, including volunteer opportunities, networking, arts and culture, recreational/spectator sports and more.

Light breakfast will be served, so we ask that you please register for this event.

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Cedar Rapids Metro Economic Alliance | 501 First Street SE | Cedar Rapids | IA | 52401-1196

Message: RE: Draft Statement of Facts

Case Information:

Message Type: Exchange
 Message Direction: External, Outbound
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:51 PM
 Item ID: 40862237
 Policy Action: Not Specified

Mark History:

Date	Action Status	Reviewer
7/22/2014 9:02:40 AM	Reviewed	Koonce, Kerry

Policies:

No Policies attached

 **RE: Draft Statement of Facts**

From Wilkinson, Michael [IWD] **Date** Thursday, March 13, 2014 7:49 PM
To 'Tammy Erickson'
Cc Eklund, David [IWD]; Douglas, Jodi [IWD]

 [Iowa report changes based upon IWD comments.docx](#) (85 Kb HTML)  [image001.png](#) (9 Kb HTML)

I have inserted some thoughts for your consideration.

From: Tammy Erickson [mailto:Tammy.Erickson@mossadams.com]
Sent: Thursday, March 06, 2014 4:03 PM
To: Wilkinson, Michael [IWD]
Cc: Eklund, David [IWD]; Douglas, Jodi [IWD]
Subject: RE: Draft Statement of Facts

You bet and same to you. We will talk to you on Monday. Do you want us to call you or do you want to call us?

*Tammy A. Erickson | Moss Adams LLP
 Business Assurance Partner
 601 W. Riverside, Suite 1800 | Spokane, WA 99201
 Toll Free 800.888.4065 | Direct 509.777.0149
tammy.erickson@mossadams.com*

 Description: View my

From: Wilkinson, Michael [IWD] [mailto:Michael.Wilkinson@iwd.iowa.gov]
Sent: Thursday, March 06, 2014 11:49 AM
To: Tammy Erickson
Cc: Eklund, David [IWD]; Douglas, Jodi [IWD]
Subject: RE: Draft Statement of Facts

We are confirmed for 3:00 CST on Monday. Thank you for your flexibility.

From: Tammy Erickson [mailto:Tammy.Erickson@mossadams.com]
Sent: Thursday, March 06, 2014 1:12 PM
To: Wilkinson, Michael [IWD]
Subject: RE: Draft Statement of Facts

We can't do that. How about at 1 pm PST on Monday (3 pm CST)?

*Tammy A. Erickson | Moss Adams LLP
 Business Assurance Partner
 601 W. Riverside, Suite 1800 | Spokane, WA 99201
 Toll Free 800.888.4065 | Direct 509.777.0149
tammy.erickson@mossadams.com*

 Description: View my

From: Wilkinson, Michael [IWD] [<mailto:Michael.Wilkinson@iwd.iowa.gov>]
Sent: Thursday, March 06, 2014 11:02 AM
To: Tammy Erickson
Subject: RE: Draft Statement of Facts

Could we talk Friday after 1:30 CST? Dave Eklund is not available today.

From: Tammy Erickson [<mailto:Tammy.Erickson@mossadams.com>]
Sent: Thursday, March 06, 2014 11:53 AM
To: Wilkinson, Michael [IWD]
Subject: RE: Draft Statement of Facts

Thanks for your response. Would it work to discuss today at 1:30 PST (I believe that would be 3:30 your time)?

Tammy A. Erickson | Moss Adams LLP
Business Assurance Partner
601 W. Riverside, Suite 1800 | Spokane, WA 99201
Toll Free 800.888.4065 | Direct 509.777.0149
tammy.erickson@mossadams.com

 Description: View my

From: Wilkinson, Michael [IWD] [<mailto:Michael.Wilkinson@iwd.iowa.gov>]
Sent: Thursday, March 06, 2014 8:58 AM
To: Tammy Erickson
Subject: RE: Draft Statement of Facts

Tammy, we appreciate your willingness to take our comments and feedback into consideration. I appreciate your emphasis on the budgetary limitations. It is clearly a factor in our ability to manage the myriad of administrative responsibilities with these funds. While I have seen some changes in the report, I still feel there is a need for additional clarification; however I want to be sensitive to your time frames. I am particularly concerned with the evaluation of the data on pages 26-29. If there is opportunity to continue the dialogue, we will certainly make the time. Thank you.

From: Tammy Erickson [<mailto:Tammy.Erickson@mossadams.com>]
Sent: Tuesday, March 04, 2014 11:37 AM
To: Wilkinson, Michael [IWD]
Subject: RE: Draft Statement of Facts

Great, thanks so much.

Tammy A. Erickson | Moss Adams LLP
Business Assurance Partner
601 W. Riverside, Suite 1800 | Spokane, WA 99201
Toll Free 800.888.4065 | Direct 509.777.0149
tammy.erickson@mossadams.com

 Description: View my

From: Wilkinson, Michael [IWD] [<mailto:Michael.Wilkinson@iwd.iowa.gov>]
Sent: Tuesday, March 04, 2014 9:33 AM
To: Tammy Erickson
Subject: RE: Draft Statement of Facts

Thank you for the follow up. One of my staff has already looked at it. I will get you a response no later than Thursday.

From: Tammy Erickson [<mailto:Tammy.Erickson@mossadams.com>]
Sent: Tuesday, March 04, 2014 10:49 AM
To: Wilkinson, Michael [IWD]
Cc: Kim Koch
Subject: Draft Statement of Facts

Mike,

I hope you are doing well and that spring is getting close for you. I know we are ready.

I wanted to check in with you on the new draft statement of facts. I hadn't heard anything since I sent it back to you with changes.

Thanks,

Tammy

Tammy A. Erickson | Moss Adams LLP
Business Assurance Partner
601 W. Riverside, Suite 1800 | Spokane, WA 99201
Toll Free 800.888.4065 | Direct 509.777.0149
tammy.erickson@mossadams.com

 Description: View my

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Introduction

Moss Adams was engaged by the U.S. Department of Labor (DOL), Office of Inspector General (OIG), to conduct a performance audit on the effectiveness of State Workforce Agencies (SWAs) in recovering unemployment insurance (UI) improper payments. Moss Adams was engaged to audit three states. Iowa (IA) was one of the states. The specific audit objectives identified by the OIG were to answer the following questions:

1. How effective are states at detecting, reducing, recovering and reporting UI ARRA improper payments?
2. What steps have states taken to implement Employment and Training Administration's (ETA's) guidance for detecting, and reducing ARRA-funded UI improper payments?
3. What processes and procedures do states use to recover ARRA-funded UI improper payments?
4. How accurate are states' reporting of ARRA-funded UI improper payments and recovery to ETA?

The ETA provides guidance and technical assistance to states in administering their UI programs and in reducing improper payments. As part of this guidance, ETA developed nine national strategies for states to follow in an effort to prevent, detect, and recover UI improper payments.

This Statement of Facts presents the results of our fieldwork in Iowa and identifies:

- I. The Status of Iowa's implementation of ETA's National Strategies;
- II. The Status of Iowa's State-Specific Strategies;
- III. A Summary of Potential Weaknesses or Limitations noted in effectively preventing, detecting, recovering, and reporting improper payments.

The following Exhibits are included to provide additional information and statistics related to National strategies:

National Strategies

Exhibit Overpayments during 2009-2012 by Detection
I.A. Source

State-Specific Strategies

Exhibit I.B Recoveries of Overpayments by Source

I. Status of Iowa's Implementation of ETA National Strategies

Strategy	Description	Status	Results/Comments
Cross Functional Unemployment Integrity Task Force	These are cross-functional teams that include a combination of management, front-line workers, and state subject matter experts that assess and address root causes of improper payments in individual states. The key objectives for these task forces is to have every state focus on the root causes of overpayments that have the highest impact in the state and use this process to implement strategic planning that will achieve immediate and meaningful reductions in the improper payment rate. Objective: Prevention and Detection (Implemented September 2011)	Partially Implemented	Through efforts of this task force, the department has identified and taken action to implement changes to procedures to improve the department's prevention and detection of improper benefit payments and increased recovery of benefit overpayments. The department did not have quantifiable data to determine the effectiveness and cost benefit of the cross-functional integrity task force. The Integrity Task Force created and implemented several State-Specific strategies, including increasing staffing and training, promoting the use of State Information Data Exchange System (SIDES), the National Directory of New Hires (NDNH), and the Tax Offset Program (TOPS). The department also has promoted its public

			information strategy through various videos, print materials, and other medium, as well as through implementation of various other state-specific collection and detection methods.
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State Quality Service Plan (SQSP)	<p>The SQSP is intended to be a dynamic document states use not only to ensure strong program performance, but also to guide key management decisions, such as where to focus resources.</p> <p>States can incorporate the elements from the strategic plans developed by their Cross-Functional Task Forces into the SQSP to address improper payments. The SQSPs also include corrective action plans that address, among other things, improvements being made to reduce overpayments through specific corrective efforts.</p> <p>Objective: Prevention and Detection (Implemented 1996)</p>	<p>*Fully Implemented (While the department utilizes SQSP's, many corrective action plans within them have not yet been met. However, the department continues to make progress in satisfying steps within various CAP's</p>	<p>The state has timely implemented SQSP's with corrective action plans. Various action plans were extended throughout the audit period and not yet met, such as those related to the improper payment rate and overpayment detection rate. The state has cited staffing, funding, and system limitations as impediments.</p> <p>As indicated in at least one other section of this audit, Iowa has a unique law that requires they provide a fact finding with at least a three day notice to the claimant before they can terminate benefits.</p>
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National Directory of New Hires (NDNH) Recommended Operating Procedures (ROP) and State Directory of New Hires (SDNH)	<p>DOL has encouraged states' use of the NDNH to reduce improper payments in the UI program. Directories of New Hires came about as a result of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and includes NDNH and SDNH. These new hire directories, which were created for the purpose of child support enforcement, have allowed for improved access to wage data and data from other states regarding new hires and wages. Studies conducted about NDNH and SDNH have concluded that the use of these tools result in earlier detection of improper payments, therefore increasing the likelihood of recovery. Detailed Recommended Operating Procedures (ROP) have been developed to provide states with information about best practices in conducting this match</p> <p>Objective: Prevention and Detection (Implemented 2005)</p>	Fully Implemented	<p>Based on ETA 227 reports received from the Iowa Workforce Development (IWD), approximately 5,300 claims totaling approximately \$1,700,000 in overpayments have been detected using these strategies during the audit period.</p> <p>See Exhibit I.A.</p> <p>Iowa has been performing daily matches with the SDNH since the 1980's and weekly matches with the NDNH since 2008.</p> <p>Due to an early retirement program offered to state employees in 2010 and budget cuts in 2012, investigator staffing is no longer sufficient to allow for all identified conflicts to be worked, as hits through the matching process require resolution through human intervention. Some territories have had vacant investigator positions since 2010, and although some of the larger cases are reassigned, it is not always in a timely manner. The department did not have specific quantifiable data for the backlog of cases yet to be resolved. However, the department has contended that it has never been more than approximately two weeks behind on the resolution of open cases.</p>
State Information Data Exchange System (SIDES)	<p>SIDES is a web-based system that allows electronic transmission of UI information requests from UI agencies to multi-state employers and/or Third</p>	*Partially Implemented (Only the work	<p>Iowa received a total of \$549,204 between 2009 and 2012 for implementation and marketing of SIDES, as well as subscription fees, pursuant to UIPL 18-12 and UIPL 31-</p>

	<p>Party Administrators, as well as transmission of replies containing the requested information back to the UI agencies.</p> <p>Objective: Prevention and Detection</p> <p>(SIDES and E-response implemented on March 30, 2012)</p>	<p>separations functions have been utilized)</p>	<p>09. Due to laws specific to Iowa, such as the requirement to have one-on-one interviews between claimants and representatives from the Department of Labor (DOL) employer during the fact-finding stage related to unemployment, Iowa has only implemented the work separations function of SIDES, thus limiting its overall functionality. Iowa currently has approximately 600 employers utilizing this product, with most of those being targeted due to their use of online tax services. Current marketing strategies include flyers sent out to prospective parties to increase awareness of the benefits of SIDES. The next step is to encourage ADP and other third party administrators to also utilize SIDES in the future.</p> <p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of SIDES implementation. This was not a requirement or condition of the grant application.</p>
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<p>Claimant Messaging</p>	<p>Implementation of a statewide claimant messaging campaign designed to: 1) improve claimants' awareness of their responsibility to report any work and earnings if they are claiming benefits, and 2) improve claimants' understanding of work search requirements as a condition of eligibility for benefits.</p> <p>Objective: Prevention</p> <p>(Campaign implemented in December 2011; products implemented throughout 2012)</p>	<p>Fully Implemented</p>	<p>Iowa received a total of \$100,000 in 2011 for implementation of various messaging products to be used for both claimant and employer messaging. Iowa implemented several claimant messaging products and communications, including unemployment fraud videos, a billboard campaign, radio ads, electronic billboards, and unemployment insurance fraud videos. The DOL Toolkit is one primary source of information for Iowa.</p> <p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of claimant messaging implementation. This was not a condition or requirement of the grant application.</p>
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<p>Employer Messaging</p>	<p>Implementation of a statewide employer messaging campaign designed to improve employers' awareness of their responsibility to respond to state requests for separation information and/or earnings/wage verifications.</p> <p>Objective: Prevention</p> <p>(Campaign implemented in December 2011; products implemented throughout 2012)</p>	<p>Fully Implemented</p>	<p>Iowa received a total of \$100,000 in 2011 for implementation of various messaging products to be used for both claimant and employer messaging. Iowa implemented several employer messaging products and communications, including unemployment fraud videos, a billboard campaign radio ads, electronic billboards, and unemployment insurance fraud videos. The DOL Toolkit is one primary source of information for Iowa.</p> <p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of employer messaging implementation. This was not a condition or requirement of the grant application.</p>
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<p>Employment Service (ES) Registration</p>	<p>Implementing technology or other solutions designed to address improper payments due</p>	<p>Implemented</p>	<p>Section 4011(b)(4) of the Emergency Unemployment Compensation (EUC) Act requires claimants to be able to work, available to work, and actively seeking</p>
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<p>and Work Search</p>	<p>to a claimant's failure to register with the state's Employment Service or job bank in accordance with the state's UI law and simultaneously provide more opportunities for reemployment.</p> <p>Objective: Prevention (Implemented April 30, 2012)</p>	<p>work. Section 4011(h)(l) of the EUC Act specifies the definition of actively seeking work, which includes registering for employment services as prescribed the state agency, engaging in an active work search for appropriate employment and through making the required contacts with employers, maintain work search records, and provide such work search records upon request.</p> <p>Section 871, Chapter 24.2(1), of the unemployment security law of Iowa describes the requirements for initial registration for unemployment by claimants, as well as the requirements for continuation of benefits, including work search.</p> <p>Iowa received \$100,000 in October 2012 to implement technology to allow full-registration at the time of the initial submission of unemployment claims and also to simultaneously provide more opportunities for reemployment at the time of, and subsequent to, the registration process. Increasing opportunities for reemployment included the display of job opportunities that match claimants' registration criteria at the time online claims are filed and at each time the online system is accessed for continued claim filing.</p> <p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of employment service registration and work search implementation. . This was not a condition or requirement of the grant application.</p>
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<p>State-Specific Strategies</p>	<p>Implementation of state-specific solutions to prevent improper payments and reduce the state's improper payment rates in key root cause areas.</p>	<p>See Section II.</p>	<p>State-Specific Strategies</p>
<p>Treasury Offset Program (TOP)</p>	<p>TOP allows the state to offset federal tax refund payments to collect unemployment compensation debts.</p> <p>Objective: Recovery (Implemented in Iowa in September 2013)</p>	<p>Implemented 9/30/13, outside of audit scope period.</p>	

II. Status of Iowa's Implementation of State-Specific Strategies

Strategy	Description	Status	Results/Comments
<p>State Identification Data Inquiry</p>	<p>This is a database established for interstate cross-match. The database is used to process wage information requested from employers outside of the state related to claimants who have filed claims within the state. Typically, the state will request 18 months of wage data to be uploaded to this database. Employers typically have 30 days to provide the requested wage information, and then the cross-match takes an additional 30 days to complete. This cross-match is run on a quarterly basis.</p> <p>Objective: Detection (Implemented 2003)</p>	<p>Fully implemented</p>	<p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of state identification data inquiry implementation.</p>

<p>Fraud Detection as a Service</p>	<p>In 2008, the division began to utilize the social security administration to verify claimant information at the same time as registration, and thus, became a part of the claimant profile. The division also utilizes the Designated Overpayments Teams (DOT), which the division refers to as a Fraud Unit, to match the same type of demographic information and help to detect overpayments and fraud. Based on the matching done, fraud investigators that work closest to the claimant would be assigned to the cases and facilitate in-person interviews if deemed necessary. Both of these products are free services. When a DOT record does not exist, the division uses a third party to obtain needed verification of the claimant profile, which requires a fee for use. In the near future, IWD will be utilizing the Department of Transportation records for identity verification in addition to the SSA data. If unable to verify, a third party authentication service will be used, which requires a fee. As of the time of the audit, the division had not yet begun to use the third-party provision of this service. Finally, this strategy also involves the ability to contract with an outside vendor to use division data to detect potential fraud, which has also not yet been implemented.</p> <p>Objective: Detection and Prevention</p> <p>(Implemented 2008 through 2013)</p>	<p>Fully Implemented</p>	<p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of fraud detection as a service implementation. Iowa also does not have quantifiable data as to how much it has paid in fees for utilization of third parties to obtain verification of claimant profiles. [there are no record of fees because it has not been used yet.</p>
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<p>Unemployment Compensation Fraud Link</p>	<p>Tipsters can report incidents of fraud on the Iowa unemployment compensation website, iowaworkforce.org.</p> <p>Objective: Detection and Prevention</p> <p>(Implemented March 22, 2012)</p>	<p>Fully Implemented</p>	<p>Incidents get transmitted directly to David Eklund, manager of the Unemployment Integrity Division. Mr. Eklund will review all tips and assign investigators to the applicable territory, if deemed necessary.</p> <p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of the implementation of the unemployment compensation fraud link as they are not tracked separately in their system.</p> <p>See Exhibit I.A</p>
<p>Interstate Benefit Cross-Match</p>	<p>Interstate cross-match, run quarterly, compares the records of claimants who file UC claims in Iowa with wage record data from other states.</p> <p>Implemented June 2005</p>	<p>Fully Implemented</p>	<p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of interstate benefit cross-match implementation as this data has not been maintained separately in their system. See Exhibit I.A</p>

<p>Incarceration Roster Review</p>	<p>The purpose of this cross-match is to find claimants who are receiving federal or state benefits while they are incarcerated in Iowa's county jails. It's a manual process that involves a cross-match with the Department of Corrections. It involves 99 counties in Iowa performed by benefit payment control investigators. Investigators perform the search on those who were incarcerated at least three days.</p>	<p>Fully implemented</p>	<p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of incarceration roster review implementation as this data has not been maintained separately in their system. See Exhibit I.A</p>
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	Objective: Detection and Prevention Implemented 1995		
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Systematic Alien Verification for Entitlements (SAVE)	This cross-match reveals individuals who have entered a permit number, indicating they are an alien, rather than a driver's license onto the online claims system. Individuals who are matched under this system receive a form asking for verification of employment and authorization for legal residence. Aliens can be asked only one time during the initial application for unemployment benefits whether they are a United States citizen. The division has no right to verify this information, as the burden for this verification falls to the employer. This process is performed prior to benefits being processed so it doesn't result in detection of overpayments but ensures that claimants are eligible to receive payments. Objective: Prevention Implemented 1990	Fully Implemented	Iowa does not have quantifiable data to determine the effectiveness and cost benefit of SAVE implementation.
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Business Process Analysis	The purpose of utilizing a third party to analyze business processes is to enhance the authentication of claimants in the benefit eligibility process, improve the overall ability to detect both underpayments and overpayments, and thus, improve the overall performance measures as measured by the Department of Labor, and find additional efficiencies to potentially free up capital and staffing that can that can be reallocated to improve other unemployment divisions services. Objective: Prevention and Detection (Implemented in 2012)	Fully Implemented	Iowa utilized a third-party consultant named CapTech to perform an overall analysis of its business processes related to unemployment system integrity in 2012. Several suggestions were formulated throughout all areas of the unemployment integrity division, with the focus being on claimant authentication and payment processes and on opportunities for potential redeployment of resources to aid efficiencies within the department.
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Employer Quarterly Wages Cross match	Each quarter the state compares the listing of beneficiaries for the year with the listing of employees reported by employers to identify individuals who drew benefits while employed. Objective: Detection (Implemented in the 1980's)	Fully Implemented	Based on ETA 227 reports received from IWD, approximately 27,000 cases totaling approximately \$14.6 million in overpayments have been detected using this strategy during the audit period. See Exhibit I.A
Tips and Leads	This program allows for internal and external sources to provide information about potential claimants who are receiving benefits but are potentially ineligible. Objective: Prevention and Detection (Implemented in the 1950's)	Fully Implemented	Iowa does not have quantifiable data to determine the effectiveness and cost benefit of tips and leads implementation. All cases identified from tips and leads are not tracked separately in their system. See Exhibit I.A
Legal Presence	Not implemented.	Not Implemented	Not implemented

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Amnesty	<p>If overpayments are not the fault of claimants, they may make written requests for hardship waivers. Claimants must show that repayment would be against good conscience, denying them of essentials, such as food, shelter, necessary medications, and other items.</p> <p>Objective: Recovery</p> <p>(Implemented in the late 1930's)</p>	Fully implemented	<p>Based on the ETA 227 reports received from the IWD, approximately \$400,000 in overpayments were waived during the audit period.</p> <p>Iowa does not have quantifiable data to determine the effectiveness and cost benefit of amnesty implementation on either the improper payment rate or the recovery rate.</p>
Benefit Offset	<p>Benefit offsetting provides for collection of receivables. If claimants have overpayments and they are eligible for unemployment benefits, IWD offsets 100% of these benefits until the debt is satisfied. The overpayment could be due or not due to fraud.</p> <p>Objective: Detection</p> <p>(Implemented in the late 1930's)</p>	Fully Implemented	<p>Based on ETA 227 reports received from the IWD, approximately \$21.3 million of overpayments has been recovered using this strategy during the audit period.</p> <p>See Exhibit I.B</p>

Collection of Payments by Credit or Debit Card over the Telephone	<p>Method implemented to recover overpayments from claimants.</p> <p>Objective: Collection</p> <p>(Contract signed in December 2013; Website has not been activated as of current)</p>	Not implemented during the scope period.	Statistics are not available as IWD did not use this method during the period under audit.
State income or other tax offset	<p>State income tax refunds and similar distributions are used to offset receivables. Mostly an automated process, in which state income tax refunds are flagged in a report from the Iowa Department of Treasury through a matching of the workforce development database with the tax database utilizing social security numbers. If the return is a joint return, then the refund is split through a manual calculation.</p> <p>Objective: Collection</p> <p>(Federal income tax offset – implemented October 2013; State income tax offset – implemented in the 1960's)</p>	<p>State income tax offset – fully implemented;</p> <p>Federal income tax offset – not implemented during the scope period.</p>	<p>Based on ETA 227 reports received from the IWD, approximately \$4.5 million of overpayments has been recovered using the audit strategy during the audit period.</p> <p>See Exhibit I.B</p>

Lottery, Homestead, and Gambling Offsets	<p>The state of Iowa vendor offset system is used to generate an alert that notifies the state when a social security match occurs with a person who has won money through a casino or lottery or who is a state vendor and owes back unemployment</p>	<p>Lottery - fully implemented;</p> <p>Homestead – not implemented;</p> <p>Gambling offsets – not</p>	<p>For 2013, IWD has averaged approximately \$17,000 per month in collections using lottery winnings. Iowa does not have quantifiable data to determine the effectiveness and cost benefit of utilizing lottery</p>
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	benefits. The funds will be held pending a decision. The state can authorize an internal exchange transfer that applies the winnings to the recovery amount. Objective: Collection (Lottery implemented in the 1980's)	implemented	winnings offsets for the remainder of the audit period as IWD does not separately track the receipts from this collection method. This is not correct. All methods of recovery are tracked and reported.
Voluntary repayment programs.	This is a manual process in which claimants can either make voluntary payments by mail, in person, or online through the use of credit cards. Objective: Collection (Credit cards implemented in October 2013; other voluntary payments began in the 1930's)	Fully implemented	Based on ETA 227 reports received from IWD, approximately \$7.8 million has been collected using this strategy over the audit period. Collections from this method are not specifically tracked. This is not correct. All methods of recovery are tracked.

Interstate Recovery	Iowa participates in the Interstate Reciprocal Overpayment Recovery Arrangement (IRORA) program, which includes 38 states. IRORA is a cooperative agreement amount participating members to act as agents for each other in a reciprocal arrangement for the recovery of overpaid benefits. When another state requests Iowa wages and a match is found in the overpayment system, a manual process is used to send a form to the other state requesting that the other state withhold the overpayment. That state will set up the overpayment and will send a check to Iowa when/if it is collected. No further follow-up is done regarding these claims. Objective: Collection (Implemented in the late 1980's)	Fully implemented; A new state recovery system was implemented in September 2013, which was not within the scope period.	Iowa does not have quantifiable data to determine the effectiveness and cost benefit of interstate recovery implementation. See Exhibit I.B
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Credit Bureau Reporting	Not implemented	Not implemented	Not implemented
Third-party Collection Agents	Not implemented	Not implemented	Not implemented
Wage Garnishment and Civil Action	The IWD would file a lien, which would then have a 25-day period to cure, followed by an additional 10-day period to cure. Once the legal department would sign off, the garnishment request would be sent through the appropriate county courthouse based on the employer location, and the county sheriff would serve the paperwork on the employer. Any monies garnished were paid by the employer to the county clerk until either the debt is settled, the yearly maximum has been reached, or employment has been terminated. Objective: Collection (Implemented in the early 1980's)	Fully implemented through the audit period, but terminated as of July 1, 2013 due to violation of Unemployment Insurance Program Letter 22-96, <i>Immediate Deposit and Withdrawal Standards.</i> "	Iowa does not have quantifiable data to determine the effectiveness and cost benefit of wage garnishment and civil action implementation. Iowa does not separately track the receipts from this collection method.

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Referral to OIG and other Law Enforcement Agencies	This is a manual process and is done only as deemed appropriate (e.g. amounts greater than \$100,000). Objective: Collection (Implemented in the early 1960's)	Fully implemented	Iowa does not have quantifiable data to determine the effectiveness and cost benefit of referrals to the OIG and other law enforcement agencies.
Skip-Tracing Tools	Not implemented	Not implemented	Not implemented
State and Federal Prosecution	This is done as appropriate through a manual process. Cases are submitted through the county attorney. Objective: Collection (Implemented for many years)	Fully implemented	No statistics are available for monetary judgments on cases. Various categories of prosecution in terms of number of cases are listed throughout the ETA 227 reports.
Interest and penalties onto overpayment	Started to enforce a 15% penalty onto overpayments to try to entice quick repayment of overpayments. Objective: Collection (Implemented July 2013)	Not implemented in the scope period.	No statistics are available.

Property liens	The state can pay \$14 to file a lien with the county, with the filing fee also passed along to the claimant through a manual process. Objective: Collection (Implemented in the 1970's)	Fully implemented	Iowa does not have quantifiable data to determine the effectiveness and cost benefit of property liens implementation.
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Bankruptcy/Estates/ Probate	The state is notified by the business or claimant that they are in bankruptcy or the state receives a Notice of Discharge. The notice causes the state to cease collection/billing efforts. If the State determines the overpayment to be non-fraud related, no further collection efforts are made. If it is coded a fraud, then the overpayment cannot be discharged in bankruptcy, and a case can be developed to collect. A fraudulent overpayment can be criminal or an error. The state must prove criminal fraud, which is very rare. Collection is rare, which is why this method is not considered to be overly effective. Objective: Collection (Implemented for many years)	Partially implemented (Bankruptcy non-fraud cases implemented; all others not implemented)	No statistics are available.
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III. Potential weaknesses or limitations in preventing, detecting, recovering, and reporting of UI improper Payments

A. Design and Execution of ETA 227 Report Controls

We noted the following issues in the ETA 227 and ETA 227 EUC reporting process.

- Iowa Workforce Development (IWD) does not consistently retain support for filed ETA 227 and ETA 227 EUC reports either electronically or in hard copy. Due to system limitations, this information cannot be reproduced after the fact. As a result, accuracy of reports submitted cannot be determined for two of the four quarters selected for ETA 227 test work (September 30, 2009 and June 30, 2010).
- The information retained from the IWD system to support the amounts in the ETA 227 and ETA 227 EUC was a summary level report. IWD could not provide the detail behind the totals or the source code of the report to determine that amounts were being classified and accumulated accurately. Similarly, IWD does not reconcile the ETA 227 and ETA 227 EUC to the accounts receivable sub-ledger to determine the accuracy of the information generated from the IWD system.
- The quarterly mainframe report used to complete the ETA 227 and ETA 227 EUC reports is at times a) inaccurate and requires IWD to “plug” the ETA 227 or ETA 227 EUC (sometimes these are coding errors) or b) does not produce the needed information to complete the ETA 227 or ETA 227 EUC. We also noted data entry errors. IWD has not investigated the reasons for the discrepancies or made changes to the mainframe to produce the required information. IWD completes the ETA 227 and ETA 227 EUC even if certain information is not available. Examples based on the sample of ETA 227 and ETA 227 EUC reports tested of where IWD determined the a) mainframe report was inaccurate and therefore reported a different number or b) the mainframe report does not produce the needed information for ETA 227 and ETA 227 EUC are as follows:
 - September 30, 2011 ETA 227 – Line 203
 - September 30, 2011 ETA 227 EUC – Line 302 (Data entry error)
 - June 30, 2012 ETA 227 – Line 102 **There were no multi-claimant schemes in that quarter. Coding error in case management system populated mainframe report.**
 - June 30, 2012 ETA 227 – Line 506 (aging schedule variation due to 3 year Fed write off and Iowa 10 year write off)
 - ETA 227 Line 401 to 408- IWD system does not show cases by Unemployment Compensation for Federal Employees (UCFE), Unemployment Compensation for Ex-Service Members (UCX), and Federal. All cases are reported in UI column. (During onsite fieldwork, IWD stated that the mainframe report does not show cases by UCFE and UCX. This is not correct – IWD does NOT consolidate FE and X into UI Column. IWD subsequently stated there has been no UCFE and UCX criminal or civil cases for several years.)
- IWD did not timely implement required changes as specified in UIPL 08-12 due to availability of resources. The mainframe system was not updated to produce the needed information until August 2013. UIPL 08-12 required the changes to be implemented to the extent possible for the March 31, 2012 data which was due by May 31, 2012 and to be implemented no later than August 31, 2012.
- IWD does not have a review process for the completion of the ETA 227 and ETA 227 EUC. One person completes and submits the report without an additional level of review. Additionally, there is no evidence that the ETA 227 and ETA 227 EUC are used by IWD to track performance of the program.
- IWD submitted two of the ETA 227 reports tested late (June 30, 2010 ETA 227 and June 30, 2010 ETA 227 EUC). The ETA 227 for June 30, 2010 was submitted on February 9, 2011 and the ETA 227 EUC for June 30, 2010 was submitted on August 8, 2010. These late reports resulted in the DOL not receiving this information timely.
- The ETA 227 and ETA 227 EUC indicate ~~lack of recovery efforts as significant amounts were removed or written off~~ [this is not correct and insinuates a blatant disregard by IWD. Earlier in this report it states we have written off only \$400K and the statements do not take into consideration the administrative requirement by USDOL to remove debt after 3 years. This is not a fair representation.] from the ETA 227 and ETA 227 EUC rather than recovered. Significant activity recorded on lines 308 through 312 (e.g., waived, written-off, additions, subtractions or removed) for the period Feb 2009 to December 2012 was a \$14 million net subtraction on the ETA 227 reports and a \$7 million net subtraction on the ETA 227 EUC reports. See tables below where the “other” amount is the non-recovered amount. The “other” amount is primarily administrative adjustments and receivables written off after three years of activity as required by the DOL.
 - **Line 307 is part of the “recovered” section of the ETA 227**
 - **Line 308 is the amount actually “waived” and is by far the smallest and is allowed by Iowa code.**
 - **Line 309 is the amount written off because of the age of the overpayment. US DOL expects each state to “write off” debt after three years of no activity. IWD retains the debt and attempts to collect for 10 years. The funds in line 309 are debt that is 10 years old and uncollectable after no activity.**
 - **Lines 310 and 311 are administrative adjustments primarily due to appeals. These are not overpayments that the department chose to “write off”.**

		ETA Reg UI
Beg Line 301 3/31/09		11,732,648
Line 101 and 103 Established		56,339,759
Line 302 Recovered		(35,007,685)
Other (lines 308-312)		(14,242,728)
Ending Line 313 12/31/12		18,821,994
		ETA 227 EUC 08
Beg Line 301 3/31/09		156,534
Line 101 and 103 Established		20,701,531
Line 302 Recovered		(9,709,166)
Other (lines 307-312)		(7,264,740)
Ending Line 313 12/31/12		3,884,159

B. Design and Execution of ETA 2112 Report Controls

While appropriate procedures were in place to complete ETA 2112 reports, there was not a formalized review process. We noted the specific variance listed below:

- The totals from the ETA 2112 reports provided to us by IWD do not agree to the amounts reported per the ETA Website. There is a variance in the amount reported for EB of \$1,248,088 and a variance of \$20,239,832 for EUC. This could be due to numbers on the ETA 2112 being net figures.

•	• Period Covered	• ARRA	• Non-ARRA	• Total
• EB – Benefits	• Feb. 2009 – Dec. 2012	• -	• 1,248,088	• 1,248,088
• EUC – Benefits	• Feb. 2009 – Dec. 2012	• 1,301,916,263	• (20,239,832)	• 1,281,676,431

- The amounts reported on the ETA 2112 for ARRA do not tie to the amounts reported on the Schedule of Expenditures of Federal Awards for our audit scope period February 2009 to December 2012. Differences ranged from \$20 million per fiscal year to \$92 million.

•	• 2009	• 2010	• 2011	• 2012
• Line 38, 39 and 42a per 2112	• 124,365,313	• 566,162,552	• 415,462,304	• 264,794,137
• ARRA amount per SEFA	• 103,818,217	• 493,538,204	• 323,717,194	• 215,397,068

• Un-reconciled	• (20,547,096)	• (72,624,348)	• (91,745,110)	• (49,397,069)
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C. IWD System reports are not used for analyzing effectiveness of core and state strategies

IWD does not use the reports generated from the IWD system to regularly analyze the effectiveness of core and state strategies. While certain data elements are available from the system, analyzing the effectiveness is not completed regularly due to staffing constraints. Additionally, overpayments in appeals are not separately identified or tracked by IWD and therefore cannot be reported in accordance with ETA guidance.

D. State Quality Service Plans

Per inquiry, the IWD has set aggressive milestones as they believe the expectations set by the DOL are ~~not realistic~~ challenging for them to achieve based upon the budget they are operating under.

E. Core Performance Measurements Were Not Met

The IWD has not met the core performance measurement for the improper payment rate (<10%) or for the overpayment detection rate (> or = 50% to 95%) during the audit period. To date, IWD has not been penalized through a lack of funding related to not meeting these core performance measurements.

F. Lack of Tracking the Effects of Integrity Measures

Iowa was not able to provide data to reflect determinations as to the effectiveness of the integrity measures and other operational changes. No data regarding cost savings or benefit analysis was provided by Iowa Workforce Development.

Through inquiry, we also determined that IWD was not able to provide support for how they base its decisions for the implementation of new strategies and operations on a formalized cost-benefit analysis. We noted no documentation of such analysis in integrity reports or other resources.

Through inquiry, we noted that IWD has limited resources to focus on collections. They believe the impending full implementation of the Treasury Offset Program will result in much improved results for collections.

G. Iowa State Specific Law Limitations

State law requires that face-to-face fact finding interviews be conducted, and that claimants are allowed at least three days' notice to prepare their defense to the potential conflict identified before future benefits can be withheld. This greatly limits the ability of Iowa Workforce Development to stop future payments to claimants with identified potential conflicts. When investigators identify that an overpayment exists based on employer returned forms, no hold can be put on the claim. They must send out a form with a set appointment for claimant response and this date always falls after the next claim is paid.

This same law also limits the use of SIDES, as noted above. Only a portion of the SIDES product has been implemented and is being utilized as of current. This state law, requiring one-on-one meetings during the fact-finding portion for work separation, has limited the full functionality of this product. While the unemployment integrity division plans on utilizing additional capabilities of SIDES in the future, the system is currently limited in its use to help prevent, detect, and collect improper unemployment benefits.

H. State Information Data Exchange System (SIDES)

Per the Supplemental Budget Request dated September 2, 2009 for funds related to implementation of SIDES, estimated total savings for the year were projected to be approximately \$270,000 per year from utilization of this product. However, per data for fiscal year 2012, the first year of implementation, total savings were estimated to be only approximately \$4,300 per year. To date, the lower than expected savings from SIDES appears to be due primarily to a combination of the low volume of employers that are currently participating in the SIDES function, technology challenges in the development of a user-friendly interface for the access of records by staff, and due to Iowa law requiring one-on-one fact-finding interviews with claimants.

I. Timeliness of Processing Employer Returned Quarterly Wage Benefit Audits

During our testing Moss Adams noted that employer returned wage benefit forms were not input into the mainframe in a timely manner (we noted examples that took up to a month). This stems from the lack of staff available to process these forms, and also the volume of forms returned in the first month after they are mailed out. Iowa currently has only one staff member available to process the over 20,000 forms that are sent out and returned each quarter. In most instances noted in our testing, forms received in the first part of the quarter take about one month to be processed and assigned to investigators and potential overpayments may be paid out during this time lag.

J. Lack of Investigation of All Potential Overpayments

As noted above, Iowa struggles with lack of resources due to the loss of experienced personnel with the early retirement option in 2010 as well as the decrease in state funding that hit in 2012. Currently, only four of the nine territories have investigators assigned to them.

During our testing it was noted that some cases selected were closed without any investigation as the claimant resided in a vacant territory, and in other instances, cases with overpayments in vacant territories were not assigned or worked by remaining employees in a timely manner. Also, the lack of monetary resources does not allow for all cases assigned to an investigator to be worked and often, a dollar threshold will be established and cases with identified overpayments under this threshold are closed without any review. This threshold varies by quarter, depending upon the workload, however \$800 was often used. However, Iowa attempts to make maximum recovery by working larger cases first. See Exhibit I.A below to see the overpayments by source that shows the decrease of investigations and overpayments after 2010, however due to the lack of resources, this strategy does not appear to be very effective. Iowa is unable to run reports that list investigations that were closed without being worked and therefore we are unable to quantify the impact of this.

K. Lack of Support for All Investigations

Only cases where an employer verification audit was returned and overpayment was established by an investigator had complete supporting documentation available. No data regarding which claimants were initially identified as having potential overpayments from the various detection methods was available, as this information is not kept and cannot be recreated. Additionally, the case management software used within the mainframe is set to automatically purge data one year after last activity. Both of these issues stem from the lack of monetary resources available to Iowa Workforce Development. Testing was performed over cases from 2012 as the system automatically purges case data after one year. It was also found during testing that cases that were closed in which no overpayment was established the supporting documentation for this conclusion was not retained, such as the employer returned wage verification form, to support the validity of the investigator's conclusion. Supporting information is only retained for cases in which an overpayment is actually established. As supporting documentation is not maintained for cases in which the investigator determines there was not an overpayment, we were unable to corroborate the conclusions reached. In addition, as cases are written off without an investigation (due to being under a specified dollar threshold as noted earlier in this report) there is potential for additional overpayments that are never reported.

L. Ineffective Tracking of the Effectiveness of Recovery of Improper Payments

Iowa uses a variety of automated and manual methods to recover improper payments, however, there is insufficient data to determine the effectiveness of those recoveries. A variety of reports on recoveries can and were produced periodically and reviewed, however, the reports were not reconciled, used for monitoring or retained. The IT system used for tracking recoveries does not retain historical data so reports cannot be reproduced, and reduced staffing limits the monitoring process.

M. Payment of Claims

We noted that due to new legislation passed that allows claims to be paid that are greater than 52 weeks old, the IWD has much higher inherent risk that the same weeks could end up being paid on multiple past claims if sufficient, manual research is not being performed by staff. No safeguards are currently in place to prevent these overpayment errors from taking place.

N. Cross-functional Unemployment Integrity Task Force

The Cross-functional Unemployment Integrity Task Force was implemented in September 2011. However, the task force was not utilized during fiscal year 2012 and did not conduct any documented meetings during that timeframe. In addition, the task force also did not meet from January 2013 through May 2013 and July 2013 through August 2013. Through inquiry, we noted that the task force was not utilized due to an overall lack of resources throughout the unemployment integrity division, requiring the full utilization of all members of the task force.

O. Background Checks

Per inquiry, we noted that the IWD does not have policies for conducting background investigations on prospective employees that have access to funds, authority to approve or issue payments, or have the ability to receive, process, or record overpayments and recoveries.

P. Claimant and Employer Messaging

We noted that in the initial supplemental budget request in 2011 for purposes of claimant and employer messaging, the department indicated that it was going to utilize surveys to gage effectiveness of its implemented methods utilized for its messaging campaign. However, the IWD did not ultimately utilize surveys as part of its messaging campaign, and thus, did not comply with the provisions outlined in the original funding letter.

EXHIBITS

Exhibit I.A – Overpayments during 2009-2012 by Detection Source

Note: Numbers were obtained from the quarterly 227 reports submitted by Iowa. Testing was performed over reporting to the ETA during our audit, see findings above related to the 227 reports. However, as no documentation is retained by Iowa, these reports contained the only historical data available to perform the analysis in table below.

	2009	2010	2011	2012
Wage-Benefit	10,672	7,267	2,766	3,829
<u>No. of Cases</u>	\$4,743,302	\$4,895,001	\$2,238,319	\$2,715,125
Dollar Amt.				
Interstate-Benefit	211	236	111	71
<u>No. of Cases</u>	\$199,817	\$234,466	\$107,046	\$91,431
Dollar Amt.				
NDNH/SDNH*	1,451	1,280	775	829
<u>No. of Cases</u>	\$533,687	\$533,029	\$320,280	\$319,268
Dollar Amt.				
Other**	301	340	481	430
<u>No. of Cases</u>	\$93,192	\$144,061	\$200,104	\$232,730
Dollar Amt.				
Non-Controllable	14,009	10,433	8,145	9,230
<u>No. of Cases</u>	\$11,396,188	\$8,785,765	\$7,884,068	\$8,852,879
Dollar Amt.				
Total	26,644	19,556	12,278	14,389
<u>No. of Cases</u>	\$16,966,186	\$14,592,322	\$10,749,817	\$12,211,433
Dollar Amt.				

**Note: Case management software is set up to track three categories of overpayment sources: Quarterly Wage-Benefit Crossmatch, Iowa Centralized Employer Registry (ICER), and all others. As ICER matching has been performed since the 1980's and when NDNH matching began in Iowa in 2008 no separate category was set up and all state and national new hire hits are grouped together.*

**Note: IWD utilizes only three categories in their software to track the detection source of overpayments. This category encompasses all sources other than the those listed out specifically and includes overpayments established using Interstate-Benefit Crossmatch, Incarceration Roster Review and Tips and Leads, as discussed in section II.

Exhibit I.B – Recovery of Overpayments by Source

Note: Numbers were obtained from the quarterly 227 reports submitted by Iowa. Testing was performed over reporting to the ETA during our audit, see findings above related to the 227 reports. However, as no documentation is retained by Iowa, these reports contained the only historical data available to perform the analysis in table below.

Collection Method	Collections for Year-Ended 12/31/09 (Percent of Total Recoveries)	Collections for Year-Ended 12/31/10 (Percent of Total Recoveries)	Collections for Year-Ended 12/31/11 (Percent of Total Recoveries)	Collections for Year-Ended 12/31/12 (Percent of Total Recoveries)
Benefit Offset	\$7,630,220 (70.1%)	\$6,573,325 (61.9%)	\$3,721,904 (57.7%)	\$7,051,162 (49.5%)
State Income Tax Offset	\$841,761 (7.7%)	\$1,805,877 (17.0%)	\$640,379 (9.9%)	\$3,488,625 (17.3%)
Interstate Recovery	\$34,366 (.3%)	\$29,802 (.3%)	\$34,804 (.5%)	\$35,650 (.5%)

APPENDIX 1 – ACRONYMS

ARRA	American Recovery and Reinvestment Act of 2009
DOL	Department of Labor
DOT	Designated Overpayment Teams
ES	Employment Services
ETA	Employment and Training Administration
EUC	Emergency Unemployment Compensation
FAC	Federal Additional Compensation
ICER	Iowa Centralized Employee Registry
IRORA	Interstate Reciprocal Overpayment Recovery Arrangement
IWD	Iowa Workforce Development
NDNH	National Directory of New Hires
OIG	Office of Inspector General
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
ROP	Recommended Operating Procedures
SAVE	System Alien Verification for Entitlements
SDNH	State Directory of New Hires
SIDES	State Information Data Exchange System
SQSP	State Quality Service Plan
SWA	State Workforce Agency
TOP	Treasury Offset Program
UC	Unemployment Compensation
UI	Unemployment Insurance program
UCFE	Unemployment Compensation for Federal Employees
UCX	Unemployment Compensation for Ex-Service Members
UIPL	Unemployment Insurance Program Letter

Message: Morning Clips 3.17.14**Case Information:**

Message Type: Exchange
 Message Direction: External, Outbound
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 Item ID: 40862284
 Policy Action: Not Specified

Mark History:

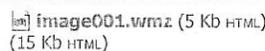
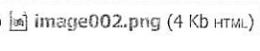
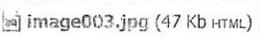
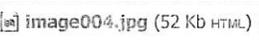
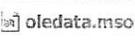
No reviewing has been done

Policies:

No Policies attached

☐ Morning Clips 3.17.14

From Centers, Jimmy [IGOV] **Date** Monday, March 17, 2014 6:17 AM
To Centers, Jimmy [IGOV]
Cc

Morning Clips 3.17.14

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QC Times editorial: Branstad's board ignores sick Iowans

[QC Times](#)

Think what you want about medical marijuana. But in Iowa, thank or condemn Gov. Terry Branstad for an Iowa Board of Pharmacy decision that keeps cannabis away from Iowans who believe it can relieve their epilepsy, nervous disorder and other illnesses, rather than symptoms? symptoms.

Branstad appointees dominating the Iowa Pharmacy Board declined to reclassify marijuana in a way that could lead to some medical uses. The board voted unanimously for the reclassification in 2010 before Branstad put his appointees on the board.

Filling boards is a governor's prerogative. So naturally, this board reflects his preferences. On Wednesday, the board clearly expressed Branstad's preference that families of sick Iowans move to another state.

The reclassification wouldn't have legalized marijuana for recreational or even therapeutic uses. That remains up to the legislature.

The Pharmacy Board merely was asked to distinguish it from other Schedule I drugs like LSD, with "no proven or acceptable medical use and a high abuse potential..." It would have allowed "authorized research only," according to the board's website web site.

Advocates hoped to have it reclassified as Schedule II, which "includes narcotic drugs with a high potential for abuse but with currently accepted medical use in treatment. (opiates, cocaine, methadone, meperidine)."

That's far more restrictive than Iowa considers narcotic cough syrups and ephedrine, pseudoephedrine, and phenylpropanolamine products, which are classified as Schedule 4.

The Pharmacy Board seemed to miss the point entirely, with some members protesting it could not implement a medicinal marijuana program. No one asked it to.

Instead, they were asked to determine if marijuana, unlike LSD, does have definitive medicinal value. On Wednesday, the Pharmacy Board ignored Iowans who testified that it does.

Branstad candidly confessed his ignorance last week when he expressed common fears about unregulated medicinal marijuana flooding a black market.

"I just think there is a lot more study that needs to go on before we embark on this kind of an experiment," Branstad said last week.

Branstad's Pharmacy Board could have rescheduled marijuana to allow more study. Without the reclassification, that can't happen.

As to the Iowans who said they need the marijuana medicine readily available in other states, Branstad politely said good-bye.

"I think we have to be careful about drafting our laws just for a few people who have a particular problem or ailment. If they feel that this is the only course of action for them I suggest that is the decision they have to make," he said.

Black market marijuana remains readily available in every Iowa town and almost every school as it has for decades, despite hundreds of millions of dollars in enforcement efforts and thousands of jailed Iowans. This week, Branstad's Pharmacy Board members told sick Iowans to continue to risk dodging this selective, ineffective enforcement, or leave the state.

That's no answer for families eager to comply with Iowa laws, not break them.

IOWA VOTERS SUPPORT MEDICAL MARIJUANA ALMOST 5-1; QUINNIPIAC UNIVERSITY POLL FINDS; SUPPORT FOR MINIMUM WAGE HIKE TOPS 2-1

FOR RELEASE: MARCH 17, 2014

**IOWA VOTERS SUPPORT MEDICAL MARIJUANA ALMOST 5-1,
QUINNIPIAC UNIVERSITY POLL FINDS;
SUPPORT FOR MINIMUM WAGE HIKE TOPS 2-1**

Iowa voters support 81 – 17 percent allowing doctors to prescribe marijuana for medical use, with support of 68 percent or more from every party, gender and age group, according to a Quinnipiac University poll released today.

Voters oppose 55 – 41 percent allowing marijuana for personal use, the independent Quinnipiac (KWIN-uh-pe-ack) University poll finds. Democrats support personal marijuana use 54 – 44 percent and voters 18 to 29 years old support it 62 – 35 percent. All other groups are opposed, with men opposed 51 – 45 percent and women opposed 59 – 37 percent.

Only 36 percent of Iowa voters, including 42 percent of voters 18 to 29 years old, say they ever have tried marijuana.

Marijuana is equally as dangerous as alcohol, 49 percent of voters say, while 16 percent say it is more dangerous and 31 percent say it is less dangerous. Voters are divided 46 – 46 percent on whether marijuana use leads to other drugs. Men say no 50 – 42 percent while women believe 51 – 42 percent it does lead to other drugs.

“Iowans overwhelmingly think marijuana should be legal for medical purposes, but most voters oppose legalizing personal recreational use,” said Peter Brown, assistant director of the Quinnipiac University Poll. “Opposition to personal marijuana is higher in Iowa than in any state we’ve surveyed so far on this subject. Support for medical marijuana is comparable to other states.

“A total of 83 percent of voters would be somewhat uncomfortable or very uncomfortable riding in a car driven by someone who has smoked marijuana.”

-more-

Quinnipiac University Poll/March 17, 2014 – page 2

If personal marijuana use were legal in Iowa, 57 percent of voters say it would not bother them if a neighbor grew marijuana in their home. Colorado’s legalization of recreational marijuana has been bad for the state’s national image. Iowa voters say 54 – 28 percent.

Minimum Wage

Iowa voters support 66 – 29 percent raising the state’s \$7.25 per hour minimum wage. Republicans are opposed 51 – 40 percent, the only party, age or gender group to oppose the idea.

Offered four choices:

- 34 percent of voters say raise the minimum wage to \$10.10 per hour;
- 20 percent say increase it to something less than \$10.10 per hour;
- 11 percent say increase it to something more than \$10.10 per hour;
- 29 percent oppose any increase.

Raising the minimum wage will help, rather than hurt, the state economy, voters say 46 – 31 percent, while 17 percent say it will have no effect.

“Raising the minimum wage is a popular idea in Iowa. One-third of voters think \$10.10 per hour is about right, with more preferring it lower instead of higher than \$10.10,” Brown said.

From March 5 – 10, Quinnipiac University surveyed 1,411 registered voters with a margin of error of +/- 2.6 percentage points. Live interviewers call land lines and cell phones.

The Quinnipiac University Poll, directed by Douglas Schwartz, Ph.D., conducts public opinion surveys in Pennsylvania, New York, New Jersey, Connecticut, Florida, Ohio, Virginia, Colorado, Iowa and the nation as a public service and for research.

For more information, visit <http://www.quinnipiac.edu/polling>, call (203) 582-5201, or follow us on [Twitter](#).

40. Would you support or oppose raising Iowa's minimum wage, which is now \$7.25 an hour?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Support	66%	40%	91%	67%	60%	71%	64%	62%	67%	73%
Oppose	29	51	7	29	35	24	30	35	31	19
DK/NA	5	9	3	4	4	5	7	3	2	8

41. (If support q40) Do you think that Iowa's minimum wage should be \$10.10 an hour, should be less than \$10.10 an hour, or should be more than \$10.10 an hour?

SUPPORTS INCREASE Q40.....

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29*	30-49	50-64	65+
Exactly \$10.10	52%	40%	59%	51%	49%	54%	46%	48%	53%	59%
Less than \$10.10	30	51	18	33	31	28	39	30	30	22
More than \$10.10	17	6	23	14	18	17	13	21	17	16
DK/NA	2	3	1	2	1	2	2	-	1	3

41a. (COMBINED Q40 & Q41) Would you support or oppose raising Iowa's minimum wage, which is now \$7.25 an hour? IF SUPPORT: Do you think that Iowa's minimum wage should be \$10.10 an hour, should be less than \$10.10 an hour, or should be more than \$10.10 an hour?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Increase to \$10.10	34%	16%	53%	34%	30%	38%	29%	30%	35%	43%
Increase < \$10.10	20	21	16	22	19	20	25	19	20	16
Increase > \$10.10	11	2	21	10	11	12	8	13	11	12
Oppose increase	29	51	7	29	35	24	30	35	31	19
DK/NA	6	10	3	5	5	6	8	4	3	10

42. Do you think an increase in Iowa's minimum wage would help the state's economy, hurt the state's economy, or wouldn't affect the state's economy?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Help	46%	23%	68%	45%	39%	52%	50%	43%	43%	49%
Hurt	31	51	9	32	35	27	33	33	33	23
Wouldn't affect	17	18	17	18	22	13	11	18	20	19
DK/NA	6	8	6	5	4	8	6	5	4	10

43. Do you support or oppose allowing adults in Iowa to legally possess small amounts of marijuana for personal use?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Support	41%	21%	54%	45%	45%	37%	62%	44%	39%	21%
Oppose	55	76	44	51	51	59	35	50	58	74
DK/NA	4	3	3	4	4	4	3	5	3	5

44. Do you support or oppose allowing adults in Iowa to legally use marijuana for medical purposes if their doctor prescribes it?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Support	81%	68%	89%	82%	79%	82%	82%	79%	83%	79%
Oppose	17	29	10	15	19	16	18	19	15	17
DK/NA	2	3	-	2	2	2	-	2	2	4

45. Do you think the legalization of marijuana for recreational use in Colorado has been good or bad for Colorado's national image?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Good	28%	11%	41%	31%	33%	24%	41%	33%	28%	13%
Bad	54	79	40	51	51	58	40	52	56	68
DK/NA	17	10	19	19	16	18	19	15	16	19

46. Keeping in mind that all of your answers in this survey are confidential, have you, yourself ever happened to try marijuana?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+

Yes	36%	24%	41%	40%	43%	30%	42%	41%	44%	16%
No	63	75	58	59	56	69	56	58	55	83
DK/NA	1	1	1	1	1	1	1	1	1	1

47. Do you think marijuana is more dangerous than alcohol, less dangerous than alcohol, or about equally as dangerous as alcohol?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
More	16%	27%	13%	13%	16%	16%	9%	14%	18%	21%
Less	31	18	39	32	36	27	54	36	28	10
Equally	49	55	43	51	44	53	35	47	51	61
NEITHER DANGEROUS (VOL)	-	-	1	-	-	-	-	-	-	-
DK/NA	4	2	5	5	4	4	2	3	3	8

48. Do you think that for most people, the use of marijuana leads to the use of other drugs, or don't you think so?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Yes	46%	62%	37%	43%	42%	51%	30%	39%	45%	64%
No	46	31	57	48	30	42	56	54	46	25
DK/NA	8	7	5	9	8	8	5	7	9	11

49. In Colorado where marijuana is legal for recreational use, people are allowed to grow the plants in their homes. If marijuana is legalized in Iowa, would it bother you if one of your neighbors is growing marijuana in their home or wouldn't that bother you?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Yes	42%	62%	35%	35%	35%	48%	31%	39%	38%	58%
No	57	36	64	63	64	50	68	59	61	39
DK/NA	2	2	1	1	1	2	1	1	1	3

50. How comfortable would you be as a passenger in a car, with a driver who has smoked or consumed moderate amounts of marijuana; very comfortable, somewhat comfortable, somewhat uncomfortable, or very uncomfortable?

	Tot	Rep	Dem	Ind	Men	Wom	AGE IN YRS.....			
							18-29	30-49	50-64	65+
Very comfortable	6%	2%	8%	7%	6%	6%	11%	8%	5%	2%
Somewhat comfortable	9	5	11	10	12	6	17	8	9	4
Somewhat uncomfortable	19	16	19	22	23	16	19	20	19	18
Very uncomfortable	64	75	59	60	56	71	51	61	67	74
DK/NA	2	2	2	1	3	2	2	4	1	2

Iowa primary challenges shape up across state

QC Times

More than 240 people seeking election to offices ranging from U.S. senator to state representative filed petitions by 5 p.m. Friday to qualify for the June primary ballot.

The number will likely grow over the next few days as Iowa Secretary of State staff work to count petition signatures of hopeful office holders.

Candidates must collect signatures from voters in the district they want to represent. The number of required signatures varies depending on the office being sought.

Although there's still some counting to do, the top of the ticket seemed set by the Friday deadline.

There are six Republicans vying for the party's nomination for the U.S. Senate seat held by retiring Democrat Tom Harkin. They are salesman Scott Schaben of Ames, state Sen. Joni Ernst of Red Oak, attorney Matt Whitaker of Clive, college professor Sam Clovis of Hinton, retired energy executive Mark Jacobs of West Des Moines and lawyer Paul Lunde of Ames. Secretary of State spokesman Chance McElhaney said Lunde's petitions came in after 4 p.m. Friday and wouldn't be counted at least until the weekend.

Whoever wins will face U.S. Rep. Bruce Braley of Waterloo, who is running unopposed for the Democratic Party nomination.

Republican Gov. Terry Branstad is seeking an unprecedented sixth four-year term as governor. He faces a primary challenge from Tom Hoefling of Lohrville whose petitions still have to be reviewed. State Sen. Jack Hatch, D-Des Moines, who filed his petitions Friday, is unopposed for the Democratic nomination.

All four congressional seats are on the ballot with a five-way primary for Democrats in the 1st Congressional District and a six-person Republican primary in the 3rd Congressional District. The former seat is held by Braley and the latter by Republican Tom Latham, who is retiring.

Also on the ballot are 125 legislative races, all 100 Iowa House seats and half the 50 Iowa Senate seats.

Republicans have a 53-47 advantage in the House and Democrats a 26-24 advantage in the Senate. Earlier this week, leaders of both parties were optimistic their party would add to their total the November general election.

"We have a broad and diverse group of candidates from all kinds of different backgrounds: business leaders, civic leaders, military veterans," said Senate Republican Minority Whip Jack Whitver of Ankeny, who faces a primary challenge from Brett Nelson of Saylor Township. "We feel very good about our candidates, and we feel very good about the mood and the energy in our party right now."

Three Democratic state senators — Herman Quirnbach of Ames, Wally Horn of Cedar Rapids and Joe Seng of Davenport — also face primary challenges.

"We're very pleased with the people that we've recruited. We have some people coming in with great talent. We're going to take back the House with this group of people," Democratic House Leader Mark Smith of Marshalltown said.

At least five Republican House members face primary challenges. They are: Reps. Stan Gustafson of Cumming, Greg Heartsill of Columbia, Dave Heaton of Mount Pleasant, Walt Rogers of Cedar Falls and Jake Highfill of Johnston, who has two primary challengers. No Democrat House incumbent faced a primary, according to the Secretary of State's list as of Friday night.

Iowa communities compete for reinvestment funds

DMR

A downtown Des Moines convention hotel, multimillion-dollar sports complexes, an entertainment district and a dinosaur museum.

Those are just some of the ideas officials in Iowa cities have put forward to attract the attention of the state's economic development agency as they compete for a new state incentive.

With a pre-filing period that will close today, at least 10 cities throughout Iowa, from Waterloo to Des Moines to Davenport, are applying for Iowa Reinvestment Districts.

In total, the 10 cities that told The Des Moines Register they are applying are seeking about \$132 million in state assistance. However, the reinvestment district program has a lifetime cap of \$100 million.

Officials from other cities, including Newton and Cedar Rapids, said they had considered pursuing a district, but ultimately decided not to apply this time around.

Established under legislation approved last year, the Reinvestment District program makes future state tax revenue available for qualified development projects that are intended to increase tourism, quality of life and investment throughout the state. That funding would come from new hotel/motel taxes and new sales-and-use taxes created from new developments.

Whether the project ideas are coming from the cities themselves or from local developers, each of the 10 cities is hoping to get a piece of the pie.

In Grinnell, for instance, City Manager Russ Behrens said a district would allow the city to finally get started on a number of projects that have been discussed for a few years, such as a new conference center.

"A lot of this stuff we're working on, it's been out there for a while, we've just never been able to pull it all together," Behrens said.

Des Moines City Council members have said financing from a reinvestment district would be necessary to make the dream of a downtown convention hotel a reality.

Unless the authority moves to exhaust the program's \$100 million lifetime amount in one go, it is unlikely that all of the applying cities will win approval for their districts or receive the full amount of aid they are requesting.

Debi Durham, director of the Iowa Economic Development Authority, said it is too early to say how many cities will earn a district or

whether the funding will be available for future years.

"We want to fund as many projects as are ready to be funded," Durham said via email. "But it's a balance — if it looks like some of the districts aren't quite ready for this year's funding cycle, then I suspect you'll see the committee open up another round of funding next year."

The authority will evaluate each project through a process that will unfold during the next few months. To analyze the proposals, the authority has a scoring mechanism that is weighted heavily toward the uniqueness of a project and how much economic impact it will have on the state.

The authority has until June 30 to give provisional approval to projects. The selected cities then have until March 2015 to finalize their plans and come back to the table.

The 10 applicants

Below is a look at what each city is proposing for its potential reinvestment district, including estimated costs.

Ames: Dinosaur Museum and Menards

Ames proposes a replication of a dinosaur dig site. Developers approached the city with the idea for the district's projects, drawing inspiration from a dinosaur park in New Jersey that features animatronic prehistoric reptilians. The district would be located just north of U.S. Highway 30, south of Southeast 16th Street. If approved for a district, the city is seeking to recapture about \$14.7 million in taxes. The proposed projects, which combined would cost an estimated \$48.4 million, include:

- A 165,000-square-foot Menards store.
- The Field Station Dinosaurs Museum and camp.
- A 150-bed hotel that would partially serve the camp.
- A 5,000-square-foot restaurant for a to-be-determined tenant.

Bettendorf: Spencer Creek Indoor Sports Complex

To attract younger workers, Bettendorf is proposing a district that would provide a variety of amenities. The district would be located at Iowa's "eastern gateway," located a few minutes from the Iowa-Illinois border at the corner of Interstate Highway 80 and Middle Road. The city is seeking \$8.4 million from the reinvestment program. The city has four projects it is pursuing:

- A \$55 million sports complex with two ice hockey rinks, a 50-meter pool and a 4,500- to 6,000-seat arena.
- A \$40 million technology and business park.
- A \$60 million lifestyle shopping center.
- A \$10 million hotel with an estimated 100 rooms.

Davenport: "River 80" entertainment district

With the sale of the local riverboat casino completed and its move to land imminent, City Administrator Craig Malin said Davenport would use its reinvestment district as another anchor for the city's redevelopment. While casinos are not allowed under state law to be included in a reinvestment district, Davenport is proposing a \$71.5 million district, mainly with entertainment, including an indoor water park and retail options. The city is seeking \$17.5 million from the state for the "River 80" district, which would be located at the southwest corner of interstate highways 80 and 74. Davenport's overall proposal includes:

- An indoor/outdoor water park and aquatic entertainment center.
- A multipurpose festival and events plaza.
- More than 250,000 square feet of retail and restaurant space.

- A 1,200- to 1,500-seat performance theater with sports simulators.
- An estimated 200-room hotel complex.

Des Moines: Iowa Events Center Convention Hotel

The proposal includes several projects, including a downtown convention hotel that city officials have said is necessary to attract more events and connect the Iowa Events Center to the rest of the downtown. The proposed district would tie together a corridor that runs along Fifth Avenue from Center Street to the Court Avenue area. Des Moines is asking for \$36.5 million in redirected taxes. The city's application includes:

- A \$130 million Iowa Events Center Convention Hotel that would have 450 rooms, as well as banquet and meeting rooms.
- A \$27.9 million project to bring a Hy-Vee, apartments and parking to the edge of the city's entertainment district.
- A \$16.1 million renovation of the Randolph Hotel.
- Almost \$7 million in street and parking improvements downtown.

Grinnell: Conference center and Brownells expansion

Grinnell proposes to build off of the construction of Brownells' distribution center with its reinvestment district proposal. City Manager Russ Behrens said the new incentive program is allowing Grinnell to pull together a number of projects that have been in the works, such as a conference center run by Grinnell Mutual Reinsurance. He said the program has also prompted Brownells to offer a new expansion to its facility. Behrens said the city is requesting about \$11.8 million from the program. Grinnell's proposed district would be near the intersection of Interstate Highway 80 and Iowa Highway 146 and includes:

- The \$12.3 million Grinnell Mutual Reinsurance conference center.
- Brownells' proposed \$11.6 million shooting range and teaching center.
- A \$7.3 million hotel with 71 rooms.
- Public infrastructure improvements for the city totaling about \$4.3 million.

Johnston: Merle Hay Road Gateway

Worried about the potential for blight along Merle Hay Road near Beaver Creek, Johnston plans to reinvigorate the area and make it a "comprehensive neighborhood," said David Wilwerding, the city's community development director. While the long-term plan calls for redeveloping a 123-acre area, Wilwerding said the city wanted to start with a 25-acre reinvestment district, the anchor of which would be a proposed hotel and convention center. The city is seeking \$5.3 million for its proposed district, which would include:

- The \$17.1 million hotel and convention center, with destination retail.
- A separate \$2.3 million retail center.
- Various public infrastructure improvements, including changes to the Beaver Creek Greenway, costing a combined \$4.4 million.

Mason City: Conference center and performing arts facility

Brent Trout, the city administrator for Mason City, said a developer has been interested in building a downtown hotel for a while. With a proposed reinvestment district, however, the city is able to include a few additions to the original proposal, such as a new parking ramp and performing arts center. Trout said the city is requesting about \$4.5 million in redirected taxes. The proposal for the district, located in the heart of downtown Mason City, includes:

- A \$14 million conference center and hotel west of City Hall.
- A \$4.5 million parking lot adjacent to the hotel.
- The \$4.5 million performing arts facility.

- A \$3 million retail and mixed use building.

Muscatine: Downtown development

Muscatine's proposed reinvestment district will center on a 103-room hotel. Tom and Ann Meeker, the developers behind the proposal, say the amenity is needed in the city's downtown. Tom Meeker said the city is planning to seek \$10 million in state aid for the entire district, which has three main projects costing a total of about \$41 million. In addition to the hotel, the proposal calls for the construction of a new convention center and other projects, which Tom Meeker said he hopes will attract new investors to the city for future development. Muscatine's proposed district includes:

- The 103-room Riverview Suites hotel.
- A new 238-spot parking ramp to replace an existing street-level lot.
- The convention center, which would replace a vacant building.
- Skywalk additions to connect the new buildings and an old hotel that was recently refurbished into condo space.

Waterloo: Cedar Valley Techworks campus

Waterloo is taking advantage of a former John Deere campus to provide help for the company's future museum, as well as a new hotel and office space. The city seeks about \$12 million in redirected taxes for the district, which would be located at the Cedar Valley Techworks, an industrial and business park located at the intersection of Iowa highways 63 and 218. Waterloo's proposed \$61 million district includes:

- The John Deere Waterloo Tractor and Engine Museum.
- A 110-room business-class hotel with office and training space.
- Classroom space for Hawkeye Community College for its renewable energy program.

West Des Moines: We Compete Sportsplex

For the last couple of years, officials in West Des Moines have been in discussions with a local developer to bring a multimillion-dollar sports complex to the future Interstate Highway 80 interchange at 105th Street and Alice's Road in Waukee. While the sports complex would be located in the larger proposed Pavilion Park — about 260 acres of land — West Des Moines' proposed 25-acre reinvestment district would be set in the middle of that park. The city is hoping to recapture about \$11.4 million in taxes to help finance its proposed district project, which includes:

- The \$10.8 million, 55,000-square-foot indoor sports complex.
- Two hotels that will cost \$10 million each and have a total of 200 rooms.
- Two retail buildings that will cost \$3.6 million each and make up a combined 80,000 square feet.

Big names in short supply for major races

DMR

The deadline came and went Friday for candidates to jump into Iowa's June primaries, but the final roster of names may leave even political activists scratching their heads.

Two powerful federal lawmakers from Iowa — Democratic U.S. Sen. Tom Harkin and Republican U.S. Rep. Tom Latham — surprised everyone when they announced they're retiring at the end of this year. But none of the candidates aiming to replace them has strong name recognition statewide, and many of them haven't served previously in public office.

Candidates had until 5 p.m. to present enough signatures from Iowans to qualify for placement on the June 3 primary ballot.

When the deadline arrived, elections officials confirmed that the two Democrats for those federal offices — Bruce Braley for U.S. Senate and Staci Appel for U.S. House — have escaped a challenge from a fellow Democrat. The lack of a primary has its pros and cons, politics watchers said.

THE LIST: Candidates for federal and statewide offices

STATEHOUSE: 14 lawmakers don't sign up for re-election

This will be a historic election in many ways: Republican Gov. Terry Branstad is shooting for history as the longest-serving governor nationwide. Iowa has its first open U.S. Senate seat in 40 years. And there are two wide open U.S. House races.

Yet some see lackluster primary fields in the mix, some on the Democratic side and some on the GOP side.

Despite a popular GOP governor at the top of the ticket and an election year that's looking favorable for the GOP, no Republican filed to run against Iowa Attorney General Tom Miller or Treasurer Mike Fitzgerald — two rock-solid incumbent Democrats who have been in those jobs longer than anyone else in the nation.

Democratic operatives pointed to the Republican Party of Iowa's internal strife as the reason behind the failure to recruit candidates.

But Iowa politics expert Timothy Hagle, a professor at the University of Iowa, said the reason may boil down to the simple fact that Iowans tend to like their incumbents.

"If Republicans had someone who really wanted one of those jobs, I'm sure the party would support him or her, but on the whole they would probably prefer to save their resources for 'more important' races like governor, U.S. Senate and U.S. House, not to mention the push to gain control of the state Senate," Hagle said.

Election cycle has brought surprises

Harkin's retirement truly stunned Iowa Democrats. "I think everyone expected one more term for Harkin," Hagle said. "Democrats would have preferred that, in part, as they would have liked Harkin on the ballot to balance Branstad."

But Democrats had been grooming Braley, a congressman since 2006, for even higher office, and he quickly big-footed the Democratic candidate role for U.S. Senate.

On the GOP side, six candidates crowded in. A recent Des Moines Register Iowa Poll shows a majority of Republicans have no clue yet who they are.

"I'm sure there is always someone thinking, 'We can do better,'" Hagle said. "Problem is, sometimes the folks who might be 'better' candidates don't want to run for one reason or another."

Democrats, for example, quickly floated state Sen. Liz Mathis of Cedar Rapids as a possibility to run for Braley's old seat in the 1st District in northeast Iowa, but she begged off.

The mix of Democrats who are seeking Braley's spot in the 1st District includes a couple of state legislators, so there's some name recognition there, Hagle said.

And the 2nd District race got a lot more interesting when three-time candidate Mariannette Miller-Meeks, a Republican, joined in, Hagle said.

Over in the 3rd District, Latham's retirement was also a surprise — and it left Republicans scrambling.

"Having just beat a fellow incumbent in the new 3rd District, I think Republicans would have preferred that Latham stay another term or so to solidify the district," Hagle said.

Still, Republicans aren't overly concerned about Appel, a one-term state senator who lost her re-election bid to a religious conservative who later resigned the seat amid a cloud of accusations about questionable ethics.

"I think Republicans see Appel as very beatable," Hagle said.

But Democrats said they're not hearing a lot of grumbling about Appel being their nominee: She's shown herself to be nothing but a strong campaigner and fundraiser, they said.

Lack of primary brings pros, cons

Without competition in the primary, candidates like Appel and Braley have less incentive to get out to areas where they're not well-known and sharpen their message, Hagle said. But they'll avoid a nasty and expensive primary fight that can sometimes leave a candidate weakened, both in terms of reputation and resources.

"Here I usually note the 2002 gubernatorial fight between Doug Gross and the other two candidates," Hagle said. "The primary fight was so nasty that Gross was never able to recover. Criticisms thrown at him by Republicans in the primary continued to dog him in the general election."

Democratic strategist Jeff Link agreed that it's an advantage for Appel and Braley to avoid "the divisive primary" that their opponents face, or potentially a convention fight.

If none of the candidates in the big Republican fields for 3rd District or U.S. Senate hits 35 percent of the vote on primary night, GOP convention delegates will wrestle with the decision of who should be the nominees.

This election year is shaping up to be favorable to the GOP, but Democrats in Iowa say they will get some aid from the Ready for Hillary organization, a super political action committee that has started to dig deep roots in the presidential testing grounds of Iowa just in case Democrat Hillary Clinton goes for the White House in 2016.

"With critical elections this year, Ready for Hillary is harnessing the energy and excitement for a potential Hillary Clinton candidacy and channeling that to help elect Democrats in Iowa in 2014," executive director Adam Parkhomenko said.

Thousands of Ready for Hillary volunteers will be mobilized, and the organizers are exploring other ways they can help within the legal limitations of the campaign finance laws that govern super PACs in Iowa.

Analysis: Recession hit younger workers harder

DNR

The nation's younger workers were hit much harder by the recession than other age groups, according to a new analysis by the Bureau of Labor Statistics.

The analysis shows actual employment growth from 2007 to 2010 compared with what growth was projected to be for that time frame before the recession.

The bureau's analysis shows, unsurprisingly, that employment among all age groups failed to reach projected growth estimates due to the economic downturn.

For example, even though two age groups — workers ages 54 to 58 and those ages 59 to 64 — actually saw employment growth from 2007 to 2010, that growth was still well below the growth predicted.

The analysis also shows that younger workers were hit disproportionately harder by the recession. While workers ages 34 to 38 experienced the largest absolute decline in employment — about a 12 percent drop — workers ages 19 to 33 were the furthest from the projected level of employment.

For instance, workers ages 19 to 23 saw a 10 percent drop in employment from 2007 to 2010 and were projected to have 1 percent growth during that time period.

In other words, employment among that age group was projected to be 11 percent higher if the recession had not occurred.

That 11 percent difference in projected vs. actual is much higher than the 6 percent difference for 34- to 38-year-old workers.

The bureau's analysis does not include data for the state or local level. A separate report released Friday by the Brookings Institution shows that employment among younger workers declined significantly in 100 metro areas from 2000 to 2012, including in the Des Moines metro area.

In the Des Moines-West Des Moines metro, employment among workers ages 16 to 19 dropped more than 15 points to 42.8 percent in 2012, according to the report. This is down from 57.9 percent in 2000.

For workers ages 20 to 24 in the metro, the drop was less harsh, with employment falling to 79.4 percent in 2012, down from 79.9

percent in 2000.

Court says DOT can't suspend some drugged drivers

AP

Drivers caught with prescription drugs in their systems should not have their licenses suspended if they have taken the medications according to their doctors' instructions, the Iowa Supreme Court ruled Friday.

The court threw out a 180-day license suspension for Teresa Bearinger of Urbandale, who drove off the road into a brick mailbox after becoming distracted in 2011. After police responded to the accident that destroyed the mailbox and disabled her car, Bearinger tested positive for controlled substances, which turned out to be her neurological medications.

She said the mix of prescription drugs and not eating much might have clouded her judgment.

Police did not file charges for driving under the influence of drugs, citing her instead for striking fixtures on a highway. But based on urine test results, the Iowa Department of Transportation moved to suspend her license for six months. She contested the suspension.

At an appeal hearing, her doctor, Lynn Struck, testified that she had prescribed all of the drugs found in Bearinger's system. Struck said she had warned Bearinger that they may cause drowsiness, but that she did not prohibit her from driving.

An administrative law judge found in 2012 that Bearinger was taking the drugs as prescribed. But the judge agreed with the DOT that a prescription-drug defense, which can be used in a criminal case, did not apply to an administrative proceeding.

The department argued the difference was reasonable because license revocation proceedings are "remedial, rather than punitive."

In a 7-0 ruling Friday, the court disagreed with the DOT's interpretation, saying Bearinger's license could not be suspended. The DOT's interpretation would allow drivers who have taken cholesterol drugs, antibiotics and antacids that have no impact on driving to have their licenses revoked, Justice Thomas Waterman wrote.

The defense is not available to drivers who have drunk alcohol along with taking medicine, abused prescriptions or driven against their doctors' wishes, he said.

Bearinger's attorney, Aaron Hamrock, said Friday's ruling was very significant for some drivers.

"You're not going to have to make a decision: Do I take my medicine as prescribed by my physician or do I operate my motor vehicle? Essentially that's the position people would have been left in without today's decision," he said.

A DOT spokeswoman didn't return a message.

Digest: Braley criticizes Iowa House decision on radon testing

SCJ

A roundup of legislative and Capitol news items of interest for Friday.

ST. PATRICK'S DAY ADVICE: Officials with the state Department of Public Safety are advising Iowans not to push their luck by over-indulging with alcohol during Monday's day-long celebration. The Iowa Governor's Traffic Safety Bureau is reminding Iowans to celebrate responsibly and to designate a sober driver before the party begins. In recent years, two of every five traffic deaths that occurred on the St. Patrick's Day holiday involved a drunk driver, officials said. In Iowa, eight people lost their lives last March in alcohol-related traffic crashes with a double fatality during the St. Patrick's Day weekend, state officials say. Iowa law enforcement will step up patrols this holiday weekend to prevent alcohol-related crashes. Also, public safety officials note that drunken-driving violators often face jail time, loss of driving privileges, higher insurance rates and other expenses including attorney fees, court costs, vehicle towing or repairs, and lost wages due to time off from work. An average OWI conviction can cost close to \$10,000. "A phone call or taxi is a less costly and a safer alternative. Don't push your luck this St. Patrick's Day. Celebrate smart and stay safe," according to a DPS news release.

BRALEY QUESTIONS RADON POSITION: Bruce Braley, Iowa's 1st District congressman who is running for the Democratic Party's 2014 U.S. Senate nomination, is criticizing an Iowa House decision as "irresponsible" not to test schools in Iowa for radon. An Iowa House committee this week revised Senate File 366 -- which required districts to test for the gas and to mitigate buildings with unsafe levels -- by removing the mandate for radon testing in Iowa schools and replacing it with language to encourage school districts to test for the presence of cancer-causing radon gas in school buildings and to address high concentrations. The House approach would require school officials to notify the state Department of Education if they have a radon testing and mitigation plan in place or if they plan to adopt such a plan in the future. Braley has worked to secure federal resources to allow testing in Iowa schools. After the action by Republicans who control the Iowa House, Braley issued a statement saying: "Dragging our feet on radon testing in Iowa's schools jeopardizes the health and safety of our students -- it's that simple. Iowa has the

highest levels of radon in the country, and continuing to avoid testing for radon is irresponsible.”

BRANSTAD SIGNS 11 BILLS INTO LAW: Gov. Terry Branstad on Friday signed 11 bills into law before departing for a family vacation in Arizona. The measures that got the Republican governor's affirmative nod included: [House File 2067](#), an act relating to the use of youth spring wild turkey hunting licenses, and including effective date provisions; [House File 2297](#), an act relating to the regulation of pharmacy benefits managers; [Senate File 2305](#), an act relating to emergency management assistance in a disaster emergency concerning mutual aid arrangements and agreements; [Senate File 2239](#), an act relating to education by providing technical corrections to revise references and to adjust language to reflect current state school finance practices, revising references to an accrediting agency, reestablishing a rulemaking provision relating to the beginning teacher mentoring and induction program, and providing for disposition and sale of certain school district property; [Senate File 2206](#), an act concerning the Iowa Finance Authority in regard to the title guaranty program and private activity bonds; [Senate File 2205](#), an act relating to matters under the purview of the credit union division of the Department of Commerce, and including effective date provisions; [Senate File 2197](#), an act relating to certain conditional permits issued by the Department of Natural Resources relating to air and water quality; [Senate File 2193](#), an act relating to the admission or retention of participants in an adult day services program; [Senate File 2133](#), an act relating to federal home loan bank rights regarding collateral pledged by insurer-members; [Senate File 2105](#), an act relating to various matters involving insurance and the insurance division of the Department of Commerce and including applicability provisions; and [Senate File 2083](#), an act concerning licensure requirements for dietetics as established or approved by the Academy of Nutrition and Dietetics.

DRONE PROTESTS PLANNED IN DES MOINES: Organizers for two groups say they plan a non-violent mass demonstration against drone warfare Saturday and Monday at the Iowa Air National Guard Base in Des Moines. The events are designed to protest drone warfare and U.S. military occupations overseas and Monday's gathering likely will be followed by civil disobedience actions, according to organizers. Saturday's 10 a.m. rally -- organized by the Des Moines Catholic Worker and the Des Moines Veterans for Peace chapter -- will feature several speakers who will address workers from across the Midwest who are slated to converge on the Iowa Air National Guard Base at 3100 McKinley Avenue on Des Moines' southwest side. Aaron Jorgensen-Briggs, a Des Moines Catholic Worker who just returned from two months working as an international solidarity and protective accompaniment activist in occupied Palestine, said the Iowa Air National Guard's 132nd Fighter Wing is being given the mission of piloting and controlling armed Reaper Drones. "President Obama uses drone warfare as an alternative to the more heavy footprint of foreign military occupation, but the basic result is the same -- hundreds of innocent men, women, and children in the Middle East are being murdered by the American government in the service of a capitalist empire-building project," Jorgensen-Briggs said in a statement. "Drones are also being used to spy on everyday Americans right here at home, and the violence drones can inflict on poor brown people around the world can also be turned on U.S. citizens during times of significant economic inequality and social unrest."

After 39 years, Iowa inmate inches toward freedom

AP

One year after Gov. Terry Branstad made him eligible for parole, a man serving life in prison for a 1974 slaying is a step closer to earning freedom after 39 years of incarceration.

The Iowa Board of Parole has requested an interview with Rasberry Williams next month.

The board's website says such a request typically signals "a high probability that some type of releasing action may result." The board could grant his release, move him to a work-release facility, or keep him behind bars.

Williams fatally shot his neighbor outside a Waterloo pool hall after the two argued over a gambling debt in July 1974.

Branstad commuted Williams' life sentence last year to give him the opportunity to seek parole, saying his behavior behind bars had been extraordinary.

Bill would raise the top speed for mopeds

Radio Iowa

Mopeds could go faster on Iowa roadways if a bill that's cleared the Iowa Senate and a committee in the House gets approval in the full, the 100-member Iowa House of Representatives. The current speed limit for mopeds is 30 and the bill would raise it to 39 miles an hour.

Mark Maxwell of the Iowa Motorcycle Dealers Association says the change will make riding a moped safer. "Mopeds have been struck from the rear because they can't keep up with the flow of traffic," Maxwell says. While mopeds come out of the factory with a maximum speed of 39 miles per hour, mopeds sold in Iowa have to be altered so their top speed is 30.

The Iowa Brain Injury Alliance opposes the bill, arguing higher speeds will endanger the mostly younger drivers who are scooting around on mopeds. Mikel Derby, a lobbyist for the Iowa Department of Transportation, says officials in his agency have similar concerns about teenagers on mopeds. "We just don't feel these folks are ready yet, from (age) 14 to 16), to be increasing their speed," Derby says.

The bill has broad support in the legislature, though. Lawmakers say letting mopeds go nine miles an hour faster isn't a huge leap, plus many 14 year olds already have permits to legally drive cars up to 70 miles an hour on the highway.

14 state lawmakers will not run for re-election

DMR

Fourteen members of the Iowa Legislature didn't file for re-election by Friday's deadline at the Iowa Secretary of State's office, leaving open seats to fill in November's election.

The list includes 10 House members and four Senate members — five of whom are Democrats, while nine are Republicans.

The most senior of those departing is Sen. Dennis Black, D-Lynnvile, who is retiring after 32 years in the Legislature. Several lawmakers are running for higher offices, including Reps. Anesa Kajtazovic of Waterloo and Pat Murphy of Dubuque, who have filed for the Democratic nomination in the 1st District congressional race.

Meanwhile, Rep. Mark Lofgren, R-Muscatine, is seeking his party's nod in the 2nd District congressional race, while Rep. Jason Schultz, R-Schleswig, is running for Iowa Senate. Rep. Mark Brandenburg, R-Council Bluffs, is campaigning for Pottawattamie County recorder.

Others leaving include Reps. Jeff Smith, R-Okoboji; Tom Shaw, R-Laurens; Steve Olson, R-DeWitt; Tyler Olson, D-Cedar Rapids; and Roger Thomas, D-Elkader. Those retiring from the Senate include Republican Sens. Sandra Greiner of Keota, Hubert Houser of Carson and Nancy Boettger of Harlan.

Republican and Democratic legislative leaders are predicting strong campaigns this fall in efforts to control the Legislature and each side is expressing optimism. In some cases, party nominees will be decided in contested races for the June primary election.

Democrats hold a slim 26-24 majority in the Senate over Republicans, while the GOP controls the House with a 53-47 edge. Half of the Senate's 50 seats are on the ballot this year, while all 100 House seats will be up for grabs.

Republicans said they have recruited legislative candidates that include business and civic leaders, military veterans and others highly qualified to serve in the Legislature.

"Absolutely, I believe we will grow our majority," said House Majority Leader Linda Upmeyer, R-Clear Lake.

Sen. Jack Whitver, R-Ankeny, the Senate Republican whip, said that his party has lots of energy heading into the campaign season and that he feels public opinion nationally is swinging the GOP's way.

"We feel very good about where we are at and we are looking forward to November," Whitver said.

Meanwhile, Democrats said they, too, have highly qualified candidates for the House and Senate.

"We do not believe we are going to lose control. We believe we are going to increase our numbers," said Senate Majority Leader Michael Gronstal, D-Council Bluffs.

There are a few Iowa legislative districts where either Democrats or Republicans have essentially a "zero chance" of winning because voters are heavily tilted towards one party or the other, Gronstal said. But because Iowa's system of drawing legislative boundary lines uses a nonpartisan process, most House and Senate districts will have competitive races, he added.

"Iowa is a purple state. Iowa is not red. It is not blue. It is purple. That is really a function of those legislative boundaries," Gronstal said.

Gronstal discounted predictions of Republican success in legislative races as a result of unhappiness with President Barack Obama, a Democrat, or the possibility that a re-election victory by Republican Gov. Terry Branstad would have political coattails. He said an analysis of past elections shows control of the House and Senate often runs counter to other political trends.

Obradovich: Departure of A.J. Spiker leaves Iowa GOP at fork in the road

DMR

The next chairman of the Iowa Republican Party will need to be one part Donald Trump, one part Ronald Reagan and one part Jesus to heal the fractured party's wounds and deliver it to the promised land.

Or, to put it another way, prominent Iowa Republicans say their party needs a strong fundraiser and business-savvy CEO, a transcendent communicator and competent manager, and a values-oriented miracle worker who can win elections this year without forsaking conservative values.

No problem, right?

Well, maybe just a hiccup or two.

Iowa Republican Party Chairman A.J. Spiker announced last weekend that he would resign effective as soon as a new chair is elected. He's going to work as an adviser for U.S. Sen. Rand Paul's political action committee. Spiker called for elections to take place at the March 29 meeting of the party's state central committee.

Gov. Terry Branstad indicated Monday that he's not inclined to weigh in on the new chair. "I think the central committee should make a decision on who should be the party chair," he said. Branstad endorsed former party co-chairman Bill Schickel two years ago, but Spiker was elected instead.

The only publicly announced candidate as of late last week, and the man with the inside track for the job, is Danny Carroll, the newly elected party co-chairman. Carroll said he is "reasonably confident" of winning, as long as the nine committee members who voted for him as co-chair haven't changed their minds. Eight members voted against him.

Some members of the committee, however, and some other prominent Republicans say no chair should be elected this month. Republican National Committee member Steve Scheffler is among those Iowa Republicans who argue the election should wait until after the state convention in June. There will be turnover in the state central committee as a result of this year's precinct caucuses and district conventions, Scheffler says. Any chairman elected by the old board might be immediately removed by a new committee.

"I think it's fair to say that the complexion of the new committee is going to be drastically different than the old one," Scheffler said. He said he expects the new committee to have "less of a liberty orientation."

Scheffler said he has no problem with Carroll. "But I feel, for the stability and the continuity of the party, it would be a bad mistake to elect a permanent chair at the meeting in March," he said.

Central committee member Jamie Johnson of Stratford says nothing short of a complete purge of the state party administration will satisfy Republicans around the state. He said Republicans' desire for change was demonstrated by record turnout for a non-presidential election year at the January precinct caucuses and at last weekend's county conventions. "The grassroots have spoken. They want new leadership at the Republican Party of Iowa," Johnson said.

Drew Ivers, the state party's finance chairman and the former Iowa chairman of Ron Paul's campaign, said he finds talk of a purge disturbing. "It's ironic and a bit of a double standard that the voices that are claiming to be left out are the voices that want to exclude — in this case, exclude the liberty movement."

The 28 months of Spiker's tenure have been fraught with controversy. Traditional Republican constituencies resisted the influx of libertarians inspired by presidential candidate Ron Paul. Big donors closed their checkbooks, chairs stayed empty at fundraising dinners.

Spiker pushed back at times. He drew criticism for kicking the Polk County GOP out of the state headquarters, publicly arguing with Branstad, chastising Republicans who supported a gas tax increase, and encouraging Iowans not to cooperate with law enforcement checkpoints. The situation has given new meaning to the initials GOP: Grouchy, Ornery, Paranoid.

Spiker says he is leaving the party in good shape and warns of the dangers of infighting and trying to completely replace the staff just months before the November elections. The party's biggest challenge in the coming transition, he said, is "avoiding chaos."

"Firing an entire staff 100 days before an election is a recipe for disaster," he said.

The stakes couldn't be higher for both parties in 2014. There are open seats for U.S. Senate and two U.S. House seats. The party may have to hold special conventions in the Senate race and 3rd Congressional District House race if no candidate clears the 35 percent threshold to win the June 3 primary.

Meanwhile, the governor is up for re-election, the secretary of state seat is open and the Iowa Senate majority hangs in the balance. Republicans are also trying to regain trust, lost in 2012, that their caucus process will be competent and fair in 2016.

So what sort of person is needed to not only avoid chaos and make sure the GOP is in fighting form? As you might expect, top Republicans don't agree on the top priorities.

Prominent GOP activist Doug Gross, a longtime adviser to Branstad and a critic of the current Iowa Republican Party administration, said the ideal candidate for chair would be a successful business person who would be "acceptable" to social conservatives and a reasonable share of the libertarians. "A fusion candidate: Someone who has the ability to get their phone calls returned from the donors and the same time is not unacceptable to the elements of the party that make up its coalitions," he said.

He said he didn't have anyone in particular in mind for the job — that's still in the works.

Several other Republicans I talked to also mentioned fundraising as a top concern. Spiker points out the party has about \$300,000 in the bank and no debt. But others also note the party has been living off that balance and spending more than it's raising.

Ivers, the party finance chairman and another former Paul campaign staffer, said the main focus should be on rebuilding the base of medium-range donors — the ones who give between \$50 and \$5,000. "That deficiency has been around for 10 or 15 years," he said. Carroll noted that online fundraising has shown healthy growth.

Sen. Chuck Grassley said the new chair must have the ability to organize — or at least be "smart enough" to hire someone who can. "What we lack in Iowa is good organization," he said. "I think fundraising will take care of itself if we have an active organizer."

U.S. Rep. Steve King's pick is also someone who can relate to all factions of the party and avoid an all-or-nothing approach. "I think it's important that our next chair would be one who would be willing to accept those incremental gains as well as always keep an eye on swinging for the fences whenever we get the chance," he said.

Carroll, former state legislator and lobbyist for the Christian conservative organization the Family Leader, said he wants to unify Republicans. "We're doing some internal review, some soul-searching," he said. "For my role in it, I'd like to bring us together."

Republicans can help that process, he said, by ending the backbiting. "We could stop gossiping. We could stop saying mean things about other people, particularly other Republicans," he said. "Perhaps the state leadership in the Republican Party could shut down the gossip mill a little bit and not look for people to blame, but to stand up for what we believe in."

Carroll has a point, but he also could face some of the same challenges that Spiker did in finding acceptance from Main Street Republicans. Gross dismissed him as a political operative. Others pointed to his unwillingness to support Branstad, the Republican nominee for governor in 2010, and a dispute between the Family Leader and other right-to-life advocates over a late-term abortion ban in 2011.

Spiker says he hasn't endorsed anyone as chairman, but he emphasized the clock is ticking. "I don't see how you leave the chairmanship vacant during the convention cycle, for 75 days," he said. "That's really, to me, not a viable option."

Branstad, although he's been unsuccessful in the past, could have more influence this time if he chose to exercise it. After all, he helped make change possible by using his campaign organization to drive turnout at the caucuses. Perhaps he's choosing to keep his preferences quiet for now.

But Branstad can't do it alone. Leaders of the other major segments of the GOP will also have to encourage their friends and colleagues to pull together, regardless of who becomes the chair. The factions in the GOP will continue to exist regardless of who stands at the helm, and the party will need support from all of them. Otherwise, Republicans better hope a new chairman emerges who can walk on water and tear down the party's Berlin walls.

Branstad gains challenger in GOP governor primary; Narcisse fails to make ballot

DMR

Five-term Gov. Terry Branstad has picked up a challenger in the June 3 Republican primary.

Tom Hoefling, 53, of Lohrville collected enough signatures to qualify for the ballot, the Iowa Secretary of State's office confirmed today.

However, Jonathan Narcisse of Des Moines, also seeking to run for governor, did not make the Democratic primary ballot, the Secretary of State's office determined.

That would leave state Sen. Jack Hatch of Des Moines as the only Democrat running for governor.

Narcisse, a former Des Moines school board member, vowed to fight the decision, claiming signatures were improperly ruled out.

"We are going to fight this, absolutely!!!" he wrote in an email to the Register today. "We had the signatures."

The deadline to file signatures was 5 p.m. Friday.

In a news release issued later today, Narcisse's campaign said it submitted more than 4,500 signatures from more than 50 counties, exceeding the requirements for numbers of signatures and counties. The release said the Secretary of State's office improperly tossed out entire counties "on a purported technicality."

It cited Story County as an example, saying Iowa State University students had helped gather 386 signatures, but only 79 were accepted.

"Regardless of the motivation, this attempt to invoke a technicality to keep me off the ballot is a gross act of political disenfranchisement and we plan to fight it at every turn," Narcisse said in the release.

Other decisions released today by the Secretary of State's office:

– Gail Boliver, a Marshalltown attorney, qualified to run in the 1st Congressional District Republican primary. Some of Boliver's work has focused on federal law, representing Iowans with investment, debt and immigration issues.

– Lawyer Paul Lunde of Ames did not qualify to run in the Republican primary for U.S. Senate.

Hoefling's candidacy vs. Branstad, 67, represents a David vs. Goliath race to the extreme. A Des Moines Register Iowa Poll conducted in February found that 63 percent of Iowans approve of the job he is doing as governor, his highest rating since the end of his fourth term in 1999.

Hoefling calls himself "an anti-establishment outsider" who spent the last six years as an independent voter. According to his website, his "GOP unity platform" is based on the belief that it's the first duty of every government officer to equally protect each individual's God-given rights.

The platform also underscores his belief in one man-one woman marriage and the right to bear arms.

Register Investigation: State makes secret payouts to ex-workers

DMR

The state of Iowa has paid more than \$282,000 over the past three years in secret settlement deals with six former employees, most of whom claimed their jobs were eliminated because they have Democratic ties.

All were asked to sign confidentiality agreements that would have kept the settlements out of public view, according to documents obtained by The Des Moines Register and interviews with the ex-state workers.

The state denies that the workers' positions were cut as political moves, saying the jobs were eliminated as part of a reorganization that saves the state about \$730,000 a year.

But in grievance complaints filed before the Iowa Public Employment Relations Board and interviews with the Register, the former employees say their complaints and settlements show evidence of systematic efforts by Gov. Terry Branstad's administration to embrace widespread Republican cronyism.

"They are like a group of renegades," said Carol Frank, a former construction and design engineer who was laid off in September 2011. "They just didn't care about anyone else or about rules or law. They were just hiring their friends."

The settlements were shuffled through state agencies, avoiding the typical process of being approved by and made public through the Iowa Appeal Board.

The Register obtained the settlements through Iowa's open-records law. State officials acknowledged last week that without the Register's specific request for these records, there was little chance the public would have known about the settlements.

The employees whose jobs were eliminated held positions that ranged from a public health supervisor to a design engineer and were so-called merit-based workers. That means they have certain legal rights and generally can bump into other available state jobs ahead of workers with less experience if their jobs are eliminated. The employees, who collectively were paid \$282,314 in settlements, contend that they would have maintained their state jobs had the state not violated workplace employment practices.

The Register found most of the settlements had tightly worded confidentiality clauses to prohibit the former employees from discussing or disclosing the settlements or facts and circumstances leading to their payout.

The state offered two former employees thousands of dollars more if they would sign agreements mandating their secrecy, the workers told the Register. Frank, the design engineer, said she received an additional \$5,000 for agreeing to a confidentiality clause.

Confidentiality clauses are discouraged by the U.S. Department of Justice because they quash openness in government. The American Bar Association in 2012 discouraged confidentiality in settlements, saying they're "bad for clients, bad for lawyers and bad for the legal system" because they "prohibit the public from knowing about systemic wrongful conduct."

Geoff Greenwood, a spokesman for the Iowa attorney general, said that office was not involved in writing the settlement agreements. The attorney general's office believes the confidentiality clauses are not enforceable under Iowa law because the settlements are public records, Greenwood said.

Dean Ibsen, another former construction engineer for the state, said he refused to sign an agreement that included a confidentiality

clause, even though representatives of the Iowa Department of Administrative Services offered him more money.

"I wasn't tempted at all to sign it because I wanted to be able to tell the public," said Ibsen, who was paid \$70,826 to settle his accusations of wrongful termination.

Ken Thornton, an administrator of operations and design services, also declined to sign a confidentiality agreement.

"I wanted them to make it part of the public record so it could be known that they are hiring cronies," Thornton said.

State: 'No cronyism, no conspiracies'

Branstad, through his office staff, declined multiple requests to answer questions about the settlements or the cronyism charges made by the employees. Spokesman Jimmy Centers said the governor "doesn't micromanage his department and agency directors."

Officials from the two agencies involved in the settlement agreements denied many of the accusations made by former workers.

At the state health department, for example, former employee Pam Deichmann, who is a candidate for the Iowa State Senate, alleged her involvement in former Democratic Gov. Chet Culver's administration led to her 2012 termination.

Part of Deichmann's job was to improve reporting of infections contracted at hospitals — a role opposed by multiple medical groups closely aligned with the GOP, she stated in her grievance filed with the Iowa Public Employment Relations Board.

Gerd Clabaugh, an executive at the agency named in Deichmann's grievance complaint, denied that he worked to eliminate Deichmann's position because of her political affiliation. Clabaugh said when he appointed people with Republican ties to various health committees — which Deichmann claimed hindered her efforts for improved hospital reporting — he did so without knowledge of their political affiliations.

Iowa has yet to implement statewide electronic lab reporting of infectious contractions at hospitals, which is seen as a way to reduce nearly 2 million infections and 90,000 deaths every year in the United States.

"What I can tell you is that we went through an evaluation of the organizational structure," Clabaugh said. "Her position was eliminated due to a change in leadership structure."

Five of the six settlements were within the Iowa Department of Administrative Services and generally involved what department spokesman Caleb Hunter said was a reorganization of the state's construction process.

"No cronyism, no conspiracies, just better quality projects, completed on time and at a savings to the taxpayer," Hunter said.

Branstad fighting similar complaint

Branstad has encountered questions about his appointments and his administration's hiring practices since he took office in January 2011 after ousting Culver.

Most of Branstad's top 24 department-head appointments were made after a single candidate — who had ties to the GOP or Branstad — was considered and offered the job, a Des Moines Register review of resumes and hiring practices showed in 2011.

Some of Branstad's appointees had no previous experience in the areas overseen by the departments they now head. A few, who now direct hundreds of employees, had no previous management experience, according to state records and resumes obtained by the Register through a public records request.

One example is former state Rep. Rod Roberts, a Republican who oversees the Iowa Department of Inspections and Appeals. The department is responsible for such tasks as inspecting nursing homes and restaurants.

Three people applied for the position: former state Sen. Rod Halvorson, a Democrat with more than 15 years of management experience and executive director of the Minnesota Social Service Association, a group that advocates for human services workers; Beverly Zylstra, deputy director of the inspections and appeals department since 1986; and Allen May, former director of land management for Denver, Colo., and former director of community development for the city of Grandview, Mo.

Only Roberts was interviewed, Branstad said.

Political appointees — who are typically considered “at-will” workers and have far fewer rights than employees in merit-based positions— are generally considered a governor’s prerogative. It’s common for directors to leave when new administrations begin.

Branstad requested and accepted the resignations of almost all of Culver’s department-head appointees before he took office in 2011. But Branstad’s efforts to oust Iowa Workers’ Compensation Commissioner Chris Godfrey, whose term doesn’t expire until 2015, has cost taxpayers hundreds of thousands of dollars.

Godfrey, who is gay, has refused to resign and filed a lawsuit in January 2011, alleging discrimination based on sexual orientation after Branstad reduced his pay by almost \$39,000 a year. Litigation already has cost more than \$487,000 and continues.

Branstad’s most recent hiring flap came in January. A Register investigation based on state records revealed that almost 300 state jobs have been reclassified in the last three years so those workers are no longer eligible to have union representation or can be fired at the will of the governor and his top staff.

Most of the reclassifications were done through a rules change initiated by the administration in 2012 that expanded the definition of a “confidential employee.” Confidential employees, who interact with and share privileged information with executive-level department officials, have traditionally been classified as at-will positions. Expanding the definition meant that potentially thousands of employees could be reclassified as at-will, state officials acknowledged last year.

The governor’s staff defended the move, saying they simply took steps to properly classify employees as allowed by law — which in some cases hadn’t been reviewed in more than a decade.

But union advocates said it reflect Branstad’s desire to diminish the power and influence of their groups, which have traditionally been most closely aligned with Democrats. More troubling, they said, is that it creates an atmosphere of “yes” workers who have little protection if they blow the whistle on wrongdoing or waste of taxpayer dollars.

Iowa Senate President Pam Jochum, D-Dubuque, has described the effort as an attempt to “return us to the days of the good ol’ boys club.”

She expressed similar sentiments when responding to questions about the secret settlements the state has paid to former workers.

“We want state employees hired for their qualifications and their experiences rather than any kind of political nepotism or payback for political favors,” Jochum said. “Obviously I’m not very happy that the department of administrative services and the Branstad administration continue to undermine the value of the merit system.”

Dean Ibsen

Dean Ibsen

POSITION: Construction engineer in the Iowa Department of Administrative Services and state employee since June 1999.

LAID OFF: Feb. 17, 2012.

VOTER REGISTRATION: Democrat.

SETTLEMENT AMOUNT: \$70,826.

LAST STATE SALARY: \$102,032.

POLITICAL CHARGES MADE ABOUT HIS JOB LOSS:

- Ibsen worked for the state when former Gov. Chet Culver, a Democrat, approved a so-called project labor agreement for construction of a \$132 million prison in Fort Madison. The Branstad administration and groups such as Master Builders of Iowa have said that agreement resulted in nearly half of the work for the project paid to out-of-state employees. Ibsen has claimed that the Branstad administration has tried to purge any employee from the payroll who was even remotely associated with the labor agreement.

- In January 2011, Branstad appointed Mike Carroll as the director of the Iowa Department of Administrative Services. Carroll is a former chairman of Master Builders of Iowa, a group often aligned with Republicans. Branstad additionally appointed Scott Norvell,

president of Master Builders, as chairman of the Governor's Vertical Infrastructure Advisory Committee in 2011. Ibsen contends the appointments show evidence of Republican cronyism.

- Ibsen contends his position was eliminated and his duties were shifted to a position that was considered at-will and non-merit, which restricts employee rights. The new at-will job was given to an employee of a construction company with membership in Master Builders, he noted. Ibsen contends that the move was illegal, citing Iowa law that prohibits replacing merit-based employees with at-will or contract workers.

QUOTE: "These efforts reek of cronyism and violate Iowa's longstanding system of merit based employment." — Statement in Ibsen's May 4, 2012, filing before the Iowa Public Employment Relations Board.

Pam Deichmann

Pam Deichmann

POSITION: Leader in the Center for Acute Disease Epidemiology in the Iowa Department of Public Health and a state employee since 1998.

LAID OFF: Aug. 1, 2012.

VOTER REGISTRATION: Democrat.

SETTLEMENT AMOUNT: \$20,000.

LAST STATE SALARY: \$95,768.

POLITICAL CHARGES MADE ABOUT HER JOB LOSS:

- Deichmann worked with the Culver administration to develop strategies to reduce infections that commonly occur in hospitals, efforts that included mandated statewide reporting. The effort was paid partly with money from the federal health care reform law, commonly called Obamacare and generally opposed by Republicans. Groups influential to Republican lawmakers including the Iowa Hospital Association generally opposed any sort of oversight or mandatory reporting related to infections. Gerd Clabaugh, the Department of Public Health's deputy director who was appointed by Branstad, resisted Deichmann's efforts related to the infection program.

- Clabaugh appointed himself to the Healthcare Associated Infection program's statewide steering committee, the group focused on decreasing hospital infections. He prohibited Deichmann from attending the committee meetings, she claimed.

- Clabaugh helped Tom Evans, the CEO of the Iowa Healthcare Collaborative, win an appointment to the committee. This essentially shifted control of the committee to outside organizations that opposed hospitals being forced to report to the state infections that occurred on their patients. The new members were aligned closely with Republicans, stripping the group of Democratic influence, Deichmann said.

- Deichmann's job responsibilities were transferred to workers who support Branstad and political-leaning organizations.

QUOTE: "The Iowa Department of Public Health laid off Ms. Deichmann because of her party affiliation and the opposition of Republican leaning organizations like the Iowa Healthcare Collaborative and the Iowa Hospital Association to Ms. Deichmann's public health work over the last three years." — Statement in Deichmann's Oct. 25, 2012, brief before the Iowa Public Employment Relations Board.

Carol Frank

Carol Frank

POSITION: Construction/design engineer for the Iowa Department of Administrative Services.

LAID OFF: Sept. 1, 2011.

VOTER REGISTRATION: Republican, but Frank described herself as just "sort of" a member of the GOP. "I hate Branstad," she said last week.

SETTLEMENT AMOUNT: \$77,326.

LAST STATE SALARY: \$82,839.

POLITICAL CHARGES MADE ABOUT HER JOB LOSS:

- The layoffs of Frank and 12 other employees in her department were "a subterfuge to circumvent the merit selection process and hire specific new employees" with ties to the Branstad administration, Frank's grievance stated.
- The administration failed to follow the layoff process required by law for workers classified as "merit employees," she claimed.

QUOTE: "The way that they treated people was unbelievable. They thought they were gods and could get away with anything." — Statement last week in an interview with the Register.

Gary Forshee

Gary Forshee

POSITION: Construction/design engineer for the Iowa Department of Administrative Services.

LAID OFF: Sept. 1, 2011.

VOTER REGISTRATION: Republican.

SETTLEMENT AMOUNT: \$54,089.

LAST STATE SALARY: \$85,097.

POLITICAL CHARGES MADE ABOUT HIS JOB LOSS:

- Forshee's grievance didn't make specific political accusations but he was part of the department indirectly involved in enforcing the Culver administration's project labor agreement for the Fort Madison prison.
- Forshee cited some of the same workplace irregularities that some of his coworkers made in protesting their layoffs. Among them: The state immediately rehired other employees whose job duties were described as being only slightly different than his former position. He raised questions about the legality of eliminating his position and hiring a so-called "at-will" employee.

QUOTE: "While it is claimed that the current state budget is impacting retaining current staff, recent facts would indicate otherwise." — Statement in Forshee's Sept. 14, 2011, grievance filed with the Iowa Public Employment Relations Board.

Tony Schmitz

Tony Schmitz

POSITION: Construction/design engineer for the Iowa Department of Administrative Services.

LAID OFF: Sept. 1, 2011.

VOTER REGISTRATION: No party.

SETTLEMENT AMOUNT: \$35,725.

LAST STATE SALARY: \$80,406.

POLITICAL CHARGES MADE ABOUT HIS JOB LOSS:

- Schmitz alleged the state failed to follow proper procedures in laying off merit employees and sought reinstatement to his job.

Ken Thornton

Ken Thornton

POSITION: A supervisor/design engineer for the Iowa Department of Administrative Services.

LAID OFF: Sept. 1, 2011.

VOTER REGISTRATION: No party.

SETTLEMENT AMOUNT: \$24,347.

LAST STATE SALARY: \$91,174.

POLITICAL CHARGES MADE ABOUT HIS JOB LOSS:

• Thornton alleged the state failed to follow proper procedures in laying off merit employees and sought reinstatement to his job.

QUOTE: "It was absolutely political in nature," Thornton said last week. "I came in during the Vilsack administration and worked through the Culver administration but I thought I was exempt from politics. I'm an engineer and I don't really give a hoot about politics."

Note: All job loss charges were obtained from complaints filed before the Iowa Public Employment Relations Board

Protesters rally against drones at Des Moines air base

DMR

Protesters from across the country rallied in Des Moines on Saturday against the U.S. military's drone warfare.

"What we're doing today is not a last gasp of defeat, but is a part of a continuing effort," said Ed Flaherty, president of the Iowa City chapter of Veterans for Peace. "I don't know how we stop this in Des Moines or in the country, but we have to use our creative minds to think how we do it."

About 100 people gathered at the Iowa Air National Guard Base in Des Moines, 3100 McKinley Ave., for the rally. Des Moines Catholic Worker and the Des Moines Veterans for Peace chapter organized the rally.

The protest took place at the Air Guard base because the Guard's 132nd Fighter Wing is starting a new mission piloting and controlling armed Reaper drones around the world.

"It brings war directly, physically to Des Moines," said Gilbert Landolt, president of the Des Moines Veterans for Peace chapter. "I don't think the people of Iowa know what's going on."

The military's increased use of drones for air attacks and surveillance has been condemned by activists and government officials around the world. Drone attacks have caused an unacceptable number of civilian deaths and in some cases flout international law, critics argue.

"They have killed innocent women and children," Landolt said. "They're illegal, immoral and unjust."

The Des Moines fighter wing's manned F-16 jets were a victim of budget cuts, so the U.S. Air Force decided early last year to have the airmen work with drones and other missions, mitigating the potential job loss.

An F-16 took its last flight at the Iowa Air National Guard's 132nd Fighter Wing in September. Airmen have received new training, and personnel have been shuffled.

On the drone mission, 290 people have been hired to work full time. The drone mission is in an initial stage while a building is constructed to meet its needs.

Organizers of the protest said the rally was not only meant to try to stop the Air Guard from participating in drone warfare, but also to raise awareness of the issue.

"I hope people will be inspired to do research and form their own opinions," said Julie Brown, the emcee for the rally.

National Guard officials, after past protests of the drone mission, have said that they support Americans First Amendment speech rights.

The rally featured several speakers from across the country.

One was Daniel Hale, an Afghanistan war veteran who worked on a mission involving drones.

Hale, who now lives in Virginia, said he began the mission believing drones were "a necessary evil" to help Afghans.

"The idea being sold was drones are cleaner, more sophisticated, there's less room for error," Hale said.

Now, Hale is against the use of drones, saying there's "no clean way of doing things in war." He also said drone warfare shows "the overwhelming trust in intelligence."

Kathy Kelly, a peace activist, said the use of drones, at best, blinds the U.S. to the scope of Afghanistan's problems with poverty and hunger.

Kelly advocated for money to be used to help nourish children instead of to deploy troops to Afghanistan. She said it costs \$2.1 million per year for each soldier in Afghanistan and "5 cents to get iodine into the diet of a malnourished child." The per-soldier statistic is from the Center for Strategic and Budgetary Assessments.

"You have to weigh the options," Kelly said.

The rally ended after protesters laid flowers at the entrance of the Guard base. Brown said the rally was "one small step."

Some Midwest Catholic Workers said they plan to commit "nonviolent civil" disobedience beginning at 9:30 a.m. Monday at the Guard base.

Fireworks legalization, broadband expansion, shutdown of greyhound tracks still up for debate

DMR

The Iowa Legislature has cleared its second so-called "funnel" deadline for bills to advance in the 2014 session, which means dozens of measures were declared dead on Friday, but many high-profile proposals remain eligible for further debate.

These include Gov. Terry Branstad's top-priority bills calling for new initiatives on anti-bullying in schools, Internet expansion in rural communities and veterans benefits designed to attract newly discharged military service members to Iowa. Also still alive are bills that would legalize the retail sale of fireworks and provide state tax breaks for the Iowa Speedway at Newton and Knoxville Raceway. To remain viable for passage, a bill must pass the chamber in which it was introduced and win approval by a committee in the other chamber. Because of the partisan split between the Republican-controlled House and Democrat-led Senate, bills that cleared the second funnel this session typically have some bipartisan support.

The funnel isn't ironclad. Bills on state spending and taxes are exempt from the deadline, along with "leadership bills" initiated by House and Senate leaders.

DEAD BILLS: Find out what proposed legislation has seen its final day this session

Anti-bullying

• House File 2409 and Senate File 2318.

WHAT IT DOES: School officials would be required to inform parents of bullying incidents involving their children and would be allowed to impose discipline at school for bullying incidents off school grounds if the incident caused a disruption at school. The definition of bullying is expanded to include harassment on social media like Twitter or Facebook.

WHERE IT'S AT: The Senate and House bills were both assigned to unfinished business calendars, keeping them alive.

Fireworks

• Senate File 2294 and House Study Bill 672

WHAT IT DOES: Iowans could legally buy and set off firecrackers, bottle rockets, Roman candles and other retail fireworks. Those have been banned since the 1930s after the northwest Iowa towns of Spencer and Remsen sustained huge losses in blazes caused by fireworks.

WHERE IT'S AT: The Senate bill hasn't been brought to a vote of the full Senate, but the House Ways and Means Committee has

signaled it plans to debate the issue, keeping it alive.

Broadband expansion

• House File 2329. Senate Study Bill 3119.

WHAT IT DOES: The governor's proposal to expand high-speed Internet across the state includes tax breaks for new broadband infrastructure and allows private companies to lease bandwidth on the state-run Iowa Communications Network to extend lines to rural customers.

WHERE IT'S AT: Both the House and Senate bills were assigned to committees exempt from the funnel deadline.

Gas tax increase

• House Study Bill 514.

WHAT IT DOES: A 10-cent-per-gallon increase in the state's gasoline and diesel fuel tax would raise an additional \$230 million annually to maintain Iowa's roads and bridges. But more recently, lawmakers have been exploring an alternative proposal that would reduce the state's gasoline tax to 16 cents per gallon and impose a 5 percent wholesale tax on gasoline, generating an additional \$220 million per year. Most of the focus is on the Senate Republican caucus, where GOP lawmakers have reportedly balked at raising taxes, particularly in an election year.

WHERE IT'S AT: As a tax measure, the bill must go through the Ways and Means Committee, which is not subject to last week's deadlines.

E-cigarettes

• House File 2109.

WHAT IT DOES: Vendors would be prohibited from selling electronic cigarettes to minors under 18 and minors would be barred from using or possessing the nicotine-delivery devices. The bill also defines e-cigarettes separately from tobacco products, exempting them from tobacco taxes and the state's indoor smoking ban.

WHERE IT'S AT: Approved by Senate Human Resources Committee and sent to Senate floor.

Drones

• House File 2289.

WHAT IT DOES: Lawmakers are exploring state regulation of remotely piloted aircraft as hobbyists, businesses and law enforcement look at tapping the potential use of drones.

WHERE IT'S AT: Approved by Senate Judiciary Committee and sent to Senate floor.

Preschool expansion

• Senate File 2268.

WHAT IT DOES: Senate Democrats say they are committed to eliminating waiting lists for preschool programs for 4-year-olds, contending it's the next logical step toward better school performance. The state has offered families free preschool instruction since 2007, yet roughly a third of children don't participate. When fully implemented after three years, Democrats say the program's annual ongoing costs would be about \$37 million. Branstad and House Republicans haven't rejected the idea, but say they have concerns about finding money to pay for the expansion.

WHERE IT'S AT: The bill was assigned to the Senate Appropriations Committee, exempting it from the funnel deadline.

Fantasy sports

• House File 2383. Senate File 2148.

WHAT IT DOES: Iowans could win cash and other prizes while playing fantasy sports, which state law now prohibits. A national organization for fantasy sports is lobbying to lift the ban, estimating that 264,000 Iowans participate in the games.

WHERE IT'S AT: Both bills have been placed on their respective chamber's unfinished business calendar, keeping them alive.

Teacher-student romance

• House File 2389.

WHAT IT DOES: The bill would formalize a rule enacted last year restricting romantic relationships between teachers and their former students. Dating a student within 90 days of his or her graduation would constitute unethical conduct and could result in disciplinary action for the teacher.

WHERE IT'S AT: Approved by Senate Education Committee and sent to Senate floor.

Iowa Speedway/Knoxville Raceway incentives

• Senate Study Bill 3162 for Iowa Speedway and House File 2281 for Knoxville Raceway.

WHAT IT DOES: After NASCAR bought the Iowa Speedway at Newton last year, it wanted to keep a \$9 million state sales tax rebate given to the previous Iowa owners. But legislation is needed to transfer the tax break to NASCAR, and lawmakers want promises of track improvements. Meanwhile, the Knoxville Raceway wants a state sales tax rebate of up to \$2 million to help pay for an expansion.

WHERE IT'S AT: The Senate bill was approved by the Senate Ways and Means Committee, exempting it from the funnel deadline. The House bill remains alive because it involves a tax matter.

Closing greyhound tracks

• House File 2406, Senate Study Bill 3199.

WHAT IT DOES: Casinos in Council Bluffs and Dubuque are offering Iowa's greyhound industry \$70 million to allow them to shut down money-losing dog tracks adjacent to Horseshoe Casino and Mystique Casino. The greyhound industry wants \$95 million, plus an opportunity to open a new greyhound track and casino, which the gambling industry speculates would be in Ottumwa.

WHERE IT'S AT: The House bill was assigned to the Ways and Means Committee, exempting it from the funnel deadline. The Senate bill stalled after receiving subcommittee approval.

Underage drinking

• Senate File 2310.

WHAT IT DOES: Adults who host parties on property where alcoholic beverages are consumed by persons under age 18 could face misdemeanor criminal charges.

WHERE IT'S AT: The bill was passed by the House Public Safety Committee.

Disease transmission

• Senate File 2297.

WHAT IT DOES: The bill rewrites current law, which makes exposing a person to HIV without his or her consent a Class B felony punishable by up to 25 years in prison. That law has been criticized as an outdated response to the AIDS epidemic of the 1980s and early '90s. The legislation creates a broader law known as the "Contagious or Infectious Disease Transmission Act" that establishes penalties for intentionally exposing another person to HIV or AIDS, tuberculosis, hepatitis and meningococcal disease.

WHERE IT'S AT: The bill has cleared a House committee.

Anti-crime bills

- Senate File 2201. Senate File 2211. House File 2253.

WHAT IT DOES: In response to the kidnapping and murder of 15-year-old Kathlynn Shepard of Dayton last year, lawmakers want tougher penalties for crimes against children. One bill would require a 25-year prison term for anyone convicted of kidnapping someone age 17 or younger. Another would allow courts to use a conviction from juvenile delinquency proceedings to initiate civil commitment proceedings for sexually violent predators. House members have been looking at eliminating the earned-time credit — which can reduce prison sentences — for crimes involving children.

WHERE IT'S AT: The Senate bills have passed the House Judiciary Committee. The House bill did not clear a Senate committee.

Tasers

- Senate File 2187.

WHAT IT DOES: Law enforcement officers who use Tasers would be required to undergo standardized training through the Iowa Law Enforcement Academy. Tasers are used by more than 265 Iowa law enforcement agencies.

WHERE IT'S AT: The bill has passed the House Public Safety Committee.

Home Base Iowa

- House File 2372. House File 2224. House File 2319. House File 2359. Senate File 303.

WHAT IT DOES: Branstad's Home Base Iowa plan for attracting veterans to live and work in the state has several components in separate bills. These include an income tax exemption on military pensions and measures granting college credits for military education and training and easing professional licensing for veterans in fields for which they received military training.

WHERE IT'S AT: The major parts of the package are on track for passage. Some are assigned to committees exempt from the funnel while others have won the necessary approvals to remain viable.

Elder abuse

- Senate File 2239.

WHAT IT DOES: A wide-ranging Senate bill to provide civil and criminal protections, introducing a resource and referral program for abused seniors and defining elder abuse as the abuse, neglect or financial exploitation of an older individual, was pared back in the House to include only new criminal penalties for elder abuse.

WHERE IT'S AT: The bill was passed by the House Judiciary Committee.

Mo-ped speed limits

- Senate File 2192.

WHAT IT DOES: The speed limit for mo-peds would be raised to 39 mph, from the current 30 mph.

WHERE IT'S AT: The bill was passed by the House Transportation Committee.

Emerald ash borer

- Senate File 2248.

WHAT IT DOES: An advisory council would be established to study the presence of emerald ash borers and the threat they pose to ash trees in Iowa. The council is required to submit a report to the Legislature recommending steps to address the problem.

WHERE IT'S AT: The bill was passed by the House Natural Resources Committee.

Radon testing in schools

- Senate File 366.

WHAT IT DOES: The state Department of Education is directed to encourage school districts to test for the presence of cancer-causing radon gas in school buildings and to address high concentrations, but districts are not required to perform the testing. School officials must only notify the department if they have a radon testing and mitigation plan in place or if they plan to adopt such a plan in the future.

WHERE IT'S AT: The bill has passed House Local Government Committee.

National Guard sex abuse

• Senate File 2321.

WHAT IT DOES: Requires the Iowa National Guard to file an annual report to the Legislature and the governor regarding the incidence of sexual assaults among the Guard's 9,200 soldiers and airmen. It would also prohibit an Iowa National Guard commander from interfering with a victim's right to report an incident of sexual assault to civilian law enforcement.

WHERE IT'S AT: Approved by the House Veterans Affairs Committee.

Public building rehabilitation

• House File 2287.

WHAT IT DOES: Abandoned public buildings such as schools or city offices would be eligible for tax credits to encourage renovation and make them usable for commercial use or community centers. The measure is another that the governor identified as a top priority this year.

WHERE IT'S AT: The bill was assigned to the House Ways and Means Committee, keeping it alive.

Education Report: Graduation rates beat U.S. average

DMR

Iowa's three public universities, at 68.4 percent, continue to exceed the average national six-year graduation rate for four-year colleges, according to a report released last week by the Iowa Board of Regents.

The national average for the 2007 entering class of freshmen is 48.9 percent.

In addition, the one-year retention rate for entering classes of 2012 at the three Regents schools was 86 percent. Nationally, the average was 77.7 percent.

Here's a look at graduation and retention rates by Iowa university:

University of Iowa

- Six-year graduation rate for entering class of 2007: 69.6 percent
- Four-year graduation rate for entering class of 2007: 46.2 percent
- One-year retention rate for entering class of 2012: 85.8 percent

Iowa State University

- Six-year graduation rate for entering class of 2007: 68 percent
- Four-year graduation rate for entering class of 2007: 36.1 percent
- One-year retention rate for entering class of 2012: 87.1 percent

University of Northern Iowa

- Six-year graduation rate for entering class of 2007: 66.5 percent

- Four-year graduation rate for entering class of 2007: 35.2 percent
- One-year retention rate for entering class of 2012: 82.9 percent

Honors for career, college readiness

The State Board of Education last week honored three programs and one student for work done to ensure Iowa's high school seniors are career and college ready.

The Iowa Department of Education, in partnership with ACT, identified the honorees. They include:

- Nathaniel Klein, a student at Mount Vernon High School. He was selected for his high academics and extensive extracurricular activities.
- Mount Pleasant High School, honored for the extensive programs it offers students designed to ensure career and college readiness.
- Northeast Iowa Community College, with main campuses in Calmar and Peosta. The college was honored for its work with the private sector to ensure what is being taught will meet the needs of an evolving work environment.
- Bodine Electric Co. in Peosta. The business was honored for its leadership in partnering with Northeast Iowa Community College and private businesses to ensure students have the option to leave high school for high-skilled employment.

— Compiled by Register staff

New swine virus sweeps U.S., slashing supplies and raising prices

DMR

Prices for ribs, chops, hams and other pork products in the grocery store are expected to climb as much as 15 percent this summer as supplies are slashed by a new swine virus that's sweeping the country.

That's tough news for consumers, also facing rapidly rising prices for beef. Shrinking hog supplies also could cause reduced hours at some meat processing plants across Iowa and the country. The disease hits just as pork producers are recovering from high corn prices.

The situation is critical for Iowa, the nation's largest producer of pigs. Iowa producers generate about \$7 billion in sales and employ about 39,000 workers caring for the state's 20.5 million animals.

So far, producers in 26 states have reported infected herds with the highly contagious porcine epidemic diarrhea virus, known as PEDv. The virus is fatal to piglets. In less than a year, losses are estimated at 5 million.

"It's going to have a profound impact on supplies this summer," said Steve Meyer, an analyst at Paragon Economics in Adel. "Prices are going to get significantly higher."

The virus poses no threat to other animals or humans. And pork products remain safe for consumers, officials say.

Consumers were already facing record high prices for beef. Overall, beef prices are expected to climb 7 percent in 2014, pushed mostly by increasing costs for ground beef. Lean ground beef could spike up to 20 percent this year, said Lance Zimmerman, an analyst at Cattlefax, outside Denver, Colo.

MORE COVERAGE: As virus rages, Ames company leads way protecting pigs

Beef supplies also have been shrinking, primarily because of drought that has punished large cattle-producing states from Texas up to the Dakotas, Zimmerman said. "We have rapidly and methodically been culling cows out of the drought area since 2010," he said.

Meyer expects pork supplies to shrink 10 percent, driving wholesale pork prices up 25 percent this summer.

How a producer fares financially depends on how hard the herd was hit. "Some producers are worse off than others," Meyer said. "On average, we think the market impact on prices will offset the quantity reductions and probably increase total revenue for the

industry."

Right now, reduced pork supplies are being offset by larger hogs headed to market, said Lee Schultz, an agricultural economist at Iowa State University. "There's a lot uncertainty about what those supplies will be this summer," he said.

Meyer anticipates shrinking pork supplies eventually will affect processing plants, given the spread of the disease. Already, meat processing plants in Oklahoma and North Carolina have scaled back production because of tight supplies.

Iowa has about 40 large pork and beef processing plants. Altogether, Iowa plants employ 29,200 workers.

Companies with big pork operations in Iowa are saying little.

Arkansas-based Tyson Foods said it's not seeing PEDv-related supply reductions so far, but it is seeing tightening supplies. "When our operations do see a reduction in supply, we'll adjust our production as needed," said Dan Fogleman, a Tyson spokesman.

Minnesota-based Cargill Inc. said it's not immune to reduced supplies caused by PEDv, but declined to project how the company could be affected.

Meyer said: "I would say come May, our plants in the upper Midwest are going to have problems with supplies. I think we're going to have workers taking a day a week off. We're going to see some idling of plant capacity."

Warmer temperatures could help reduce the spread of the disease, Meyer said. PEDv is spread by manure, and just a speck in the mouth can infect a pig.

The virus can live longer in the cold, which also makes it difficult to disinfect pens, trucks and other equipment.

Craig Rowles, a Carroll producer and veterinarian, has lost 13,000 piglets despite dedicated efforts to keep the disease out.

He said workers are sometimes cleaning with toothbrushes in an attempt to eliminate the disease from the operation.

Rowles believes it will be difficult for the industry to escape the losses from the disease, which has also spread to Canada. The U.S. strains are nearly identical to those infecting herds in China in 2010, making the country the likely source, say scientists at the American Society for Microbiology.

Meyer believes producers are getting better at managing the disease, and supplies could begin rebounding in the third or fourth quarter.

That could mean some price relief for consumers like Luke Spencer. He and his family own the Twisted Tail, a bar and restaurant in Beebeetown, a tiny burg in western Iowa. Spencer goes through about 300 pounds of ribs each week. "It's not our big moneymaker, but it makes people happy," Spencer said.

In the past month, Spencer said rib prices have spiked 8 percent, but he has no immediate plan to consider adjusting prices. An increase "upsets people pretty fast," he said.

ISU economist Schultz said many retailers and restaurant owners feel the same, worried that an increase could hurt demand. "Retail prices are relatively sticky. We don't see large swings in retail price, because they don't want customers feeling that sticker shock," he said.

Rowles believes the high prices could be around well into next year, given that pigs in less than half of the pork operations in the country have been exposed to the disease. "That means there are 60 to 70 percent of sow herds that have not been exposed," he said. "Every week, we look at the reports, more sows, more farms are testing positive."

Development Spotlight: Zinpro Corp.

DMR

Zinpro Corp.

Cost: \$21.1 million

Owner: Zinpro Corp.

Location: Butler Logistics Park in Shell Rock, Butler County

Projected completion: Early summer 2014

Projected employees: 39

Funding: \$320,000 in loans and \$85,000 in tax credits from the Iowa Economic Development Authority; about \$1.5 million in tax increment financing to provide the entire business park with access to natural gas.

Description: Based in Eden Prairie, Minn., Zinpro announced early last year that it would bring a production facility and almost 40 jobs to Shell Rock, a city of about 1,300 people. The 60,000-square-foot facility will combine manufacturing and warehouse space and produce mineral supplements for animal feed.

In addition to the jobs component, the Zinpro project allowed Butler County to fill up space in its business park faster than expected.

Jeff Kolb, the executive director of the Butler County Economic Development Corp., said regional groups were working on constructing a speculative building in the park to have something to market to companies. Just the idea that a building would soon be ready moved Zinpro "off of center" and helped persuade them to bring their new plant to the park, he said.

Kolb said snagging the project was very much due to a regional partnership. While larger cities, such as Des Moines, may have private investors and more resources to attract companies, Kolb said rural areas have to form that attractive environment first.

"That's what you have to do in rural Iowa," he said. "There's more competition (in larger cities), and the larger areas tend to have more resources. We didn't have that, so we created it."

The Register's Editorial: Iowa needs fresh look at 'college cards'

DMR

The Government Accountability Office found that hundreds of colleges and universities contract with financial institutions to offer banking products to students. These products include checking accounts with ATM access and debit cards where federal loan and student-aid money may be deposited.

Among the concerns of GAO investigators: Students at some schools may not have adequate access to ATMs where they can make free withdrawals, and the total fees they are paying to use the cards are not known.

The GAO investigation also brings to light a practice that raises concerns beyond students paying fees to gain access to their loan money: so-called revenue-sharing agreements between some banks and schools. These contracts provide financial rewards to colleges when students patronize a specific bank. Schools may encourage students to open an account with that bank instead of providing unbiased information about other methods of collecting their loan money and student aid payments.

The GAO reports that revenue-sharing agreements for college cards have been declining, at least in part due to "the negative public attention the practice has received." There is something wrong when colleges steer students toward a financial product because the arrangement financially benefits the school, and not necessarily the student.

The GAO investigation came at the request of U.S. Sen. Tom Harkin, D-Ia. Some of the agreements "look far too similar to the student loan and credit card abuses we cracked down on in the past," said Harkin.

The 63-page GAO report released in February does not identify schools that were investigated, and the Government Accountability Office would not provide the names to The Des Moines Register editorial board. So we asked Iowa's three regents' universities for any contracts with financial institutions offering banking services to students, as well as marketing materials related to those services.

Iowa State University partners with U.S. Bank to offer accounts to students. Federal aid remaining after tuition is paid can be deposited into the account and students can use their university-issued identification card as a debit card to access the money. Iowa State receives a "royalty" payment based on the percentage of students and former students who have these U.S. Bank accounts. The school collects about \$300,000 per year.

ISU Treasurer Joan Piscitello told the editorial board the school is planning to soon update information given to students to ensure

more transparency and disclosure. Written information will make clear that opening a U.S. Bank account is optional, and more information will be provided about the school's relationship with the bank.

The University of Iowa partners with Hills Bank and Trust Co. to offer students a checking account linked to their university IDs. Though such an account is optional, the mailings and fliers emphasize the benefits of opening an account with this particular bank. In one brochure, students are offered a "free gift with your new UI Student Checking Account." Parents who may want to deposit money into the student account are instructed to provide a driver's license, Social Security card and personal bank account information.

While this account may or may not be a good option for a student, it's definitely a profitable option for the University of Iowa and the bank. In addition to the \$125,000 "signing bonus" from Hills Bank, the university receives a percentage of the students' "swipe fees," with a guaranteed minimum payment of \$50,000 per year. The bank pays the school rent for a branch office on campus and contributes to the cost of the cards provided to students.

According to the contract, the arrangement nets the school more than \$1 million over a five-year period. The bank may get a customer for life.

The University of Northern Iowa does not offer any ATM/debit/credit or bank account to students, said spokeswoman Lindsay Cunningham. "We require students to provide us their bank account information if they want to receive funds electronically, but these are the accounts that they have established with the banking institution of their choice."

"Many students trust their schools and, as a result, may view co-branding as an endorsement and an indication their school has negotiated the best terms for them," the GAO report said. But are they a better option than what a credit union or a different bank might offer? Do new students assume they should simply get in line at orientation to sign up for an account because other students are doing so?

Harkin has raised concerns about the lack of transparency for students and families when it comes to the agreements schools have with financial institutions.

The schools should post these contracts online. In fact, they should post all bids received from financial institutions seeking to facilitate such accounts.

Iowans need assurances the schools are focused on providing the best deal to students, not gaining the most revenue.

Iowan Norman Borlaug To Be Enshrined In U.S. Capitol

Wallaces Farmer

Iowa Gov. Terry Branstad will join a group of Iowans on March 25 in Washington, D.C. for the official unveiling of the Norman Borlaug sculpture in Statuary Hall in the U.S. Capitol. "We'll have the entire Iowa Congressional delegation present along with students, teachers, business leaders and others," says World Food Prize Foundation President Kenneth Quinn, who appeared with Branstad at a recent press conference at the State Capitol in Des Moines to make the announcement.

The State of Iowa will install a bronze statue of Dr. Borlaug, the famous agricultural scientist and humanitarian who saved millions of lives worldwide, in the U.S. Capitol in Washington. The unveiling ceremony will take place March 25, the 100th anniversary of Borlaug's birth. He died in 2009. Borlaug's achievements as an agronomist and plant breeder earned him the title "Father of the Green Revolution" and his statue being installed in the U.S. Capitol will be of great significance to people and farmers around the globe.

Beginning a year of Borlaug Centennial events

U.S. House Speaker John Boehner and other congressional leaders made the announcement on February 26, and Iowa Gov. Terry Branstad and Lt. Gov. Kim Reynolds, along with Ken Quinn, president of the World Food Prize, held the press conference in Des Moines to celebrate this occasion and kick off the Borlaug Centennial events.

"The unveiling on March 25 will be a historic celebration of Dr. Borlaug's legacy. His agricultural innovations saved an estimated one billion people around the world from hunger and starvation," says Branstad. "It is a fitting tribute that our state and nation will honor Dr. Borlaug on the 100th anniversary of his birth and on National Agriculture Day."

Grew up on a farm near Cresco in northeast Iowa

Borlaug, who grew up on a farm near Cresco in northeast Iowa, dedicated his life to breeding better varieties of wheat, and working with farmers and politicians alike to improve methods and policies to alleviate hunger and malnutrition worldwide.

Borlaug's achievements earned him recognition as "Father of the Green Revolution" and the distinction of receiving the Nobel Peace Prize, the Presidential Medal of Freedom, and the Congressional Gold Medal, America's highest civilian honor. In all of history, only two other Americans have won that trifecta: Martin Luther King, Jr., and Elie Wiesel.

"The global impact that Dr. Borlaug had is an example and a challenge to all of us as we look to the future and Iowa's role in feeding and fueling a growing world," says Iowa Secretary of Agriculture Bill Northey. "The installation of this statue will be a great opportunity to celebrate Dr. Borlaug and help inspire others, especially our youth that he was so passionate about, through his amazing story."

Honoring Borlaug on National Agriculture Day

March 25, 2014 is also National Agriculture Day. Borlaug founded The World Food Prize in 1986 with the hope that it would come to be seen as the "Nobel Prize for Food and Agriculture" to recognize and inspire breakthrough achievements in feeding the world. The WFP Foundation is headquartered in Des Moines.

"From our decade of working together, I knew Norman Borlaug, our state's and our country's greatest agricultural scientist, to be the most humble, hardworking and inspiring person I ever encountered," says Quinn, chairman of Iowa's Borlaug Statue Committee. "At The World Food Prize his legacy lives on through our annual prize, our Borlaug Dialogue international symposium, and our youth programs including the Borlaug-Ruan International Internships, and now with a new website to honor Dr. Borlaug, we hope to engage thousands of people around the globe to help fight hunger."

WFP's interactive website lets you post your thoughts

The World Food Prize has just recently launched an interactive website where visitors can post what they'll do this year in honor of the Borlaug Centennial to help feed the world, at www.worldfoodprize.org/norm. In addition, The World Food Prize will host several activities and events throughout this year to honor Borlaug.

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The statue of Borlaug in the U.S. Capitol was made possible in 2011, when the Iowa Legislature approved a resolution and Gov. Branstad appointed the Dr. Norman E. Borlaug Statue Committee to raise funds and commission an artist to design, create and install a statue of Borlaug in the U.S. Capitol building. After conducting a worldwide artist search, the committee chose Benjamin Victor of South Dakota. DuPont Pioneer and an anonymous donor offered financial support for the project.

Each state is represented by two statues of the state's notable citizens in the National Statuary Hall Collection at the U.S. Capitol building. The statue of Borlaug will replace the statue of U.S. Sen. James Harlan installed in 1910, which will be relocated to Mount Pleasant, Iowa. The second statue representing Iowa is of Gov. Samuel Kirkwood, which was installed in 1913.

#### IPTV documentary *Norman Borlaug: Journey To Statuary Hall*

More information about the statue project is available at <http://www.iowaborlaugstatue.org/>, including information about related events and activities. People are also encouraged to watch a webcast of the statue unveiling ceremony, which will take place on March 25 at 11 a.m. Eastern Time, at [www.speaker.gov/live](http://www.speaker.gov/live). People can learn more about Borlaug, celebratory events worldwide and find ways to get involved in fighting hunger at the [World Food Prize website](http://www.worldfoodprize.org/). Finally, you can see a preview of the Iowa Public Television documentary about the statue [online](http://www.iptv.org).

The IPTV documentary *Norman Borlaug: Journey to Statuary Hall*, will air Tuesday, April 22 at 6:30 p.m. and Friday, April 25 at 8:30 p.m. on statewide Iowa Public Television. The full program will also be available [online](http://www.iptv.org).

The television documentary telling the story of Norman Borlaug and this statue will educate and remind all Iowans of their ties to his legacy. Viewers will get a behind the scenes look at how much work and determination went into this effort right here in Iowa and from coast-to-coast.

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ABOUT THE WORLD FOOD PRIZE: The World Food Prize is the foremost international award recognizing the achievements of individuals who have advanced human development by improving the quality, quantity or availability of food in the world. The Prize was founded in 1986 by Dr. Norman E. Borlaug, recipient of the 1970 Nobel Peace Prize. Since then, the World Food Prize has honored outstanding individuals who have made vital contributions throughout the world. Thirty-nine laureates have been recognized from Bangladesh, Belgium, Brazil, China, Denmark, Ethiopia, Ghana, India, Israel, Mexico, Sierra Leone, Switzerland, the United Kingdom, the United Nations and the United States. The World Food Prize also annually hosts the Borlaug Dialogue international symposium, and several youth education programs including the Global Youth Institute and Borlaug-Ruan International Internship to inspire the next generation to explore careers in agriculture and fighting hunger.

New licensing option makes sense

Messenger

In our highly mobile society, the ease with which teaching professionals can move from state to state is made more complicated by licensing requirements. The spouses of veterans and active duty military personnel are among those who encounter this problem most often because careers in the armed forces entail frequent moves as duty stations change.

That's why Gov. Terry Branstad and Lt. Gov. Kim Reynolds are working hard to make Iowa a more attractive venue for teachers wedded to military personnel and veterans who want to teach in Iowa. In mid-February they announced a new Hawkeye State effort to eliminate licensing barriers for qualified veterans and military spouses. A military exchange license has been created for veterans and military spouses by the Iowa Board of Educational Examiners. This new licensing option enables these individuals to teach for up to three years without taking any additional college courses. According to information provided by the governor's office, in the past about 70 percent of out-of-state residents who applied for teaching licenses in

Iowa have had to take additional coursework to meet the state's licensure standards. That can result in a delay in becoming licensed here. The new license also has a reduced cost.

"This was the right thing to do," Branstad said in a statement released by his office Feb. 13. "These are standout citizens who are defending our freedoms or are supporting family members who are defending our freedoms. I'm pleased the Iowa Board of Educational Examiners has removed this barrier that causes military families to seek a new licensure in the state of Iowa."

This change is in sync with the Branstad administration's Home Base Iowa Initiative launched in 2013 to recruit veterans for jobs in Iowa. That public-private partnership seeks to match military veterans with jobs Iowa employers need to fill. Former U.S. Rep. Leonard Boswell and Bob Myers, chief executive officer of Casey's General Stores are the co-chairs of that nonpartisan effort.

"Through their service, veterans have already proven they share the values we hold dear as Iowans - hard work, leadership and patriotism, among others," Branstad said when he announced that program's launch. "We'll be calling upon the business community to partner with Home Base Iowa to help us meet our goals of increasing employment in this state, decreasing veterans' unemployment and recruiting high-quality individuals to Iowa."

The Messenger applauds the governor's commitment to making Iowa an especially attractive home base for military personnel, veterans and their spouses. The commitment these patriotic Americans have already shown to public service makes them especially attractive additions to our communities and work force. Additionally, the flexibility the new licensure option provides is an excellent response to an increasingly mobile national work force. It is an example that should be considered by other state licensing boards.

Analysis: U.S. Senate races present busy season in Siouxland

SC

Get ready for a busy election season.

Iowa, Nebraska and South Dakota all have open U.S. Senate seats, a rare situation in any election season. That means Siouxland is ground zero in three closely watched -- and well-funded -- political battles during the mid-term elections.

The outcome will help determine whether Republicans can gain control of the the U.S. Senate. The first step down the path is only a few months away -- the primary elections of May and June. Winners go on to the November ballot.

"An open seat always levels the playing field," said Dennis Goldford, a Drake University political science professor.

There is no primary among Democrats in Iowa or South Dakota. For Republicans, six candidates are in Iowa, five in Nebraska and four in South Dakota.

IOWA

WHEN: The Iowa primary is June 3. U.S. Sen. Tom Harkin, D-Iowa, is retiring.

CANDIDATES: U.S. Rep Bruce Braley, of Waterloo, is the only Democrat in the field. Republicans are former U.S. attorney Matt Whitaker, of Ankeny; state Sen. Joni Ernst, of Red Oak; retired energy executive Mark Jacobs, of West Des Moines; college professor Sam Clovis, of Hinton; auto salesman Scott Schaben, of Ames; and attorney Paul Lunde, of Ames.

LAY OF THE LAND: Sitting Republican U.S. Reps. Steve King and Tom Latham passed on bids for the Senate. In polls, Jacobs, Ernst, Clovis and Whitaker have been packed together in results roughly ranging from 25 to 10 percent.

Even though he was latest to join the race, Jacobs has been the strongest fundraiser and has substantial personal wealth to plow into his campaign. He had total receipts of \$931,000 in just his first two months in the race, which topped the \$454,000 Ernst raised over a much longer period.

THE POLITICAL TAKE: University of Iowa Political Science Professor Tim Hagle said it is hard to predict how Republicans will vote. He said the top tier of candidates are Jacobs, Ernst, Clovis and Whitaker.

Hagle said Jacobs has the ability to reach people through robust campaign spending and hiring staffers. He said Clovis is working a more person-to-person grassroots campaign, "the (Rick) Santorum approach" that helped him win the 2012 Iowa caucus presidential contest.

Hagle said Whitaker is better known in central Iowa and he is a former Iowa Hawkeye football player.

Goldford said many Republican women want Ernst to become the first woman in Iowa history elected to Congress. But it's an open question if that push is enough to enable Ernst to win the primary with five male opponents, he said.

Hagle said the tenor of the campaign will soon heat up, with "more elbows thrown" by the candidates at each other.

Said Hagle, "It is a matter of them turning out their supporters" in June.

NEBRASKA

WHEN: The primary in Nebraska is May 13, for the seat being vacated since Republican Mike Johanns.

CANDIDATES: Republican candidates include Midland University President Ben Sasse, of Fremont; Omaha corporate attorney Bart McLeay; former state treasurer Shane Osborn, of Waterloo; Sid Dinsdale, a bank executive from Elkhorn; and Clifton Johnson, a businessman from Fort Calhoun.

Democrats in the primary are Dave Domina, an attorney from Omaha, and Larry Marvin, a retired businessman from Fremont.

LAY OF THE LAND: Two of the three planned debates have taken place, including one Tuesday in Omaha. Clifton hasn't participated in the senatorial debates.

Sasse and Osborn have been polling at the top in the Republican field. Sasse is the fundraising leader, and on Thursday he received the endorsement of Sarah Palin, the Republican vice presidential nominee in 2008.

Osborn came to national prominence in April 2001 when flying a routine Navy mission in the Pacific. His plane was hit by a Chinese fighter over international airspace and landed China. Osborn and crew of 23 were held hostage by the Chinese government for 12 days.

Domina is seen as the favorite of the Democratic party establishment, while Marvin ran for the U.S. Senate previously in 2012 and 2008, finishing fourth in that primary.

THE POLITICAL TAKE: Wayne State College Political Science Professor Mark Leeper said Sasse and Osborn have risen to the top of the pack. He said they both are young, hail from smaller towns and have strong resumes that will appeal to voters.

"Both are kind of New Generation, ambitious Nebraska politicians," Leeper said.

Osborn has proven he can win a statewide position, and continues to tout his military experience, Leeper said.

Leeper said Sasse has made "quite a sprint" at a young age through impressive positions, first as U.S. assistant secretary of Health and Human Services and then leading Midland University. He said Leeper has run his campaign by hammering on one issue, criticism of the health reform law.

Among the Democrats, Leeper predicted Domina will dominate.

"Whoever wins (the Republican) primary is going to be our senator, without a doubt," Leeper said.

SOUTH DAKOTA

WHEN: The primary is June 3. U.S. Sen. Tim Johnson, a Democrat from Vermillion, is not running for re-election.

CANDIDATES: Republicans include former Gov. Mike Rounds; state Sen. Larry Rhoden, of Union Center; state Rep. Stace Nelson, of Fulton; and Sioux Falls physician Annette Bosworth.

Sioux Falls businessman Rick Weiland is the Democratic candidate.

LAY OF THE LAND: Some thought Rounds would freeze out other Republicans with his early announcement that he would run for the Senate. Yet three other candidates entered the race, and frequently contend that Rounds is comparably a moderate.

Rounds is the polling and financial campaign leader. He had raised \$2.1 million through the end of 2013.

THE POLITICAL TAKE: Black Hills State University Political Science Professor Ahrar Ahmad said Rounds is the heavyweight.

"He has three huge advantages, name identification, experience and fundraising," Ahmad said. "Governor Rounds' position is so overwhelming."

He said Bosworth, Nelson and Rhoden have an uphill climb.

"It is not impossible for one of them to catch up, but it is highly unlikely," Ahmad said.

He said Rhoden and Nelson have knowledge of what it takes to win a campaign seat, so they may be better versed than Bosworth to rise.

Iowa, Nebraska political ads expected to flood Sioux City airways

SCJ

TV viewers in Siouxland last week may have seen Mark Jacobs brandishing a calculator as he promised to fix Washington's problems, or heard an off-air announcer describe Ben Sasse as "Nebraska's ObamaCare Nemesis" while a brilliant sun set over a weathered red barn.

The political ads touting Jacobs and Sasse -- U.S. Senate contenders in neighboring Iowa and Nebraska, respectively -- are part of an opening salvo in a hotly contested campaign season expected to dominate local airways in the weeks and months leading up to primary and general elections in Iowa, Nebraska and South Dakota.

With control of the U.S. Congress and governor's mansions and statehouses in Des Moines, Lincoln and Pierre up for grabs and a bevy of candidates and outside interest groups raising huge sums of money, a political buying spree likely awaits Sioux City stations.

"We're anticipating that it's going to be a very robust year for political spending in the market," said John Curry, general manager for local ABC affiliate KCAU.

Siouxland TV viewers are used to a barrage of political spots flooding the channels.

The tri-state viewing area ended the 2012 election cycle as one of the top five nationally in candidate and issue-oriented spending, as a percentage of total market revenue. In a spirited contest for Iowa's five electoral votes, President Barack Obama and GOP nominee Mitt Romney and their allies unleashed \$7.33 million in ads on Sioux City stations between March and November 2012.

Adrian Wisner, general sales manager for KTIV, the local NBC and CW affiliate, said while 2014 election spending undoubtedly won't be nearly as high as the presidential level two years ago, it likely will rival the last mid-term election. In 2010, the market combined to take in \$2.5 million. Wisner said that was the most she had witnessed for a mid-term election in her 30 years in the advertising business.

MULTI-STATE RACE

Sioux City is one of the rare U.S. markets that extend into three states. This year, for the first time in recent memory, all three have races for open U.S. Senate seats.

Voters in all three states also will elect a governor and a representative to the U.S. House. Add in contests for the state legislatures, other statewide offices and various campaigns for state ballot issues and the local airways likely will be cluttered with political ads by the general election in November.

Up first is Nebraska's May 13 primary, followed by June 3 primaries in Iowa and South Dakota.

While the Republican Senate races in Iowa and Nebraska feature crowded fields of candidates capable of funding expensive TV ad campaigns, spending in the Sioux City market is off to a somewhat slow start, said Steve Scollard, general manager of sister stations KMEG and KPTH, the local CBS and Fox affiliates, respectively.

"It's kind of like people waiting at the starting line to begin a marathon," Scollard said. "They're all looking at each other, waiting to see who's going to break first. Somebody breaks from the pack, and everybody else decides it's time to start running."

Wisner said she expects ad buys to kick into high gear later this month, when stations start offering candidates more favorable rates, as required by federal election law.

Within 45 days of a primary and 60 days of a general election, stations must charge candidates "the lowest unit rate," which is calculated as the average of what all advertising during a particular show costs. In practice, candidates sometimes pay more to ensure their commercials aren't bumped to less desirable time slots.

The 45-day window for the Nebraska primary kicks in March 24, Wisner said. Because Sioux City stations cover a multi-state region, that's also the starting date for Iowa and South Dakota candidates.

That means candidates in those two states will have 75 days before their primaries to run commercials at the lowest rates, she said.

Mark Jacobs, one of five Republican contenders for the Iowa Senate seat opening with the retirement of Democratic Sen. Tom Harkin, didn't even wait for better rates.

Jacobs, a former energy company executive who has injected a heavy dose of his own money into his campaign, was the first to go on the air in Sioux City, with a spot in December designed to introduce himself to voters.

Last week, Jacobs started running a second spot in the Sioux City, Des Moines and Cedar Rapids markets that seeks to contrast his business leadership of being able to balance a budget, reduce debt and turn around a struggling company with Washington's "empty toolbox."

Also in the hunt for the Republican nod are state Sen. Joni Ernst, former U.S. Attorney Matt Whitaker, Sioux City talk-radio host and Morningside College professor Sam Clovis and David Young, the former chief of staff to GOP Sen. Chuck Grassley.

Democrats quickly coalesced behind Rep. Bruce Braley, who represents an eastern Iowa House district.

Political analysts see the race for the Senate seat in the swing state of Iowa as one of several that could decide control of the Senate, where Democrats now hold a five-seat majority.

In deep red Nebraska, Republicans are heavy favorites to hold the Senate seat being vacated by GOP Sen. Mike Johanns. But the contest for the Republican nomination is a hotly contested affair that is attracting a great deal of outside money.

Former state Treasurer Shane Osborn has considerable advantage in name recognition over the other top-tier contenders, who include Midland University President Ben Sasse, Omaha banker Sid Dinsdale and Omaha attorney Bart McLeay. Clifton Johnson of Fort Calhoun rounds out the five-man Republican field.

None of the Nebraska candidates has yet to air his own commercial in the Sioux City market. But starting last week an outside group, the Legacy Foundation Action Fund, weighed in on behalf of Sasse.

The Legacy-paid ad touts a cover story about Sasse that appeared in the conservative publication National Review, which dubbed the tea party favorite "Nebraska's ObamaCare Nemesis."

Wisner said more spending on the Nebraska Senate race is on the way, from both the candidates and outside groups. KTIV's coverage extends into nine northeast Nebraska counties, nearly as many as the station's 12-county Northwest Iowa area.

"There have been years that the Nebraska spending has exceeded the Iowa spending," Wisner said.

Executives with KTIV and other Sioux City stations don't expect to pull in many South Dakota political ads this year, primarily because their coverage maps are mostly limited to a single county, Union, in the southeast corner of the state. Republican Gov. Dennis Daugaard also is widely expected to cruise to re-election, and former GOP Gov. Mike Rounds is a heavy favorite to capture the Senate seat being vacated by retiring Democratic Sen. Tim Johnson.

SUPER PACS

Legacy Foundation, which advocates for "responsible and responsive government" on issues from tax policy to education, is one of the growing number of 501(c)(4) groups, named for the chapter in the tax code from which they derive their authority.

The so-called super-PACs, which can collect and spend unlimited sums of cash, flooded the nation's airways with issue-oriented ads in the 2012 presidential election and are already running commercials boosting 2014 candidates they favor and attacking candidates they oppose.

Americans for Prosperity, the advocacy group backed by billionaire brothers and businessmen David H. and Charles Koch, has opened an Iowa office and has bombarded Braley with hard-hitting ads on ObamaCare.

NextGen Climate Action, an advocacy group headed by billionaire Tom Steyer, is looking to back Braley and other Senate candidates who support climate change legislation, and attack other contenders who oppose such efforts.

Local stations do not have to offer PACs and other outside groups the same lowest unit rates as candidates.

"Rate is not an issue for the super-PACs," Chuck DeVendra, director of sales at WBNS-TV, a CBS affiliate in Columbus, Ohio, told Bloomberg News in an August 2012 story. "There's so much demand that we've had to walk away from some of their money."

University of Iowa pays Coralville \$1M for tax-exempt clinic; city keeps it all

The Gazette

The University of Iowa pays the city of Coralville more than \$1 million a year in place of property taxes for a medical clinic that is tax exempt in a deal that is unusual in Iowa and nationwide.

The city in turn keeps all that money even though the agreement is based on a tax rate that includes the tax levies of Johnson County and the Iowa City Community School District.

The "payment in lieu of taxes," as it is known, is for the UI Health Care clinic in Coralville's Iowa River Landing district off Interstate 80 and First Avenue.

At a little more than \$1 million a year for the 150,000-square-foot property, it's an agreement many cities in the United States would love to have, said Daphne Kenyon, an economist who co-authored a leading report on payments in lieu of taxes, or PILOTs.

"I have not before heard of a specific case where the actual dollar amount of a PILOT for one individual development was so high," said Kenyon, a fellow at the Lincoln Institute of Land Policy, a Massachusetts-based think tank.

The \$73 million outpatient clinic in Iowa River Landing opened in fall 2012 and had 27,382 patient visits in its first year. It is home to a dozen medical specialties and other services, freeing up space at the main hospital in Iowa City.

Another Coralville land deal in Iowa River Landing — the use of tax breaks in 2011 to attract a Von Maur department store — has received intense scrutiny.

But the PILOT agreement mostly has gone unnoticed, although it was approved by the Iowa Board of Regents, which oversees the state's public universities and the University Iowa Hospitals and Clinics, and the Coralville City Council in public meetings in 2010.

Coralville received its first payment last year at \$1,026,774. This year's amount is \$1,013,011.

The payment is adjusted annually based on the tax rate. The agreement has no end date.

Rep. Tom Sands, a Republican from Wapello and chairman of the Iowa House of Representatives Ways and Means Committee, said he had been unaware of the agreement but questioned Coralville's rationale for keeping the full amount when county and school district taxes are part of the equation, and noted the UI and its hospital are part of the state government.

"You've got one entity of government paying another entity of government and, without knowing the full scope of the agreements, you just question whether that's in the best interest of the taxpayers that are all involved," he said.

UI and Coralville officials, however, defended the agreement as reasonable.

Iowa River Landing is a 180-acre former blighted area that the city owns and is redeveloping with hotels, stores, office space and residential units. City

Administrator Kelly Hayworth said one of the project's goals is to generate more tax revenue for Coralville, and the clinic — at the entrance and visible from I-30 — is on one of the most valuable sites in the district.

"And so one of the things we said (to university officials) is that, 'We'd be glad to sell you the lot and all of that, but that's one of the conditions, that we have a PILOT,'" Hayworth recalled. "Because that was so important, that was a major part of what we were doing there."

UI Senior Vice President and Treasurer Doug True said hospital officials wanted that specific location for its prominence and its convenience for patients and staff. He also said the hospital has a history of paying property taxes for its clinics.

"UI Health Care very much wanted that site for its patients," he said. "That (PILOT) was the tax consequence of it."

There seems to be more interest in PILOTs in recent years as municipalities look to not-for-profit organizations and colleges that don't pay property taxes but receive city services, Kenyon said.

The agreements are voluntary but have been the [source of friction in communities](#).

Hundreds of PILOT payments found in studies, media reports or researched by The Gazette failed to turn up one comparable to the UI-Coralville deal when it came to the amount paid, \$1 million, for the size of the property, 150,000 square feet.

The most lucrative agreements usually involve large hospitals or the entire campus of a college or university.

The city of Iowa City, where the bulk of the UI campus and the UI Hospitals and Clinics are located, received \$1.76 million in fiscal 2013 for providing fire service to 16.8 million square feet of campus.

The payment is determined by a formula that includes the square footage of UI buildings, the Fire Department's expenses and a couple of other variables.

City Manager Tom Markus said he found the agreement fair when he started with the city, and that has not changed upon learning of the UI-Coralville PILOT.

"I wouldn't try to make the argument that our agreement is unfair because another seems most generous," he said.

He also said that asking for more in light of what Coralville receives for one property "doesn't seem like the ethical thing to do."

In addition to the Iowa River Landing clinic, Coralville is to get \$150,984 in lieu of taxes this year for three properties in the UI Research Park.

The Lincoln Institute of Land Policy has a [database](#) from a 2011 survey of 288 not-for-profit organizations that made payments in lieu of taxes. Only 17 paid more than \$1 million, and all but one of those were either elite private schools — Harvard, Yale and Stanford topped the list — or hospitals.

The Lincoln Institute did not survey public universities because most, like the UI, are part of state governments and are not nonprofits, Kenyon said.

Other examples The Gazette found included:

- Only four of the 13 [medical institutions that participated](#) last year in Boston's PILOT program, arguably the most successful in the nation, paid more than \$1 million. All 13 had property values nearly double to 64 times higher than the \$28 million value placed on the Iowa River Landing clinic for the UI-Coralville PILOT.
- Syracuse University pays the city of Syracuse, N.Y., about \$1 million a year in acknowledgement of city services it receives on its 680-acre campus.
- Aside from Iowa, two of eight Big Ten schools that responded to an inquiry have PILOT agreements. The University of Minnesota, Twin Cities pays about \$50,000 a year. Penn State University paid nearly \$2.4 million in 2012 for several services.
- Iowa State University paid Ames \$1.47 million for fire service last fiscal year. ISU also has paid \$935,220 in property taxes this fiscal year for seven buildings it owns and operates in its research park.
- Cedar Falls is budgeted to receive \$587,450 from the University of Northern Iowa this year for providing fire service to nearly 4.8 million square feet of building space.

With the Iowa River Landing medical clinic in a tax increment financing, or TIF, district, Coralville's [controversial use](#) of that economic development tool also has come into play with the UI-Coralville PILOT.

To determine the \$1 million payment, the UI and the city set the value of the exterior of the clinic at \$28 million. The interior is not subject to the PILOT.

The taxes are calculated using the full rate for the tax district. That includes not just the city's tax rate, but also those from [several other bodies](#), the

biggest being Johnson County and the Iowa City Community School District.

Hayworth, the city manager, said Coralville keeps the full payment because the property is in a TIF district.

In a TIF deal, the taxes resulting from the increased value of a redeveloped property go back into the TIF district and not to tax-collecting bodies.

Coralville is putting the money toward other projects and to pay back some of the expenses the city incurred buying the Iowa River Landing properties and cleaning them up, Hayworth said.

If the payment from the medial clinic was an even \$1 million this year and was distributed as a regular property tax collection not in a TIF district, approximately \$190,500 would go to Johnson County, \$387,000 to the Iowa City school district and \$382,500 to Coralville.

Johnson County Supervisor Rod Sullivan, a vocal opponent of what he sees as TIF abuses by cities, said it's inappropriate for county and school taxes to be part of the equation in determining the tax rate when Coralville gets all the money.

"It doesn't necessarily make sense," he said. "It's hard to justify for me."

Hayworth said if the TIF district were to end, either the other tax-collecting bodies would get their shares, or the UI would only pay the equivalent of the city's taxes. He was not immediately sure. The agreement does not spell out that scenario.

The TIF district has no expiration date.

Johnson County resident Douglas Paul, a member of a citizens group critical of how Coralville does business, said the use of the full tax rate was unfair to taxpayers in the county, school district and state. The state backfills some of the revenue school districts lose to tax increment financing.

Paul was part of a [lawsuit](#) that unsuccessfully tried to stop the Von Maur deal.

Von Maur received \$9.5 million from Coralville to build its store, paid \$10 for the property and has its property tax payments capped at \$150,000 a year plus inflationary adjustments, with Coralville paying anything over. A recent assessment of the store's value could put its tax bill at more than double that.

The UI paid the city \$2 million for the clinic property and each year pays the \$1 million PILOT and its share for a city-built parking ramp, which last year was \$1.1 million.

"In contrast to Von Maur, the university did not get a good deal," Paul said.

Hayworth disagreed.

"The site that the university hospitals wanted was the prime site of any of the locations in Iowa River Landing ... and so we were very clear up front that if they wanted that site, the whole purpose of this was to generate tax dollars for the redevelopment of the area," he said.

The PILOT agreement says "the city will provide police, fire and other services to the Property and construct and maintain streets, sidewalks, storm water drainage and other improvements and facilities serving or benefiting the Property."

The Coralville Police Department responded to 90 calls for service at the clinic in 2013. The Fire Department responded to six incidents, all of them for malfunctioning fire alarms.

Coralville's Fire Department budget this year is \$938,435. Its Police Department budget is \$4.1 million.

The UI's True said the hospital making a payment in lieu of taxes for the clinic is not surprising.

The hospital has seven other clinics in Iowa City, Coralville and North Liberty away from the hospital's main campus. All are in rented spaces on which the owners pay property taxes, which are passed on to the hospital through the leases, True said.

The amount paid by those clinics last year was \$117,406, according to the UI.

Of the [seven clinics](#), five are small QuickCare sites for walk-ins and two are family medicine clinics.

The Iowa River Landing clinic has 13 specialties, counting surgery, radiology services, a pharmacy, a hearing aid center, cardiac rehabilitation services and more, [according to its website](#).

The leadership of the hospital is committed to the clinics paying taxes just as the clinics of not-for-profit hospitals do, True said. So even if hospital officials had decided on a location other than Iowa River Landing for the outpatient clinic, a PILOT agreement would have been made, he said.

"We would have determined a method and gained our board's approval to pay an equivalent amount of tax," he said. "That's sort of a principle that they operate under."

The Board of Regents office referred all questions to the UI.

By and large, medical clinics are not considered charitable in nature and therefore must pay property taxes, even those run by tax-exempt nonprofit hospitals, said Julie Roisen, the property tax division administrator for the Iowa Department of Revenue.

The UI hospitals' clinics, however, are exempt from property taxes because they are owned by the university, which is part of the state government, Roisen said.

The UI does not pay taxes on its sports medicine facility in Iowa City, away from the hospital campus. UI spokesman Tom Moore wrote in an email that the "Sports Medicine Clinic" has not just clinic space but also research and faculty offices.

It was built on UI land and "does not occupy private commercial space within the community."

The UI bought the land for the Iowa River Landing clinic from the city of Coralville.

The Iowa River Landing clinic is expanding into open space on its fourth and fifth floors. The UI, through the Board of Regents, also owns property immediately to the south for a potential second facility.

True said no decision has been made on whether to build another clinic.

"Many, many factors would be involved in it," he said. "How it'd be used, what kind of clinical services ... parking, taxes."

TIF incentives can bring happy endings

The Gazette

Much typically is said at the start when cities like this one hand out economic development incentives. A developer or business insists the help is crucial, the city justifies its support and the critics fret about giveaways.

But those are just the first pages in much longer tales, which often have nice endings, city officials say.

Just such an ending is within sight in the sprawling area on Cedar Rapids' far south side where the Southwest TIF District, created by the city in 1997, will be coming to an end in 2017, say the city's top two development officials, Gary Kranse and Jennifer Pratt.

According to their figures, this area, which encompasses some 6,000 acres and about 9.5 square miles, began with a base property valuation of \$39 million in 1997.

Today, the property value in the district stands at \$228 million, a 478-percent increase.

Property-tax revenue based on the base value has continued to come into the local taxing entities — primarily the city, county and school district — since the tax increment financing or TIF district's inception.

The TIF incentive works as the valuation in a district and/or of a project increases in value from the base value because of new development. Property-tax revenue based on the new valuation can then be reimbursed to City Council-approved development projects in the TIF district, helping to create the increase in valuation, and/or kept in the district to make infrastructure improvements.

Today, 17 years after the Southwest TIF District's creation, the city has reimbursed about \$8 million in property-tax revenue to five new developments — Nordstrom, NCS/Pearson, Highway Equipment, Prairie View Land Co. and tenant HR Green Co., and Design Engineers.

This reimbursement of revenue from property taxes, which would not have been collected but for the new investment, has helped in the creation of more than 1,500 jobs with an estimated annual payroll of \$50 million, according to city figures.

As importantly, said Pratt, assistant director of the city's Community Development Department, the new private investment in the district has generated additional property-tax revenue that has stayed in the district to help pay for \$32 million in infrastructure improvements, including work on Wright Brothers Boulevard SW, Sixth Street SW, 18th Street SW, 76th Avenue SW, the viaducts on Edgewood Road SW and expanded sewer and water service.

The infrastructure improvements, Pratt said, have turned this area targeted almost two decades ago for industrial and commercial development into a "shovel-ready" spot for additional development in the years ahead.

“What gets the headlines are development agreements like Nordstrom’s, but what doesn’t is the improvement along Wright Brothers Boulevard SW, and we’re using TIF as a resource to get that done,” Pratt said. “Or the increased water capacity (to support industrial/commercial development) on 60th Avenue SW. Those don’t make the headlines, but they are huge investments in dollar amounts.”

Come 2017, all of the revenue from property taxes on the increased valuation in the district will go to the general operating budgets of the local taxing bodies.

However, Pratt said that more than half of that revenue has been leaving the district and going into general operating budgets since 2011 because it has not been needed in the district to pay off debt on improvements. Such TIF districts can only keep revenue generated by the rising property valuation if it can be used on projects in the district, Pratt said.

Kranse, director of the city’s Community Development Department, said the city needs to tell the whole incentive story more often about jobs created, new opportunities opened up for future development and significant new revenue that ends up in the end in government coffers, he said.

The city of Cedar Rapids has 18 TIF districts with a total incremental taxable valuation above base value of \$658.3 million. Of that amount, tax revenue from \$240.5 million of the TIF valuation or 36.5 percent will not be used in TIF districts in the budget year beginning July 1. Thus, it goes to and is factored into the city’s total taxable assessed value of \$5.8 billion, according to Finance Director Casey Drew.

Jim Halverson, vice president and principal at engineering firm HR Green Co., was the city of Cedar Rapids’ development director from 1996 through 2001 when the city created the Southwest TIF District.

At the time, he said the city typically looked to provide economic development incentives project to project. But he said the city decided that it can make sense to look at what incentives might do in a broader district that has been targeted for industrial and commercial development. In so doing, some of the incremental increase in property-tax revenue then could be used for individual projects as well as to improve infrastructure in the identified district to attract more development projects, he said.

“In other words, we essentially created a multiplier effect in the district,” he said.

Halverson said that the use of tax increment financing is in many respects a conservative incentive when jurisdictions couple it with performance standards and a regimen to verify that the standards for private investment and job creation are met.

“I fail to see what is really lost in that arrangement,” he said. “In the absence of it, I can tell you it’s going to compromise a community’s competitiveness in attracting new investment just because it’s become a standard or an expectation.”

Seventeen years after he helped create the Southwest TIF District, Halverson said he has a good feeling about what has come to be there, including all of the infrastructure improvements that have come with the new private-sector investment.

“Wright Brothers Boulevard: It was a rural cross section that was built around the World War II era,” he said. “And look at it today. And the Edgewood Road viaduct. ... All of those things leave a very lasting impression and make the adjacent property far more attractive for development to occur.”

City Council member Scott Olson, a commercial Realtor, has been one member of the Cedar Rapids council of late who has questioned some incentives that the council has provided. Even so, Olson is a proponent of incentives as long as the city can answer the question, “Where’s the beef?”

He also said that the city needs to better document what benefits have accrued to the city when an incentive comes to a close.

By way of example, Olson said the tax break (not TIF) is ending soon for the WaterTower Place loft condominium project, which obtained a 100-percent, urban-renewal property-tax break on improvements for 10 years in exchange for the renovation of an empty warehouse just off the downtown. Those property taxes soon will start to be paid, he said.

Olson also said Cedar Rapids is no different from other Iowa cities, and he pointed to the city of Coralville, which has taken its share of criticism for tax incentives for infrastructure improvements in and around investments like Coral Ridge Mall.

Ellen Habel, Coralville’s assistant city manager, said the Mall Urban Renewal Area is set to expire on June 30, 2018, at which time the property-tax revenue from the incremental increase in property value -- \$389 million to date -- will have paid off debt for improvements in the mall district and will come into local government operating budgets.

“Growth isn’t bad news,” Habel said. “The mall has been good for Coralville. The development around the mall has been good for Coralville.”

In Cedar Rapids, Ron Corbett’s arrival in the mayor’s office in 2010 as the city’s pace of flood recovery took off has led to a flurry of economic

development incentives for an assortment of individual projects, 16 in total. Eleven are TIF projects and five are urban revitalization projects with generally smaller incentives.

The largest projects are a \$20-million TIF incentive for the \$90-million Westdale Mall transformation and an \$8-million TIF-funded parking garage for the \$40-million PCI medical clinic in the city's new MedQ medical district. The city also is prepared to build a \$28-million parking ramp for the \$150-million casino project — if it secures a state gambling license — with revenue from the casino's future property taxes earmarked to pay off the ramp's cost.

"We really want to emphasize development, development that's good for the community and sustainable over time," the city's Kranse said. "And there are things you need to bring to the table to help some of that occur."

Kranse said he knows that some critics liken economic-development incentives to "giving away money." In truth, though, there are no incentives without private investment and without recipients delivering on what they promise in return for help, he said.

"... (it's) naked ground versus something that is going to happen that will generate additional tax dollars," Kranse said.

Halverson, one of Kranse's predecessors as the city's development chief, said he isn't planning in 2017 to stand out in the sprawling, still largely undeveloped Southwest TIF District one morning as the sun rises and the district and its 20-year mission of economic development comes to an end.

"To me, it's been kind of a blink," Halverson said. "When we say we want economic development, what does that mean? ... I do think it's an issue of stepping up and participating."

Same-sex marriages expected to boost travel, hospitality industries

The Gazette

Growing acceptance and legalization of same-sex marriages in the United States and around the globe will fuel the travel and hospitality industries and boost spending by lesbian, gay, bisexual and transgender consumers, experts say.⁷

Seventeen U.S. states and the District of Columbia, and a similar number of countries recognize gay unions. Last month Scotland legalized gay marriages, joining a list that includes the Netherlands, Brazil, France, New Zealand, Argentina, South Africa and others.

Although the LGBT community is a small segment of the U.S. population, Charlie Rounds, of the Florida-based International Gay and Lesbian Travel Association (IGLTA) Foundation, said the changes in marriage laws will have big implications for travel in the United States and abroad.

"It is going to be an inordinate percentage of the wedding market in the next five to 10 years," he said in an interview during a visit to New York.

"Even though we are only maybe 4 or 5 percent of the population, the number of us getting married is probably going to be 20 times that because we couldn't and now we can," added Rounds, who is also the managing director of U.S. marketing agency OutThink Partners.

Gay couples who have waited years, and in some cases decades, to legalize their unions will be tying the knot and many have the economic resources to pay for large, expensive weddings in far-flung locations.

"We're getting married at a different place in life," said Rounds, who wed his long-term partner in a big church wedding.

Increased visibility, new destinations

Data released in November by Out Now Business Class, a resource website to reach LGBT consumers, showed that in 2014 LGBT tourism spending is expected to top \$200 billion for the first time.

The United States accounts for \$56.5 billion of the spending, according to the figures, followed by Brazil with \$25.3 billion. LGBT Europeans are expected to spend \$66.1 billion on tourism.

LoAnn Halden, media relations director of IGLTA, said LGBT travel has increased in visibility in recent years.

"As acceptance of LGBT rights increases people feel more comfortable being open when they are traveling and more destinations are getting on the bandwagon to market to gay travelers," Halden explained.

Key West in Florida, San Francisco, New York and Provincetown in Massachusetts, which have long welcomed gay tourists, are being joined by new cities, regions and countries.

"The number of people marketing openly has also increased," Halden added in an interview. "Now we are seeing places like Door County, Wisconsin,

marketing to the LGBT community. In South America we are seeing more smaller regional destinations.”

Gay cruises now travel to Cambodia and Vietnam, as well as some Croatian ports, and Asia, Brazil and India are among the growth markets.

Major hotel brands and airlines are also appealing directly to the LGBT community through microsites and advertising.

Rounds said safety and legal protection are still concerns for gay travelers and he stressed the importance when searching for travel destinations to look at their rights on LGBT issues.

“We are demanding visibility and equal rights,” said Halden. “There are a lot of people who haven’t been able to get married and they are queuing up.”

42-year Iowa legislator Horn faces unlikely primary challenger

The Gazette

The dean of the Iowa Legislature is making one last run from his safe Democratic west-side Cedar Rapids Senate District.

There appears to be just one hurdle for 42-year legislator Sen. Wally Horn – a primary challenge. The last time Horn had a primary opponent was 32 years ago – a year after his current primary challenger was born.

If that’s not enough to make the race interesting, Horn’s challenger, Lance Lefebure, ran in a west-side House district that makes up half of Senate 35 two years ago – as a Republican. He lost to incumbent Democrat Rep. Todd Taylor, who was first elected in 1995.

“I see myself as being fiscally conservative and socially liberal,” Lefebure said Friday. “I believe it is a rather popular stand here in this district based on conversations I’ve had with people.”

Horn isn’t sure how the party switch is going to play in the heavily Democratic district.

“It’s dangerous to elect someone from the middle of the road or to the right of center” who might not agree with the liberal positions of the Senate Democratic caucus, Horn said.

“I don’t know how quickly you can go from being a Republican to standing with the Democratic caucus,” Horn said at the capitol Wednesday.

Voters shouldn’t be concerned about where he’ll stand, Lefebure said. “I’m not.”

Standing with the caucus is a good thing, “but one of the core principles of democracy is that we represent the people.”

He’s received a warm welcome from Senate 35 voters as he’s door-knocked, Lefebure, 32, said.

As far as the campaign, Horn said he’ll “do the regular plan” with signs, baseball cards and a get-out-the-vote effort.

He’s hoping that primary races for the Linn County Board and the Iowa U.S. House 1st District race will help turn out “regular Democrats” who have a history of voting for him. Democrats outnumber Republicans nearly 2-to-1 in Senate 35, which covers most of west-side Cedar Rapids, extending south and west to the Linn County line. There are 16,931 Democrats to 9,171 Republicans and 16,854 no party voters.

Many of Horn’s constituents know him from his 30 years as a teacher in Cedar Rapids.

“I can’t go more than a block without someone saying, ‘You had my kid in school,’” said Horn, 80.

Lefebure is aware of voters’ familiarity with Horn. He’s also found they’re “warm to the idea of new blood.”

“They’re interested in someone who can get something done,” he said.

Lefebure grew up on a family farm near Fairfax. He’s a graduate of Prairie High School in Cedar Rapids and Indian Hills Community College in Ottumwa with a degree in computer systems and networks. His four-year-old company, Lefebure Design LLC, focuses on using technology to improve agriculture with high-accuracy GPS receivers, electronic control of hydraulic circuits, micro-controllers, and data processing.

FUNNEL DAY: Minimum Wage Increase Among Bills Killed

WHOTV

Friday was the second funnel day at the State Capitol.

Bills had to make it out of committee by the end of the day to stay alive for the rest of the session.

Among the bills still up for consideration are a crackdown on bullying in schools, banning minors to use e-cigarettes, legalizing

fireworks and regulating drones.

Among the bills killed by today's funnel are traffic camera regulations, texting while driving, a minimum wage increase, voting rights for convicted felons and banning minors from using tanning beds.

Funnel deadlines are used to lower the amount of bills trying to move their way through the legislature.

This session is scheduled to end on April 22nd.

GAZETTE EDITORIAL: Don't lower strip-search standard

The Gazette

The Iowa Legislature should drop consideration of a bill that would lower the legal threshold for strip searches in county jails and municipal holding facilities.

A bill approved by the Iowa House would allow officers to strip-search anyone in a jail's general population if they have "reasonable suspicion" that detainee is in possession for contraband. That includes offenders arrested for low-level misdemeanors, such as traffic violations and public intoxication.

Under current law, those low-level offenders, unlike those arrested for felonies and more serious misdemeanors, can be strip-searched only if officers have "probable cause" to think they're carrying drugs, weapons or other contraband. That's the same legal standard law enforcement must meet to obtain a search warrant.

The House bill is better than an original proposal by the Iowa County Sheriffs and Deputies Association, which would have removed any legal standard and left strip searches up to the judgment of jail staff. Sheriffs contend allowing unsearched offenders into the general population among other inmates who have been strip-searched raises safety issues.

We have no doubt that the sheriffs' concerns are legitimate. But we don't think they outweigh the potential harm of vastly expanding law enforcement's authority to strip-search.

Strip-searches, although sometimes necessary, are not a variety of police power that should be taken lightly or considered routine. And although searches might be handled swiftly and efficiently in a well-run facility, the potential for abuse, the possibility of strip searches being used as a form of humiliating punishment, rises sharply as legal standards weaken. And it's hardly fair to strip-search offenders who lack the resources to make bail while not searching those who never enter the general population because they can buy swift release.

So far, the bill has not moved much in the Senate. We think it ought to stay that way.

Read more: <http://thegazette.com/2014/03/14/dont-lower-strip-search-standard/#ixzz2w8UCEkzV>

Lt. Gov. pays visit, sees STEM at work in schools

Spencer Daily Reporter

As part of a series of six town hall meetings state-wide, Lt. Governor Kim Reynolds visited Spencer Friday afternoon to meet with members of the school and community and see the progress STEM (Science, Technology, Engineering and Math) has made in the area.

"We're raising awareness, and we're building momentum," Reynolds said. "We're seeing that as we hold these meetings, and we know the partnerships between the school, the businesses and the community are critical in giving students a great STEM education."

Reynolds serves as co-chair to Gov. Branstad's STEM Advisory Council, along with May Andringa, president and CEO of Vermeer Manufacturing.

"The council is a public-private partnership," Reynolds said. "There's a growing awareness of STEM, and it's getting results."

Results include higher interest and scores among students who participated in the first round of the STEM program.

"STEM occupations are projected to grow at a faster pace than non-STEM jobs," Reynolds said. "And they pay better. STEM workers earn about 26 percent more than non-STEM workers."

Leann Jacobsen, president of the Technology Association of Iowa and a member of the STEM advisory council, spoke on the relationship between businesses and STEM.

"I have the privilege of representing over 300 companies of all sizes and industries," she said. "Together we are the 'T' in STEM. And the leaders of these companies all share one top concern: Where will the skilled workers come from who are needed for their companies to grow and thrive in Iowa?"

Jacobsen noted the demand for high tech workers far outweighs the supply.

"This isn't just a state challenge, this is of national importance," Jacobsen said. "In a world driven by innovation, we need more innovators, and it's so great that Spencer schools has stepped up the focus of STEM in its classrooms."

Project Lead the Way, a program of STEM, has been implemented at the middle school in both the sixth and eighth grade classrooms, and will be implemented in seventh grade beginning next year. In addition, all students between kindergarten and fifth grade learn STEM a few days each week at the elementary level.

Jade Beehler, assistant principal at Spencer High School, noted some of the efforts the high school is making to continue the STEM curriculum at the high school.

"As I look at what's going on at the middle school, I see we have to continue this," Beehler said. "We've implemented CASE (Curriculum for Agricultural Science Education) in the Ag program. Next year we'll continue Project Lead the Way from the middle school with Introduction to Engineering Design, and the following year we plan on beginning Principles of Engineering."

In addition, Beehler noted the district's efforts to offer the students real-world experience by partnering with area businesses.

"This four-county area has many careers in manufacturing," he said. "We've been cooperating and working together with some of these businesses, to try to get our upper-level students to go out and get hands-on experiences at those workplaces."

Other educational opportunities include workforce development training in interviewing and creating a resume.

"We're looking from workforce development to businesses to education," he said. "The industry is saying we need skilled workers, and we hope we're putting a template out there."

Reader's Watchdog: Taxpayers to benefit from sale of scrap metal

DMR

Taxpayers in the Des Moines metro saved \$12,216 last week, thanks to the vigilance of a wastewater treatment plant employee.

An anonymous employee called The Des Moines Register Reader's Watchdog asking why proceeds of scrap metal sales from the Des Moines Metropolitan Wastewater Reclamation Authority were going to the plant's employee appreciation committee.

The employee said that practice, if true, should be illegal because the committee is run by a nonprofit and the proceeds are supposed to belong to the city.

I put the question to the plant's director, Dave Miller, who said the employee was correct — and that the money belonged to taxpayers.

Miller said he and other managers had no idea the scrap proceeds were going to the committee, which holds retirement parties, buys flowers for those in the hospital and conducts other morale-boosting activities.

Miller said he learned last week that committee members were authorized several years ago to bring in scrap metal from outside the plant so that it could be sold with manhole castings and other plant scrap. But the group was to keep its own scrap — pop cans, mufflers and the like — in a separate bin.

But when the committee changed hands, new members started using proceeds from the plant's scrap, Miller said.

"We think this was an oversight," he said.

I asked Miller to provide me the value of plant scrap metal sold in the last five years and how much of that went to the employee committee.

He said \$33,000 worth of metal was sold — a larger than usual amount because of some projects taking place there. About \$18,000 went to the plant's coffers and \$15,000 went to the committee.

"We're asking them to reimburse us for the last two years," Miller said, noting that total amounted to \$12,216.

Miller said the change will reduce operating costs for the plant, and thus what he will request in tax dollars from the 17 communities who are served by the wastewater treatment authority.

By the way, Register reporters occasionally receive tips from anonymous sources, but rarely publish accusations by anonymous sources. In this column, I usually name the individuals who contact me with complaints or questions. But given that this worker feared possible recrimination from bosses or co-workers, I consented to not publishing his name.

Earlier this month, I wrote two columns on railroad crossing safety and a deadly crash in Alta. Those pieces hit home with reader Karen Carey of Spencer.

Carey wrote in to remind other readers how easy it is to fail to see oncoming trains or hear their whistles blow — and to point out that personal vigilance and greater safety at crossings both matter.

Carey and her husband had a near-collision at a county road crossing near Dickens one morning on their way to see their son in Iowa City.

"Since it was early May, no crops impeded our view," she wrote. "We had the radio on, but had just turned it down while I told my husband a funny anecdote about one of my preschoolers.

"I was waiting to dive into a magazine in my lap, but since both of us were talking, I hadn't started yet. It was a beautiful sunny morning. In other words, there was absolutely no reason we shouldn't have seen that train or heard that whistle. But we didn't."

At the last second, Carey did see the train and screamed. Her husband was able to avoid it.

"It must have been the finger of God pushing us along," she wrote. "All I remember is closing my eyes and wondering when the pain was going to start or would death be instantaneous.

"That weekend I found a magnet that is still on my fridge that has a picture of a train and says, 'Wait! You may lose! Cross crossings cautiously.'"

Now, Carey says, there are both crossing arms and lights at the crossing where she and her husband almost didn't see the train.

"I am glad that the city of Alta is trying to get something at that crossing that took those two little girls' lives," she said. "I shudder every time I hear about a train accident; we had a front-row seat to one that didn't happen."

Reader Jack Wilson of Otley wrote to me with a question about the state girls' basketball tournament:

Why were two teams from the same area — MOC-Floyd Valley of Orange City and Unity Christian of Orange City — placed in different regionals, which allowed both Class 3-A schools to advance to Wells Fargo Arena in Des Moines?

"The logical choice would have been for Cherokee to have been put in Region 2 and MOC-Floyd Valley should have been in Region 1 with Unity Christian," Wilson wrote. "From my point of view, this is preferential treatment for the Orange City teams."

To answer that one, I went to Joel Oswald, assistant director at the Iowa Girls High School Athletic Union.

Oswald said that when postseason pairings are made — in midseason — the IGHSAU aims to separate the powerhouses from a given area.

"We want to give the eight best teams in the state the opportunity to make the state tournament without having to play each other first," he said.

MOC-FV beat Unity Christian 63-57 in the state championship game.

Register sports reporter John Naughton, who has covered preps for many years, noted that because both schools advanced to the state championship game, some may take that result as validation of the IGHSAU's decision.

Lee Rood's Reader's Watchdog column helps Iowans get answers and accountability from public officials, the justice system, businesses and nonprofits. Contact her at lrhood@dmreg.com or 515-284-8549.

Register Exclusive: Estates billed for insurance costs

DMR

Janet Sharp received a jolt in the mail this month, thanks to the way Iowa is implementing an obscure part of the Affordable Care Act.

The letter from state human-services officials warned that after she dies, the government could bill her estate for what it spends on her new health-insurance coverage under the federal law. That means her two children might not inherit all the proceeds from her modest Pella house, which is her only significant asset.

Sharp, 63, lives on less than \$1,150 per month in a widow's benefit from Social Security. She was glad to obtain health insurance coverage earlier this year under Iowa's version of an expanded Medicaid program, but she didn't expect this twist.

"You're kind of between a rock and a hard place," she said.

The letters were sent to nearly 14,000 Iowans. Several things about the situation strike Sharp as unfair. For example, such letters were only sent to Iowans with very low incomes. That's because people who make a bit more than Sharp does have been steered into a different version of government-financed health insurance, which does not include what officials call an "estate recovery program."

Also, the estate-recovery rule generally applies to people who are older than 54, though many younger adults are among the 78,000 Iowans who have enrolled in the type of insurance program that Sharp joined.

"Why are they singling out 55- to 65-year-old people?" she said. "It doesn't make any sense."

According to Consumer Reports magazine, Iowa is one of 10 states invoking the estate-recovery policy for people on expanded Medicaid programs.

Emma Sandoe, a spokeswoman for the federal agency overseeing the Affordable Care Act, said states are not required to use the estate-recovery policy as broadly as Iowa is using it. She said federal officials are working to remove the policy from plans related to the Affordable

Care Act, because they fear its presence will discourage Americans from enrolling.

But Amy Lorentzen McCoy, a spokeswoman for the Iowa Department of Human Services, said her agency is just continuing a policy it applied to people who were on IowaCare. That program, which expired last year, used Medicaid money to provide limited health care benefits to poor Iowa adults.

McCoy said the estate-recovery policy is a fair way to help pay for care.

"This prudent approach sustains the program financially, allowing it to continue ensuring that Iowa's most vulnerable citizens have access to critical healthcare services," she wrote in an email to the Register.

A national expert recommended that Iowans ask state officials to change the policy, however.

"They could do that today. They could check the box and say, 'We're not going to apply this to the new Medicaid population except for nursing home services,'" said Judy Solomon, a vice president of the Center on Budget and Policy Priorities, a private advocacy group.

Even officials who purportedly understand the byzantine regulations of the Affordable Care Act have difficulty explaining why some people are subject to the estate-recovery measure and others are not.

A boiled-down explanation:

In general, working-age Iowa adults who make less than about \$16,000 per year for a single person qualify for coverage under the state's version of an expanded Medicaid program. Sharp falls into this category. She used to have coverage from IowaCare, the defunct program that had limited benefits. (She says she kept all of her IowaCare paperwork, and none of it mentions the estate-recovery rule.)

State officials recently enrolled Sharp in a new program, called the Marketplace Choice Plan, which uses Affordable Care Act money to pay the premiums for policies from private insurance carriers. That program and one for even poorer Iowans, called the Health and Wellness Plan, are part of Iowa's expanded Medicaid program.

Many other Americans with higher incomes are obtaining health insurance from a different part of the Affordable Care Act. They are signing up for private policies being sold on the federal government's online health-insurance marketplace. People with modest incomes qualify for substantial federal subsidies toward those plans, but the money is not funneled through Medicaid, so they aren't subject to the estate-recovery rule.

If Sharp made \$17,000 per year, she could obtain a heavily subsidized health-insurance plan, with a \$400 annual limit on out-of-pocket costs, for just \$56 per month, according to the federal insurance website. If she qualified for that plan, she would not run the risk of having the government seize her house after she dies.

But people making less than \$16,000 are not offered a choice. They may only enroll in the Medicaid-financed plans. Sharp said that if given the option, she "absolutely" would choose the \$56-per-month plan over the one financed with Medicaid money.

"I had planned to contribute to it," she said of the premiums.

The estate-recovery rule, implemented in 1994, was designed to prevent senior citizens from arranging their finances so they appeared poor enough to have Medicaid pay for their nursing-home care. Sharp said she agrees with that idea in principle, but she doesn't think it should apply to people in her situation.

Also, she said, officials did not clearly notify people beforehand that the government might try to recoup the costs under the new Affordable Care Act plans. Sharp said the recent letter was confusing, and she bets many people who received it missed the significance.

"They might have just thrown it in the garbage," she said. Their heirs could pay the price.

McCoy, the Iowa human-services spokeswoman, said the estate-recovery policy has brought more than \$220 million back into the Medicaid program since 1994. The policy is not invoked if a Medicaid participant leaves behind a surviving spouse or a disabled child, she said. Hardship exceptions also are available.

"All repayments are based on the estate's ability to repay," she said. "If there are no assets in the estate, which happens in the majority of cases, there is no collection."

The rule is mainly used in cases where Medicaid recipients racked up big bills for nursing home stays or similar care. Such bills average about

\$48,000 per year, McCoy said. But she said anything the government pays for Sharp's new insurance could be subject to the rule.

Solomon, the national expert, said it probably would be difficult for officials to collect money from estates of people now enrolling in Medicaid expansion programs, such as the Iowa Health and Wellness or Marketplace Choice plans. People who applied for the traditional Medicaid program had to list assets, including their houses, she said. When those participants die, program administrators can check records to get a sense of whether they left behind significant assets.

But people joining the new, expanded Medicaid programs aren't asked to list assets, so officials would have to start from scratch when determining which cases to pursue. That would be an expensive, time-consuming process, and probably would not be worth the trouble unless the person had run up huge nursing-home bills, Solomon said.

Sharp has read that Oregon and Washington decided to stop invoking the estate-recovery rule for Medicaid expansion applicants. She hopes Iowa will follow suit.

She's worried that even if she doesn't file medical claims on her new insurance plan, the government will charge her estate for the cost of her premiums. Her intent is for her children to inherit her house someday.

"I've held onto my house for 33 years, through all sorts of things," she said. "It's all I have, really."

Bill would help cities pass local option sales tax

DMR

Lawmakers and some city officials are quietly rounding up votes for a bill that would make it easier for individual cities to hold referendums for a local option sales tax and alter how that tax revenue is distributed.

City leaders in the Des Moines area have long coveted the millions of dollars in revenue an additional penny sales tax would generate. The Des Moines metro area is one of only two large population centers in Iowa without a local sales tax. Iowa City is the other.

"We think this local option sales tax is the right way to diversify our revenue," said West Des Moines Mayor Steve Gaer, a vocal advocate for local option sales tax reform. "We don't want to come back to our residents and ask them to contribute in another fashion, so isn't it fair to ask some folks coming into our community to contribute something toward it?"

Of Iowa's 946 cities, 802 collected local option sales tax revenue in 2013, according to the Iowa Department of Revenue. So did the unincorporated areas of 93 counties.

An Iowa law requiring cities that share boundaries to vote together on the issue has made it a difficult ballot measure to pass in metropolitan areas like greater Des Moines and Johnson County, city leaders say.

Past attempts at metro-wide referendums have been met with strong opposition from voters. Seven years ago, Des Moines-area voters rejected a proposal to raise the sales tax by a penny. Just 14 percent of voters approved Project Destiny, which would have split the penny tax between improving trails and lowering property taxes.

In 2009, Iowa City passed a special local option sales tax by just seven votes; money raised from the tax was dedicated to flood recovery projects. That sales tax, which generated about \$35 million over four years, expired June 30.

City officials from Polk and Johnson counties say a local option sales tax could help take the burden of paying for city services off of property taxpayers. The need for new income streams is weighing heavily on elected officials in cities facing lost revenue from state property tax reforms and increasing costs from pension systems, they say.

Local option revenue collected within a county is distributed to those cities and unincorporated areas within the county that have approved the tax using a formula based on population and property valuation.

The state charges a 6 percent sales tax, of which one penny is dedicated to school infrastructure costs.

"We need some alternative revenue sources so we can take some of the pressure off property taxpayers," said Gaer, who estimates that about 71 percent of West Des Moines' revenue comes from property taxes. He supports the local sales tax instead of adding traffic cameras or imposing a franchise fee, which other cities have done.

State Sen. Charles Schneider, R-West Des Moines, a co-sponsor of the bill and a former West Des Moines city councilman, said homeowners and businesses could see a direct benefit in lower property taxes. State law requires that it must say on the ballot what percentage of local

option sales tax revenue would go toward property tax relief and how the rest of the money would be spent.

"If a city were to dedicate 100 percent to property tax relief, that would mean they're able to reduce property taxes in that amount," Schneider said.

Jurisdictions voting on the measure can decide whether to place an expiration date on the tax or allow it to stay in place indefinitely.

West Des Moines is a retail destination that attracts people from across Iowa and the Midwest. A local option sales tax could generate more than \$7 million in new revenue per year for West Des Moines, city officials estimate.

The millions of people who visit West Des Moines each year should financially contribute to the infrastructure and public safety they use, Gaer said. The way to do that is with the local sales tax, he said.

The way Iowa law is now written, getting the issue on the ballot in West Des Moines would be a major challenge, city leaders said. The city's boundaries span four counties. Under current law, before West Des Moines voters could even consider the local sales tax, city and county leaders representing at least 50 percent of the populations in Polk, Dallas, Warren and Madison counties would have to agree to allow a special election.

"It makes it virtually impossible for any city in central Iowa, especially us, to get it passed," Gaer said.

Eight Des Moines-area cities voted on the matter as one jurisdiction in 2007. Altoona and Bondurant also voted together; voters in neither group of cities supported the proposal.

The legislation proposed by state Sens. Schneider, Matt McCoy, D-Des Moines, and Jake Chapman, R-Adel, would allow West Des Moines — or any other Iowa city — to vote on the issue individually, without requiring approval from other jurisdictions.

McCoy said he is advocating for the bill but declined to talk about it in detail.

The tax bill has been assigned to the Senate Ways and Means committee and is not subject to funnel deadlines. However, Schneider said it likely will need to go for a committee vote this week in order to move forward this year.

The proposed legislation isn't fully supported by Iowa municipal leaders. Iowa City City Manager Tom Markus questions whether allowing cities to vote individually could lead to an imbalance in property tax revenue and greater competition between cities for retail businesses.

"Businesses don't pay sales tax, people do," Markus said. "The sales tax should be distributed back to where the people live. That's a fair way of distribution."

Markus said he saw the effects of similar sales tax rules while working in Illinois. Communities with a significant amount of retail saw "almost an unjust enrichment" from the sales tax, particularly if other communities in the area did not adopt it, he said.

Schneider said it all depends on which cities decide to implement the tax. If West Des Moines and another suburb with less retail both imposed the tax, money generated from West Des Moines would flow into that other suburb, he said.

Iowa City has established a committee to study whether to try and put the sales tax back before voters. The last time Johnson County voted on the traditional local option sales tax was in 1999. At the time, six cities voted together. The measure lost 72 percent to 28 percent.

In 2009, Johnson County cities were allowed to vote individually on the local sales tax because of its special status as a flood relief measure.

The proposed legislation would also change the formula for how local option revenue is distributed. The state revenue department collects all of the local option sales tax revenue collected within a county and divides it between jurisdictions within that county that have approved the tax using a formula outlined in Iowa Code.

Seventy-five percent of the distribution is based on population and 25 percent on a jurisdiction's property value from 1982 to 1985.

Under the proposed legislation, the property values used would be from the three-year time period of July 1, 2010, to June 30, 2013, and they would be updated every three years.

"It's important because property tax valuations in West Des Moines, Clive, Waukee, Johnston, Ankeny, they have all significantly increased since 1985, and they would receive more of the sales tax revenue under the updated formula," Schneider said.

Des Moines city leaders, who have expressed a need for new revenue sources amid ongoing budget concerns, are monitoring the proposed legislation, City Manager Rick Clark said. He and others say voting on the matter individually could provide more transparency and make the issue easier to understand for voters.

"I think for propositions in the past, each city had its own plan for how the revenue was going to be used. It was very complicated and sent mixed messages to voters," Clark said.

Democrats denounce 'political retribution' of secret settlements

DMR

Democrats on Sunday launched efforts demanding Gov. Terry Branstad provide Iowans an explanation about six secret settlements paid to former Iowa employees, most who claim they lost their jobs because of their Democratic ties.

"He is either simply out of touch with the government he's supposed to manage, or he's directing a pattern of political retribution," said Iowa Democratic Party Executive Director Troy Price. "Either way, it's clear Iowa needs a new governor."

The statement was made in response to an investigation published Sunday by The Des Moines Register. All were asked to sign confidentiality agreements that would have kept the settlements out of public view, according to documents obtained by The Des Moines Register and interviews with the ex-state workers.

The state denies that the workers' positions were cut as political moves, saying the jobs were eliminated as part of a reorganization that saves the state about \$730,000 a year.

But in grievance complaints filed before the Iowa Public Employment Relations Board and interviews with the Register, the former employees say their complaints and settlements show evidence of systematic efforts by Gov. Terry Branstad's administration to embrace Republican cronyism.

The Register made multiple attempts last week to seek comment from Branstad. Spokesman Jimmy Centers said the governor "doesn't micromanage his department and agency directors." Centers wasn't immediately available for comment Sunday.

Sen. Jack Hatch, D-Des Moines and candidate for governor, on Sunday also released a statement that read, in part:

"This is a part of a pattern from Terry Branstad that we are witnessing repeatedly over several years — acting as though he is above the law and feigning ignorance as to his responsibilities as a leader," Hatch said. "This unfortunately has occurred because we have a governor that has simply been in office for too long."

The Register's Editorial: Schultz's crusade is out of sync

DMR

Since he took office three years ago, Iowa Secretary of State Matt Schultz has focused more energy on revoking peoples' right to vote than on getting eligible voters to turn out for elections. It seems to us Schultz has had it backward, and now it's apparent a healthy majority of Iowans agree.

According to The Des Moines Register's Iowa Poll published March 10, a substantial majority of Iowans surveyed put a higher priority on making sure that "every eligible, registered voter has the opportunity to vote" than on making sure that "no person ineligible to vote slips through the cracks" to cast a vote.

Seven in 10 poll participants said assuring the right to vote is more important than eliminating ineligible voters. Only a quarter saw it the other way around.

The top priority favored by most Iowans ought to be the top priority of the state's election officials, from the secretary of state to the 99 county auditors who run elections. That has been the priority of past secretaries of state, including most recently Mike Mauro and, before him, Chet Culver when he was in the job before being elected governor.

Schultz, however, launched a relentless campaign to root out ineligible voters.

First, he sought access to an unreliable federal database of illegal immigrants and drafted "emergency" rules that would allow his office to initiate a process for canceling voting rights for suspected non-citizens. Fortunately, a district court judge in Polk County has ruled that Schultz exceeded his authority and ordered a halt to the process.

Schultz also brought a criminal investigator into his office to pursue illegal voters, including felons who illegally registered to vote. This effort, which has planted suspicions about the legitimacy of Iowa's election process, has cost nearly a quarter of a million dollars and diverted attention from more important voter-registration priorities. Yet it has produced only a handful of cases of improper registrations or voting.

This is not say Iowa should ignore evidence of voter fraud or cases where people who are not eligible nonetheless register and cast ballots. But Schultz's campaign has produced no evidence of efforts to fraudulently manipulate the outcome of elections in Iowa. The prosecutions brought thus far suggest that people did not intend to break the law but misunderstood the registration requirements.

These are mostly individuals with felony records who were unaware they cannot legally register to vote or mistakenly believed their voting rights had been restored by the governor. The confusion is understandable, and Iowa should clear it up once and for all by repealing Iowa's antiquated constitutional provision that denies the fundamental right to vote even after felons have served their sentences.

In the meantime, Iowa could do a better job of educating the public on who is eligible to vote and helping those who aren't eligible avoid registering by mistake. That would be a far better use of state resources than launching a criminal dragnet to trap a few minor violators.

School radon bill still alive but testing removed

[Lee News](#)

Plans to require radon testing in schools statewide were sidelined this week by Republican lawmakers and school officials who worry positive tests would expose districts and the state to serious liability and expensive repairs.

Supporters of the Democratic-led legislation had strong criticism that the bill under consideration now only requires districts to report on whether they've conducted tests and have a plan to reduce radon if it's found.

"Saying we're not even going to look to see if there's a problem, I think, is a stunning dereliction of duty and I'm very disappointed in that," Senate Majority Leader Mike Gronstal, D-Council Bluffs, at a news conference Thursday. "If you're going to be responsible you should test and deal with the problems that testing reveals. But putting our head in the sand just means more people will die of lung cancer."

Rep. Matt Windschitl, R-Missouri Valley, said in the House Local Government Committee meeting last week that his Republican colleagues worry that if tests come back positive in many schools it would create a sudden liability for school districts and the state, and would require spending large sums of money to fix the buildings.

"That's one of the ultimate concerns that got brought up. Is the legislation before us an unfunded mandate?" he said. "We understand there is a risk out there and we've been trying to find the right path to address that. We believe this is the right path to move forward on without just jumping the gun, and moving forward without having the data to back it up."

The Environmental Protection Agency considers all of Iowa's 99 counties at the highest risk for radon in buildings because of the state's soil type that tends to allow seepage of the natural occurring radioactive gas from the soil into building foundations.

The EPA has estimated that about 21,000 people die nationally each year from lung cancer caused by radon exposure. It is considered the second-leading cause of lung cancer in the United States by the U.S. Surgeon General and the National Academy of Sciences.

The American Cancer Society's lobbying affiliate Cancer Action Network pushed for a testing requirement but also endorses the current bill.

"I do think this is a good step in the right direction. We know that radon is a problem in Iowa and we need to continue to address it in the Legislature," said Jennifer Schulte, Iowa director of government relations for the group. "I think that testing and mitigation of schools was our number one priority but we wanted to work with everyone to find a solution and get everyone on the same page and assess the problem."

She's hopeful the information gathered in the school surveys will help assess how many have tested and provide information lawmakers can move forward on next year.

A group that represents local school boards says its concern was a requirement to fix problems if they were found without providing funding.

"We certainly had concerns with the required mitigation mandate since we don't know what the scope of the problem is," said Emily Piper, lobbyist for the Iowa Association of School Boards. "Let's get schools more engaged in testing, find out what the scope of the problem is from the financial standpoint, and then figure out how we're going to pay for that."

The EPA recommends radon testing for homes and schools.

Iowa's Prison Industries & the open market

[Lee News](#)

Bob Simonsen said the state froze him out.

Simonsen is the longtime sales manager at RJ Thomas Manufacturing in Cherokee. Founded in 1959, the 65-employee company makes campground

equipment — the kind you see when you arrive, such as a picnic bench or flip-top grill, not the kind you carry in — and he then sells it across the country.

But it doesn't sell to Iowa's state parks.

"We used to, but then we were told the waiver process became too long and too frustrating for the state campgrounds and parks, so they just weren't going to do it any longer," Simonsen said.

The waiver he's referring to is from Iowa Prison Industries. Prison Industries employs the state inmate work force that produces items ranging from desks to signs to graphic arts services for sale to state agencies and not-for-profits.

With a few exceptions, if Prison Industries makes an item, state agencies are required to buy it from them. The exceptions include emergency situations and purchasing from small businesses for contracts of less than \$10,000. Agencies also can ask Prison Industries for a waiver to the requirement.



Dan Ciark, director of Iowa Prison Industries, says it makes sense for the company to sell its finished products. (Kevin Schmid/ Quad-City Times)

Prison Industries was built on the idea that if prison inmates learn a marketable skill by the time of their release, they are more likely to find a job after their release and less likely to reoffend. It seems to work, too. Ex-convicts involved in Prison Industries have a recidivism rate of 4.9 percent compared with 35 percent for those not involved, according to a 2006 state study. It's also self-supporting in that the items Prison Industries sells support its continuing operations.

Still, the requirement rubs some Iowa manufacturers the wrong way. They think Prison Industries should compete in the open market, and they have found a sympathetic ear among Republicans.

"We all recognize there has to be useful work in the prisons for rehabilitation purposes," said state Rep. Guy Vander Linden, R-Oskaloosa. "But I don't think we should unilaterally exclude private industry from at least bidding on the contracts. ... This isn't just a few rough-hewn chairs they're making. If you go to their website, it's a little bit like going to Walmart."

ALLIANCES

"I'm sitting on a Prison Industries chair right now," Danny Homan, president of the American Federation of State, County and Municipal Employees Council 61, said into the phone. "My office is full of Prison Industries furniture."

It might seem odd that the head of union would back an organization like Prison Industries, which pays its workers between 40 cents and 90 cents an hour, but Homan's AFSCME group has long supported it.

"Do I always like how they get things done, no," he said. "But over the years, we have come to work with them when we're able to."

✖ http://thegazette.com/wp-content/uploads/2014/03/iowa_prison_industries_3.jpg

Bunk beds systems used by Iowa and Iowa State Universities on display at the Iowa Prison Industries showroom located at 1445 East Grand Ave. in Des Moines. (Kevin Schmid/Quad-City Times)

Yes, Homan said, he would like to see the items the inmates make made by union workers with good wages instead of prison labor, but he doesn't think that's where the work would go.

"It would probably be made somewhere overseas," he said. "We have Prison Industries for a reason, and we ought to use them."

Vander Linden's committee on state government moved a bill this year changing the way waivers worked. It was a watered-down version of earlier legislation backed by the Iowa Association of Business and Industry that eliminated the specialty purchase requirements benefiting Prison Industries.

"The Prison Industries director has, in essence, veto authority over whether any state agency can go outside the Prison Industries to order their stuff," Vander Linden said. "I think that discriminates against a lot of small businesses in Iowa."

The bill would have given the authority of the waiver request to the Department of Administrative Services, instead of Prison Industries. Association of Business and Industry lobbyist Nicole Crain said Prison Industries "is obviously the entity that's benefiting from getting the work, and I don't think it's an unbiased entity making that decision."

It passed the House on a party-line vote.

WELDERS

State Sen. Jeff Danielson, R-Cedar Falls, said the bill didn't solve the philosophical differences the business community has with Prison Industries operations but "just added another layer of red tape" to the waiver process.

He's the chairman of the Senate State Government Committee, which would have had to have taken up the bill if it was going to move forward during this legislative session. He declined.

"This is a perennial issue," Danielson said. "It's the same tension, right? Do we want a way for inmates to learn a skilled trade that could be productive after they leave by ensuring that the state purchases those products? There's also evidence this is a positive reinforcement tool for inmates, so you don't want to diminish that aspect."

Dan Clark, director of Prison Industries, said given that job training is important it makes sense for Prison Industries to sell its finished products. During a conference call that includes Iowa Department of Corrections Assistant Director Fred Scaletta, Clark stresses several times that Prison Industries is self-supporting and takes no additional tax money from the state.

"We train welders here," Clark said. "That's a skill that's in high demand. If we didn't sell it, they would just have to weld stuff and throw it away."

Yes, he said, inmates are paid at a rate way below the minimum wage, but Prison Industries also has other costs — such as security — that traditional companies don't have. That extra security is covered by the products they sell.

As far as waivers go, Clark said Prison Industries has not turned one down in the past five years. They've either granted it or changed the products they

have offered to compete with the private-sector price.

Asked if he could compete with private companies without the state protection, Clark doesn't bite.

"It's hard to answer because it's a hypothetical. Part of the cost you have to consider is the rehabilitation aspect," he said. "I really wouldn't want to find out."

Vander Linden said he expects to push the issue again next year.

"It's a monopoly," he said.

Danielson agrees, to an extent.

"There's a solution that has eluded the Legislature for a number of years, and I would admit there is some merit to the idea that it's not based on competition right now," he said. "But the trade-off is do we want restorative justice that gives prisoners a chance for a skilled trade? For that, you need a market for their goods."

The Gazette: Homers — What's going right

The Gazette

BUSINESS BOOM: Marion economic development leaders are celebrating several businesses that are expanding or relocating to the city. ELPAST America, which makes large zipper bags, will be the first tenant in the new Marion Enterprise Center. Freund-Vector, which manufactures granulating, coating and drying equipment, is planning a \$2.16 million expansion. Marion Iron will relocate to the Marion Industrial Center, allowing more development on the Central Corridor. Hupp Electric is moving in jobs, and Fiberright plans to build a new facility for recycling waste. All told, it means additional 200-plus jobs in the city.

III

HISTORIC MURALS OK: A series of 1911 murals in the historic Peoples Bank and Trust building were found to be well preserved. The Louis Sullivan-designed bank building on Cedar Rapids' near west side is being renovated, and the murals will be featured in a new restaurant.

III

AUDIO ADDED: One positive outcome of the latest dispute between Linn County Auditor Joel Miller and the county supervisors is that supervisors' meetings will be recorded for public audio replay on the county website. The Cedar Rapids City Council and school district already provide such audio recordings. Meanwhile, Miller and supervisors are still at odds on how much of the meeting minutes should be published in newspapers of record. Stay tuned.

Read more: <http://thegazette.com/2014/03/17/homers-whats-going-right-224/#ixzz2wDBjMEPZ>

State of Iowa made secret payouts to ex-workers

AP

The state of Iowa has paid more than \$282,000 in secret settlements to six former employees over the last three years.

The Des Moines Register reports (<http://dmreg.co/1hoTbPf>) that all were asked to sign confidentiality agreements that would have kept the settlements out of public view.

The settlements were shuffled through state agencies, avoiding the typical process of being approved by and made public through the Iowa State Appeal Board. They were obtained through Iowa's open-records law.

The employees held positions ranging from a public health supervisor to a design engineer. They were considered merit-based employees, which gives them the ability to move into other available state jobs ahead of workers with less experience. The workers contend they would have kept their jobs if the state hadn't violated workplace employment practices.

QC Times Editorial: Iowa tourism message faces stiff competition

Qc times

Iowa tourism ads will begin showing up soon in surrounding states, touting vacation opportunities through a \$1.5 million ad campaign that is big news for Iowa, but nickels and dimes compared to our competition.

All of the states targeted by these ads -- Illinois, Minnesota, Kansas and Nebraska, spend much more on tourism marketing than Iowa, according to rankings by Skift.com, a travel industry news source.

Illinois tops our region with \$55.4 million last fiscal year, thanks to more attractions, a nationwide market and, most of all, dedicated hotel/motel taxes to pay for it.

Minnesota, Wisconsin and Missouri all spend at least twice as much as Iowa promoting tourism in the same markets Iowa is trying to crack.

So this spring's \$1.5 million buy is a start, but will be fighting for attention among much more sophisticated and better funded ad campaigns.

Missouri's "Enjoy the Show" ad campaign is targeted specifically to female travel decision makers. The plan targets 17 medium-sized medium size markets within 200 miles of the state, including our Quad-Cities and five Iowa markets. It includes extensive co-op advertising that partners with private tourist attractions, as well as extensive social media campaigns.

Missouri budgeted \$10.7 million for tourism marketing alone last fiscal year, a number Iowans can only dream of. Missourians don't need to dream. The legislature established

a reliable revenue stream in the 1990s by earmarking a portion of sales taxes from tourism-related businesses, like restaurants, hotels and attractions. This increment of sales tax — not additional hotel/motel taxes — allows Missouri to find long-term marketing strategies, not hustle up programs after a one-time appropriation. Illinois earmarks about 40 percent of hotel/motel taxes for tourism.

Most Iowa hotel/motel taxes go to municipalities, which decide individually how much, if any, goes to marketing.

Without reliable statewide tourism marketing revenue, Iowa's message relies on periodic appropriations, all of which fall far short of our Midwest tourism competitors. Even with this year's special \$1.5 million campaign, Iowa's terrific tourism attractions are relying on visitors from surrounding states who manage to remember the few Iowa references among a flood of Missouri, Wisconsin, Minnesota and Illinois ads.

NYT: Obama Factor Adds to Fears of Democrats

NYT

By JONATHAN MARTIN and ASHLEY PARKER
March 15, 2014

WASHINGTON — Democrats are becoming increasingly alarmed about their midterm election fortunes amid President Obama's sinking approval ratings, a loss in a special House election in Florida last week, and millions of dollars spent by Republican-aligned groups attacking the new health law. The combination has led to uncharacteristic criticism of Mr. Obama and bitter complaints that his vaunted political organization has done little to help the party's vulnerable congressional candidates.

The latest in a cascade of bad news came Friday when Scott Brown, a former senator from Massachusetts, announced an exploratory committee to challenge the incumbent Democrat in New Hampshire, Senator Jeanne Shaheen, and when the Republican-aligned "super PAC" American Crossroads said it would spend \$600,000 to help his effort.

Earlier, another top-tier Republican recruit, Representative Cory Gardner, decided to challenge Senator Mark Udall of Colorado; the two races create unanticipated opportunities improving Republicans' chances to take control of the Senate. No prominent Democrats predict their party will win back the House. Interviews with more than two dozen Democratic members of Congress, state party officials and strategists revealed a new urgency about the need to address the party's prospects. One Democratic lawmaker, who asked not to be identified, said Mr. Obama was becoming "poisonous" to the party's candidates. At the same time, Democrats are pressing senior aides to Mr. Obama for help from the political network.

"I'm a prolific fund-raiser, but I can't compete with somebody who has got 50-some-odd billion dollars," said Representative Joe Garcia of Florida, a vulnerable first-term member who has already faced more than \$500,000 in negative TV ads from third-party conservative groups. "One hopes the cavalry is coming. One hopes the cavalry is coming."

The gap is yawning. Outside Republican groups have spent about \$40 million in this election cycle, compared with just \$17 million by Democrats.

When two senior White House officials — Jennifer Palmieri, the communications director, and Phil Schilliro, the health care adviser — went to the Capitol late last month to address Senate Democrats about the Affordable Care Act, they were met with angry questions about why Mr. Obama's well-funded advocacy group, Organizing for Action, was not airing commercials offering them cover on the health law.

Among those raising concerns was Senator Michael Bennet of Colorado, chairman of the Democratic Senatorial Campaign Committee, who also has a low-key style and warm relationship with Mr. Obama.

"They did not want to hear about health care enrollment," one source familiar with the meeting said, describing "a high level of anxiety."

After the loss in Florida's 13th Congressional District, which Mr. Obama carried in 2012, Representative Steve Israel of New York, the chairman of the House Democratic campaign arm, asked the White House political director, David Simas, for additional help during a Wednesday meeting at the Democratic Congressional Campaign Committee.

Responding to these concerns, several Democrats said Friday that Organizing for Action would cut back its fund-raising activities so the group would not be in competition with the candidates for donors. Katie Hogan, a spokeswoman for it, said, "We understand and expect that some of our more than 420,000 contributors will shift their focus to their local campaigns during the midterm season."

Democrats also said that the White House would make Mr. Obama available for additional fund-raisers and that the president was starting to meet with small groups of the party's largest contributors that could benefit the party's own super PACS.

"Everyone is trying to send the signal: Don't get ahead of yourself — 2016 is critical, but 2014 comes first," said David Plouffe, the president's former campaign manager.

Mr. Obama's approval rating of 41 percent in a Wall Street Journal/NBC Poll last week matched that of a New York Times/CBS News survey in February and represents one of the clearest reasons for Democratic malaise. Since the post-World War II era, that measurement has been one of the most accurate predictors of midterm results, and any number below 50 means trouble for the party that holds the White House.

"The state of Democrats is very much tied to the state of the president, and in that regard, these are far from the best of times," said Geoff Garin, a Democratic pollster.

In addition to problems with the health law, the White House is losing the support of Democrats on key appointments such as Mr. Obama's nominee to head the Justice Department's Civil Rights Division and his choice to be surgeon general. Also last week, Senator Dianne Feinstein, Democrat of California, broke with the administration with a scalding criticism of the Central Intelligence Agency.

Historical trends over all also argue against the president's party in a sixth year. In 1958, Republicans lost 48 seats in the House and 13 in the Senate; in 2006, Republicans lost 30 seats in the House and six in the Senate. In the past 50 years, only Bill Clinton in 1998, when his approval ratings were much higher than Mr. Obama's today, did not drag down his party in a second midterm; Democrats picked up five House seats.

Republicans also seem to be benefiting from the argument — reinforced by advertising and by their media surrogates — that Mr. Obama has presided over an activist government that has overreached and proved incompetent.

Most Democrats up for re-election are trying to put some distance between themselves and the president, choosing surrogates such as Mr. Clinton to campaign for them, particularly in the South and parts of the West.

Asked whether Mr. Obama is a liability, Representative Ami Bera, Democrat of California, demurred. "We haven't really focused much on the president," he said. "We're focused on Sacramento County and the folks that are there."

Other Democrats are openly critical of the health care law in their advertisements. In one ad promoting Representative Ann Kirkpatrick, Democrat of Arizona, the narrator says she "blew the whistle on the disastrous health care website, calling it 'stunning ineptitude,' and worked to fix it."

Democrats also face a contradiction: As woful as they are about their prospects in 2014, they are buoyant about their chances for winning the White House in 2016. Polls show that Hillary Rodham Clinton has clear leads over possible Republican challengers.

Even though special elections are rarely reliable predictors for future elections, Alex Sink's loss to David Jolly in Florida's 13th District last week added to the Democrats' negative story line. Frightening Democrats further, none of the Republican third-party money in the race came from the Koch brothers, the wealthy industrialists whose political groups have funded the bulk of the TV ads hammering Democrats this election cycle.

"Florida 13 doesn't keep me up at night, but the aggregate Republican super PAC money makes me toss and turn," Mr. Israel said.

This unease is also prompting Democrats to speak more candidly about what many see as the root cause for their political difficulties: the bungled unveiling of the health law, in particular the insurance website, and the White House's failure to market the initiative effectively.

"The rollout left a bad taste in people's mouth from Day 1, and it's hard to create a new flavor now," said Representative Steve Cohen, Democrat of Tennessee. To stem losses, the Democratic National Committee is focusing on technology and data to give their candidates, as well as the state parties, the latest tools they will need to turn out the vote more effectively and efficiently. And Senate Democrats will try to make races about local issues rather than a referendum on Mr. Obama.

Mr. Obama's aides say he is not idly watching congressional Democrats drown in a Republican wave. By the end of June, the president will have attended 14 events for Democratic groups.

But on Capitol Hill, Democrats are furious that the same major contributors who enabled Mr. Obama and allied outside groups to raise over \$1 billion for his re-election in 2012 are not rallying to ensure the president does not face a Congress controlled entirely by Republicans for his final two years.

Democrats say that the party needs more donors with the means of the California billionaire Thomas F. Steyer, who is helping candidates who support addressing climate change, to protect candidates who backed the health law.

"I'm not in the super PAC business, but we need somebody like a Steyer to get in the fight on the Affordable Care Act," said Representative John Yarmuth of Kentucky. Democrats, he said, are "getting beat to death."

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Message: Morning Clips 3.19.14

Case Information:

Message Type: Exchange
 Message Direction: External, Outbound
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 Morning Clips 3.19.14

From: Centers, Jimmy [IGOV] Date: Wednesday, March 19, 2014 7:15 AM
 To: Centers, Jimmy [IGOV]
 Cc:

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RADON TESTING BILL PASSES THE HOUSE: A scaled-back bill regarding radon testing in Iowa schools passed the Iowa House on Tuesday, setting up negotiations between the House and Senate over the issue.

It requires **only** that school officials notify the department if they have a radon testing and mitigation plan in place or if they plan to adopt such a plan in the future. Information received by the department would be turned over to the Legislature.

The bill passed on a 98-1 vote. DMR

SENATE PASSES ANTI-BULLYING AFTER HEATED DEBATE: The Iowa Senate approved legislation aimed at bolstering school anti-bullying programs in a sharply divided vote Tuesday after a heated debate.

The measure passed 26-19. Democrats all voted yes, and Republicans all voted no.

Hogg became clearly angry at one point in Tuesday's debate, charging that Republicans' amendments wouldn't protect children. He remarked that school administrators would be allowed to sit on their posteriors if Republicans had their way.

He used a rude word for a school administrator's backside, which prompted shouts of "Point of Order!" from Republicans. Hogg quickly acknowledged the impropriety of his remark DMR

SPENCER LEADERS URGE CAUTION ON FIREWORKS LEGISLATION: As Iowa lawmakers consider a bill to legalize the sale fireworks in the state, leaders of a community in northwest Iowa strongly oppose the idea — after having been the scene of a disaster years ago. Spencer officials are lobbying legislators to kill the measure, according to city manager Bob Fagen, or at least to allow communities to opt out and uphold the longstanding fireworks ban.

During the midst of a drought in 1931, a boy with a sparkler accidentally set off some fireworks in Spencer, sparking a wind-whipped fire that destroyed two-and-a-half city blocks of the downtown. Radio Iowa

Morning Clips 3.19.14

Cruz keeps social issues prominent

Cruz: Little time to turn country around

Register Investigation: State's secret settlements to be discussed in closed meetings

Iowa U.S. Senate seekers differ on criticized Arizona 'religious freedom' bill

Business essentials: Dwolla's Milne to speak at STEM conference

Iowa House OKs rewritten bill on radon testing in schools

Legislature briefs: Pilot bill passes for child care aid

Seven years after commutation, Iowa inmate gets closer to release

Use Iowa caucuses to spotlight climate change, Rhode Island senator says

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Cruz keeps social issues prominent

DMR

U.S. Sen. Ted Cruz of Texas believes Republicans must continue making the fight against abortion and same-sex marriage a campaign priority, a position that separates him from Rand Paul, potentially a main rival in the 2016 presidential sweepstakes.

Paul, a U.S. senator from Kentucky, said in a recent interview that the GOP should "agree to disagree" on social issues so the party doesn't alienate younger voters.

Cruz, in an interview with The Des Moines Register on Tuesday, said that Republicans "should continue to defend life and that we should continue to defend traditional marriage."

The lead-off Iowa caucuses are still two years away, but potential GOP White House hopefuls are already staking out their territory. Cruz and Paul share the same brand of anti-establishment and religious conservatism.

KATHIE OBRADOVICH: Ted Cruz calls school choice the civil rights issue of the century | 19 PHOTOS: Ted Cruz in Iowa on Tuesday

Tuesday marked Cruz's fourth trip to the presidential testing grounds of Iowa. He gave a speech in Des Moines to Christian conservatives who home-school their children — and have historically been influential voters in the GOP caucuses — and later was expected to address a fundraiser for Cerro Gordo County Republicans.

Last summer, Cruz visited Iowa for the first time. He and Paul shared a stage at a conference of socially conservative ministers, many of whom gushed about Cruz afterward, even as they said they liked Paul, too.

Paul, in a recent interview with *Vocativ.com*, said: "I think that the Republican Party, in order to get bigger, will have to agree to disagree on social issues. The Republican Party is not going to give up on having quite a few people who do believe in traditional marriage. But the Republican Party also has to find a place for young people and others who don't want to be festooned by those issues."

On Tuesday, the anniversary of the national GOP's post-election report examining its failings in the 2012 election cycle, the Register asked Cruz whether Paul is right about how to be more welcoming.

"Look, I am a conservative," Cruz answered. "I'm a fiscal conservative. I'm a social conservative. I think we've seen that in order for the

Republican Party to succeed, we need to be a big tent. ... There are some who say the Republican Party should no longer stand for life. I don't agree with that. There are some who say the Republican Party should no longer stand for traditional marriage. I don't agree with them, either."

He was then asked whether he disagreed with Paul that the GOP should de-emphasize social issues.

"I'll let him characterize his views," Cruz said. "What I can tell you is my views are that we should continue to defend life and that we should continue to defend traditional marriage."

Democrats: GOP has failed to rebrand

In response to Cruz's visit, Democrats said the GOP's efforts to rebrand itself have been a failure and that Cruz and "his reckless agenda" are "the new face" of the GOP in Iowa.

In a conference call with reporters, Democratic National Committee Chair Debbie Wasserman Schultz said the changes Democrats have seen from the GOP are "superficial tactics that do little to address the core problem — that they have an out-of-touch agenda that prioritizes opportunity for some instead of opportunity for all."

Wasserman Schultz said: "From instigating a government shutdown that cost Iowa more than \$64 million, to calling gay marriage 'heartbreaking,' and to referring to birth control as 'abortifacients,' Ted Cruz has led the way for Iowa Republicans to continue on their path of destruction, fear and exclusion."

Cruz told the crowd of about 800 children and parents gathered for a Network of Iowa Christian Home Educators event that children in low-income and minority neighborhoods who attend poor schools will have a much harder time escaping problems such as crime and health issues.

"I'm convinced school choice is the civil rights issue of the 21st century," he said. "Every single child deserves an opportunity to have an excellent education."

Too many kids are "trapped in schools where they don't have good opportunities, they don't have the chance to learn," Cruz said. "Education is the foundation to every other challenge you face. If you're looking at issues of crime or poverty or health care, if you get the foundation of an education, all of those problems by and large can take care of themselves."

He also told the audience, "There is no liberty more important than our religious liberty."

Cruz: Maximize educational choices

Cruz said he wants to maximize the educational choices that are available for every parent, whether it is public schools, private schools, charter schools, scholarships or home-schooling.

"We should see a thousand flowers bloom," he said.

He congratulated the audience for persuading the Iowa Legislature to protect the rights of home-schoolers.

"You went to Republicans and Democrats and you said: 'Forget about party lines. Who cares what party you are.' Kids are bipartisan, and the Constitution should be bipartisan. ... You won a major victory here," he said.

The changes the Legislature made last year removed requirements for home-schoolers to file paperwork with their local school district and to undergo testing by an independent teacher. Changes also allowed home-school parents to teach up to four unrelated students and to teach their children driver education.

Cruz: Little time to turn country around

DMR

U.S. Sen. Ted Cruz showed up a little late for a Cerro Gordo County Republican Party reception here Tuesday night, but he still got two standing ovations when he spoke and he helped raise some cash for local GOP activists.

Cruz, who had visited Des Moines earlier Tuesday to speak with Iowa home schoolers, arrived in Mason City at 7 p.m., which was 30 minutes behind schedule. However, he quickly began posing with local Republicans for photos and shook lots of hands. More than 200 people attended

the event at Music Man Square.

The freshman Texas senator is viewed as a rising Republican star nationally and a possible presidential candidate in 2016.

"The window to turn this country around is not decades. If we have eight more years of this path, we risk losing the greatest country in the history of the world," he said.

He railed against President Barack Obama, saying the nation has "never seen an administration more hostile to religious liberty than right now."

In describing government surveillance of Americans, Cruz joked to the crowd. "Leave your cellphones on. I want President Obama to hear every word that I have to say."

He labeled the Obamacare health law "as the embodiment of lawlessness," and he contended that the president's efforts to pick and choose which laws he wants to obey and ignore should not be a partisan matter.

To help solve the nation's problems, the senator called for initiatives to restore economic growth, which he described as "foundational to opportunity." The people who have been hurt the most by the Obama administration's policies, he added, are the poor and those at the lowest rungs of the economic ladder. He said they include people like his father, a Cuban immigrant who washed dishes before attending college and realizing the American dream.

"If you remember just one thing, remember how profoundly hopeful and optimistic I am," Cruz said.

The crowd stood and applauded both when Cruz was introduced and again after he was finished, giving him the kind of rock-star treatment generally reserved for top-level presidential candidates who visit Iowa.

State Auditor Mary Mosiman remarked to the crowd, "I cannot believe I am actually sitting at a table with Sen. Ted Cruz!"

U.S. Rep. Steve King, R-Kiron, whose district includes Mason City, told northern Iowa Republicans that Cruz is a "strong, courageous constitutional conservative ... I will tell you, Ted Cruz is fearless."

Gabe Haugland, Cerro Gordo County Republican chairman, said he met Cruz last fall when the senator visited northwest Iowa for a pheasant hunt with King, and he had been working ever since to bring him to Mason City for a fundraiser.

The Cerro Gordo County GOP had no problems selling 175 tickets in the past 30 days with the knowledge that Cruz was the main speaker, and more people were buying tickets at the door on Tuesday night, Haugland said. Local party officials said the event raised more than \$8,000.

Register Investigation: State's secret settlements to be discussed in closed meetings

DMR

Gov. Terry Branstad's work group in charge of investigating secret settlements to former state employees has already formed — and plans to meet behind closed doors, the governor's spokesman said Tuesday.

Lt. Gov. Kim Reynolds announced the formation of the work group Monday in response to a Des Moines Register investigation that found the Republican Branstad administration had paid more than \$280,000 to six former employees, most who allege they were fired for their ties to Democrats.

The settlements were shuffled through state agencies, avoiding the typical process of being approved by and made public through the Iowa Appeal Board.

The former state employees were also asked to sign confidentiality clauses to prohibit them from speaking about the agreements, the Register revealed. One of the recipients said the state offered, and she accepted, \$5,000 more to sign an agreement with the secrecy clause.

THE STORY: State makes secret payouts to former workers | THE REACTION: Governor's office unaware of payouts, Reynolds says | KATHIE OBRADOVICH: Was Branstad really in the dark?

Reynolds on Monday told reporters that — until they read the Register's investigation — neither she nor the governor was aware of the settlements. She called the confidentiality clauses "troubling."

Reynolds used the word "transparent" or "transparency" five times in describing and answering questions about the administration's interest in learning more about the secret settlements. She told reporters the administration would appoint a work group to "perform a comprehensive review of the process."

"First and foremost this administration has ran on transparency, open and honest government," Reynolds said Monday.

But less than 24 hours later, Branstad spokesman Jimmy Centers said the work group will meet privately. Branstad is on vacation in Arizona and has yet to speak publicly about the issue.

The work group consists of three members: Matt Hinch, the governor's chief of staff; Brenna Findley, the governor's staff attorney; and David Roederer, the head of the Iowa Department of Management. Centers said he was uncertain if other members might be added to the work group. He said the group's findings and any actions it takes will be made public.

Iowa's open meetings law says committees created by government entities must be open to the public if they exercise some policy- or decision-making authority. The law also says that advisory bodies created by the governor that make recommendations on public policy are public.

Branstad's administration has previously argued that a work group falls outside the public mandate because it is not a committee.

A committee of the Iowa Public Information Board is reviewing whether work group meetings should be open to the public. The board will potentially make recommendations within the next year to lawmakers about how Iowa's open meetings law could be clarified, said Kathleen Richardson, a member of the board.

Branstad has previously created work groups whose efforts have never been made public.

In 2011, for example, he formed a work group to address a problem related to sex offenders living in care centers. But the governor's staff has declined to provide the dates of any meetings that may have been held or any possible solutions the group identified.

Branstad would be better served by opening the meetings to the public, said Barbara Petersen, director of the First Amendment Foundation, a Florida nonprofit whose goal is to protect and advance the public's constitutional right to open government. She contends that closing meetings create more public suspicion about a contentious issue that already has been shielded from the public.

"The deliberative process is what's critical," Petersen said. "How a decision is made and why it's made can sometimes be more important than the decision itself."

Former Lt. Gov. Patty Judge, a Democrat, also questioned why the group should meet privately. She theorized the meetings could be embarrassing and expressed doubt that the governor's immediate staff could truly be uninformed about the payouts.

Judge, who was Iowa's lieutenant governor for four years until January 2011, remembers the staff frequently being informed about settlements, particularly those of a political nature that cost hundreds of thousands of dollars, under former Gov. Chet Culver.

"I'm not sure she's correct," Judge said of Reynolds' contention that the governor did not know about the settlements. "I don't want to say anything disparaging about her, but I believe if these types of grievances and settlements were put forth, I would think they would know about it."

Judge continued: "The governor and lieutenant governor need to assume some responsibility for everything going on in their administration, and losing more than a quarter of a million dollars some place is not acceptable."

Iowa U.S. Senate seekers differ on criticized Arizona 'religious freedom' bill

DMR

Four Iowa Republican candidates for the U.S. Senate on Tuesday offered a wide range of perspectives on controversial religious freedom legislation in Arizona that drew national attention before being vetoed earlier this year.

The candidates' views ranged from an unequivocal endorsement to concern over whether the proposal was inappropriately discriminatory -- providing a clear contrast in a GOP primary race that has frequently seen the candidates in agreement on many issues.

At issue was the bill known as Senate Bill 1062, which would have allowed people in Arizona to cite their religious beliefs as a defense against claims of discrimination but was widely seen as granting businesses the right to deny service to gays.

The measure passed the state legislature but was ultimately vetoed by Republican Gov. Jan Brewer after national media coverage and opposition from business groups and national GOP figures.

On Tuesday, Iowa candidate for U.S. Senate Mark Jacobs said that while he respected the right of religious organizations to observe their beliefs, discrimination is a concern when religious views enter into economic transactions.

"For people that choose to enter the field of commerce and business, I think we have to make sure that we have an environment that those businesses are open to law-abiding citizens," Jacobs, a retired corporate executive, said. "I'm very concerned about the discriminatory nature that could creep in if we start to open that door."

That response differed sharply from that of candidate Sam Clovis, a business professor who has publicly criticized Brewer's veto and on Tuesday said the right to deny service based on religious belief was a right protected by the First Amendment.

"Our religious faith and our religious doctrine should be protected, and there are no exceptions to that," he said.

Candidates Joni Ernst and Mark Whitaker offered more nuanced views.

Ernst, who currently serves as a state senator, said she respected the right of religious people to practice their faith but was concerned that the Arizona bill as written might enable discrimination. "We want to ensure that we're not discriminating, but again on the other hand not forcing (people) to do something that disagrees with what they believe as religion," she said.

While the law that landed on Brewer's desk was problematic, Ernst said, it's possible differently worded legislation could achieve the goal of preserving religious conscience.

Whitaker, a lawyer and former U.S. attorney, said he supported preserving religious liberty but didn't believe a law like the one from Arizona was necessary at the federal level.

"We have the First Amendment to our Constitution, which guarantees the right to practice the religion we choose," he said.

The varied responses came during a forum in Des Moines sponsored by the National Federation of Independent Businesses Iowa, a small-business advocacy and lobbying group.

The candidates were also asked about their views on the minimum wage.

Ernst recalled working at Hardee's fast-food restaurants as an early morning biscuit-maker, and said that while she supported a legally mandated minimum, it should be states rather than the federal government that set the wages.

Clovis said he had never worked for the minimum wage, but said he grew up working for even lower pay in agricultural jobs and then received less-than-minimum allowances during his military service. The current hourly minimum of \$7.25 is "appropriate," he said.

Jacobs — who worked the night shift at a Hy-Vee deli counter for minimum wage — was open to "looking at" a higher minimum wage but said the bigger economic problem today is the difficulty workers have in finding good-paying jobs or gaining the qualifications for jobs that are available.

Whitaker pegged his experience with minimum wage work at high school, when as a sophomore he bussed tables at Mr. K's Restaurant in Ankeny. He said he worried raising the minimum wage might deny opportunities to workers just entering the labor market.

Clovis, Ernst, Jacobs and Whitaker are four of the five GOP candidates in the June U.S. Senate primary. The other is Scott Schaben, a former car salesman from Ames.

The lone Democratic candidate is U.S. Rep. Bruce Braley.

Business essentials: Dwolla's Milne to speak at STEM conference

DMR

Milne to speak at STEM conference

Dwolla CEO Ben Milne will give the keynote speech at the third statewide STEM conference on March 28, joining educators, students and members of Gov. Terry Branstad's advisory council on science, technology, engineering and math.

Milne, who founded the low-cost payment network, said STEM is all about curiosity.

"We can help play a part in influencing a generation of students to build great things and ask great questions," he said. "I'm excited to be a part of that and if my life's work is made of anything, it's made of asking questions. My first step was someone teaching me to ask those questions."

The conference will feature discussions led by educators, Lt. Gov. Kim Reynolds and Vermeer CEO Mary Andringa. The free conference begins at 8:45 a.m. at Veterans Memorial Community Choice Credit Union Convention Center in Des Moines.

Iowa House OKs rewritten bill on radon testing in schools

DMR

A scaled-back bill regarding radon testing in Iowa schools passed the Iowa House on Tuesday, setting up negotiations between the House and Senate over the issue.

The House has completely rewritten Senate File 366 so that it now directs the state Department of Education to encourage school districts to test for the presence of cancer-causing radon gas in school buildings and to address high concentrations. But the bill contains no actual mandate for districts to perform the testing.

It requires only that school officials notify the department if they have a radon testing and mitigation plan in place or if they plan to adopt such a plan in the future. Information received by the department would be turned over to the Legislature.

The bill passed on a 98-1 vote.

Radon is an odorless, radioactive gas that occurs naturally in Iowa soil. It's believed to be the second-leading cause of lung cancer in the U.S.

Bill sponsor Matt Windschitl, R-Missouri Valley, said he's received a positive response from school superintendents.

"Many of them said this was a good first step, helping us understand what the risks may be," Windschitl said. "Then we can come back and look at addressing any problems that may arise after we get all the facts and information."

That language replaces the Senate bill's original requirement for radon mitigation equipment in all new residential construction, and it is advancing in place of other bills that went much further in requiring testing and mitigation at schools.

School officials had opposed more stringent measures, arguing they represented an unfunded mandate.

The bill will now return to the Senate and presumably will be the subject of a House-Senate conference committee in which a compromise between different versions will be agreed upon.

Legislature briefs: Pilot bill passes for child care aid

DMR

Low-income parents in four Iowa counties who split time between work and school would be eligible for state child care assistance under a bill approved Tuesday in the Iowa House.

Under current law, families with incomes near or below the poverty level may join waiting lists for child care subsidies if parents either work or participate in training or education programs for at least 28 hours a week.

Under House File 2070, families would be eligible if parents work and go to school for a minimum of 28 hours. That means, for example, a parent who works 15 hours a week and goes to school 15 hours a week who currently doesn't qualify for the assistance would become eligible.

The bill makes the change on only a trial basis, however, in four counties: Pottawattamie, Hamilton, Scott and Lee. A Senate-approved version applied to all 99 counties, but bill sponsor Dave Heaton, R-Mount Pleasant and a leader on budgeting for human services, said the state could not afford the cost of such an expansion in the coming year.

Democrats opposed the limited application of the bill. The program could be extended in coming years, Heaton promised.

The measure passed on a 91-2 vote. It's now subject to negotiations between the House and Senate.

Penalties enhanced if kids are victims

Kidnapping a child would result in tougher penalties, and inmates who committed serious crimes against children would not be eligible for early release under legislation approved Tuesday in the Iowa House.

Kidnapping a person under age 18 would be a Class B felony punishable by up to 25 years in prison under the bill, although it does contain an exception for relatives who kidnap children in an attempt to gain custody of them.

The bill also eliminates the opportunity for certain Iowa inmates to get out of prison early for good behavior. "Earned time" would be denied to those convicted of several sexual and violent crimes when the victim is a child.

"I simply cannot condone the thought of allowing inmates to reap the rewards of being released early simply because they behaved themselves behind bars, especially when they've decided that the victim they choose to offend upon is a child," bill sponsor Chip Baltimore, R-Boone, said.

The House voted 95-3 in favor of the change.

The efforts are in response to the high-profile case last year in which a convicted felon and sex offender who had been released from his sentence early kidnapped Dayton teenager Kathlynn Shepard and another girl, and murdered Shepard before killing himself.

The bill could lead to a conference committee between the House and Senate, where different versions of the legislation are negotiated.

Bill gives officers easier access to GPS

A bill that would authorize all Iowa law enforcement officers to apply to a judge for a search warrant to place a global positioning device on a motor vehicle was approved by the Iowa Senate on Tuesday.

House File 475 would expand a current law that allows only a special state agent of the Iowa Department of Public Safety to obtain a search warrant to use a GPS device to track a suspect's vehicle.

Sen. Steve Sodders, D-State Center, said the bill is intended to allow members of law enforcement drug task forces and local detectives to more efficiently obtain search warrants instead of needing to seek help from state agents. He emphasized that law officers would still need to meet the same requirements to obtain permission for use of a GPS device that would be needed for other types of search warrants.

The bill, which was amended, returns to the House for consideration.

Senate OKs raising the corn checkoff

The Iowa Senate voted 46-0 Tuesday to permit the state's corn promotion checkoff to be increased from 1 cent per bushel to a maximum of 3 cents per bushel.

House File 2427, which was sent to Gov. Terry Branstad for his signature, will require approval in a referendum by corn producers before the checkoff is increased, said Sen. Dennis Black, D-Lynnville, the bill's floor manager.

Under the legislation, the maximum rate for the next five years, from Sept. 1, 2014, through Aug. 31, 2019, cannot exceed 2 cents per bushel. The maximum rate for all future years, beginning Sept. 1, 2019, cannot exceed 3 cents per bushel.

House votes to raise mopeds' speed limit

The Iowa House on Tuesday approved an increase in the speed limit for mopeds.

Riders would be allowed to operate the small motorized bicycles at up to 39 mph under Senate File 2192, up from 30 mph.

Motorcycle dealers have said the change will allow them to sell the bikes without "detuning" them down to the lower maximum speed, and say the change will improve traffic flow in areas where the bikes are bogged down at lower speeds, such as on steep hills.

The Brain Injury Alliance of Iowa and others have opposed the measure, however, arguing that it will lead to more traffic injuries.

The bill passed on a 96-1 vote. It previously passed the Senate on a 47-2 vote and now goes to Gov. Terry Branstad for veto or signature.

Bill bans three more marijuana varieties

A bill banning three new strains of synthetic marijuana won overwhelming support in the Iowa House on Tuesday, moving it to the governor's

desk.

Senate File 2121 classifies three new chemical substances that are used as synthetic alternatives to marijuana as Schedule I controlled substances, meaning they have no accepted medical use and a high potential for abuse. Such substances are illegal to possess.

The bill also places several other substances on Schedule I and adds other steroids and drugs — including a hallucinogenic weight loss drug — to other, less restricted schedule classifications.

The measure passed on a 97-0 vote.

--- Jason Noble — Jason Noble — William Petroski — William Petroski — Jason Noble — Jason Noble

Seven years after commutation, Iowa inmate gets closer to release

DMR

An inmate who has spent most of his life in prison for a 1984 slaying in Des Moines may be nearing freedom, seven years after Gov. Tom Vilsack concluded that his life sentence was too harsh for his minor role in the crime.

The Iowa Board of Parole has scheduled an interview for today with Todd Hoffer. The North Central Correctional Facility, a minimum-security prison in Rockwell City where Hoffer is incarcerated, is recommending Hoffer for placement in a work-release program, which can be a stepping stone to release on parole.

"I am satisfied that he has paid his debt," said Hoffer's father, 91-year-old Gilbert Hoffer of Decorah. "All he wants to do when he gets out is to behave himself and take care of his Mom and Dad."

Hoffer, 53, was one of three men who were charged in the August 1984 killing of Juanita Weaver.

According to prosecutors, the three drank for hours at a party at Hoffer's home before they left in the early-morning hours to retrieve a gun that they believed had been stolen by a man named Kenneth Weaver. One of them, James Dorsey, was armed with a shotgun when they burst into Weaver's apartment looking for him. He wasn't home but his mother, 52-year-old Juanita Weaver, and her boyfriend, Dale Lundstrom, were there.

Dorsey started arguing with Weaver, eventually firing a shot that missed her. She ran into the bathroom, where Dorsey shot and killed her.

Dorsey was convicted of first-degree murder and is serving life. Prosecutors offered Hoffer and the other defendant deals in which they would plead guilty to burglary and be eligible for parole within a decade. The third man took the deal and was paroled in 1993, but Hoffer didn't, insisting he was a bystander. A jury convicted him of aiding and abetting first-degree murder and he received an automatic sentence of life in prison without parole.

In his final days in office in 2007, Vilsack used his power to change Hoffer's life sentence to a 125-year term so that he'd be parole eligible.

Juanita Weaver's last living sibling, Ella Mae Spaulding of Columbus, Ohio, said Tuesday she had not been keeping up with details of the case.

Use Iowa caucuses to spotlight climate change, Rhode Island senator says

DMR

U.S. Sen. Sheldon Whitehouse of Rhode Island urged Iowans on Tuesday to cast a spotlight on the issue of global climate change in the run up to their first-in-the-nation presidential caucuses in 2016.

He described Iowa as becoming the "center of the political universe" in the year before the caucuses, and he urged Iowans to send a strong message to every presidential candidate as they campaign "that if you are going to be credible in Iowa, you have to be credible on climate change."

Whitehouse, a Democrat, is the co-founder of the Senate Climate Action Task Force and has highlighted how climate change threatens public health and coastal communities in Rhode Island. Last week he led an all-night, 15-hour session of the U.S. Senate on climate change in which 31 senators participated.

"My message on this is that we have to fight, and we have to win," Whitehouse told a packed hearing room with about 150 people at the Iowa Statehouse.

The science of climate change is undeniable, Whitehouse said.

In addition, he said, many major corporations and groups are recognizing the problems caused by climate change, including the insurance industry.

He said that many conservative Republicans had strongly objected to gay rights in the past, but they are now retreating as they recognize that gay rights are becoming part of the American mainstream. He predicted a similar retreat will occur among many conservatives who have long been doubters of climate change.

Whitehouse participated later at a forum with business officials from around the state.

Heated Senate talk over anti-bullying bill

DMR

The Iowa Senate approved legislation aimed at bolstering school anti-bullying programs in a sharply divided vote Tuesday after a heated debate.

The measure passed 26-19. Democrats all voted yes, and Republicans all voted no. The bill now goes to the Iowa House, which is considering its own version of anti-bullying legislation.

Senate File 2318 includes required parental notification about bullying incidents, authority for school officials to discipline students for incidents that occur online or away from school, mandated training for educators and a wider definition of bullying.

The Senate bill also establishes a state Office of Support and Analysis for Safe Schools and would provide \$750,000 for a competitive School Climate Improvement Grant Program.

Sen. Robert Hogg, D-Cedar Rapids, the bill's floor manager, said the legislation is needed because more than 2,500 instances of bullying are being confirmed annually in Iowa's schools.

"Too many young people in our state are being subjected to bullying or harassment," Hogg said.

Sen. David Johnson, R-Ocheyedan, unsuccessfully tried to amend the bill. He contended it isn't broad enough to address all possible situations of bullying. He also believes it doesn't provide enough opportunity for parental involvement.

"Parents, where are they in this bill? Absolutely nowhere. This is not a bill that makes things better," Johnson charged.

Sen. Jake Chapman, R-Adel, sided with Johnson. "Bullying is bullying regardless of who you are. We should be protecting all kids in Iowa, not just 18 enumerated characteristics... All Iowans deserve to be protected."

The Iowa anti-bullying law lists areas specifically addressed as protected for students, including age, color, creed, national origin, race, religion and sexual orientation. Some of the opposition to the bill when it passed in 2007 centered on inclusion of sexual orientation in that list.

Hogg responded by saying that nothing in the Senate bill prevents school districts from trying to curb bad behavior. He expressed concerns that a proposed Republican amendment would elevate other types of behavior to be considered bullying. In addition, he said Johnson's proposal would require parents to be notified even if a complaint was insignificant.

Sen. Tod Bowman, D-Maquoketa, who is a high school teacher, supported Hogg. "This isn't an issue with easy fixes. If it were, we wouldn't be dealing with it today," he said.

Hogg became clearly angry at one point in Tuesday's debate, charging that Republicans' amendments wouldn't protect children. He remarked that school administrators would be allowed to sit on their posteriors if Republicans had their way.

He used a rude word for a school administrator's backside, which prompted shouts of "Point of Order!" from Republicans. Hogg quickly acknowledged the impropriety of his remark.

Sen. Mark Chelgren, R-Ottumwa, said he couldn't support the bill, "I don't believe the proper constitutional protections of free speech are being addressed," he explained.

Jimmy Centers, Gov. Terry Branstad's communications director, issued a statement after the Senate vote, saying the Branstad administration is pleased the Senate has passed an important bill that includes components of the governor's proposal aimed at preventing bullying, including parental notification of bullying incidents.

"We are pleased with this important issue's progress as we work to ensure every Iowa child has a safe and secure learning environment," Centers said.

The Senate's debate on the bill began Monday, but it wasn't wrapped up until Tuesday to permit Republicans time to draft an additional amendment that was offered on the Senate floor and was subsequently ruled not germane.

State lawmakers previously addressed the issue in 2007, when the Legislature voted to require all school districts to have anti-harassment and anti-bullying policies, to make complaint forms available to the targets of bullying or harassment, to put investigative procedures into place, and to collect and report data regarding bullying and harassment.

But seven years later, some lawmakers say, this policy has not been fully implemented in some schools and inadequate resources have been invested in prevention and training.

Senate Democratic staffers said reports have suggested the numbers of reported cases of bullying in Iowa are not consistent with the rest of the country. Iowa school districts, on average, reported fewer than 2 percent of their students have been bullied in any given year since 2007. National averages are around 30 percent.

Murphy has 30% in 1st District survey

DMR

None of the five Democratic candidates running for Iowa's 1st Congressional District has enough support to avoid going to party convention, according to a poll paid for by one campaign.

Only state Rep. Pat Murphy comes close to the 35 percent threshold needed to win the primary outright, garnering 30 percent of the vote, the poll shows.

Results from the survey of 400 likely voters in the June 2014 Democratic primary election were released Tuesday in a memo from candidate Dave O'Brien's campaign. The complete results were not provided, and the campaign declined to release positive statements about the candidates' backgrounds that pollsters read to respondents.

The poll found that Murphy, the former speaker of the Iowa House, leads in name recognition with more than 50 percent of respondents knowing who he is. (The exact percentages were not provided for Murphy or the other candidates.)

After respondents heard statements about Murphy's personal background and political platform that simulated his campaign communications, support for Murphy dropped from 30 percent to 27 percent, the memo about the poll stated.

O'Brien, a Cedar Rapids civil rights attorney, currently draws 9 percent of the vote, according to the memo about the poll. But after respondents heard more about his personal background and political platform, he moved into second place behind Murphy, with 26 percent, the campaign said.

"It shows that voters respond to Dave's message and he's positioned to break through this primary field," campaign spokesman Sam Roecker wrote in an email.

Support for the other candidates was close. State Rep. Anesa Kajtazovic of Waterloo drew 13 percent of the vote, former state legislator Swati Dandekar of Marion also drew 13 percent and Cedar Rapids City Councilwoman Monica Vernon got 11 percent, according to the O'Brien campaign.

The poll was conducted Feb. 27 through March 2 by David Binder Research and has a margin of error of plus or minus 4.9 percentage points.

The 1st District seat is being vacated by U.S. Rep. Bruce Braley, a Waterloo Democrat who is running for the U.S. Senate.

Business watch: Iowa receives 'All-Vet State' designation

DMR

Iowa receives 'All-Vet State' designation

The U.S. Chamber of Commerce Foundation today recognized Iowa as one of three states to earn its "All-Vet State" designation, which is intended to highlight state efforts to attract and hire military veterans.

The governor's office announced the designation Tuesday and said Michigan and Tennessee also received the designation.

The All-Vet State designation is a part of the foundation's "Hiring our Heroes" program, an initiative aimed at helping veterans find employment as they transition from military life.

The designation comes after Gov. Terry Branstad named Greene County as the first Iowa community to join his Home Base Iowa initiative, which

ultimately has the same goal as the Hiring our Heroes program.

"This designation is a true testament to our unwavering support of veterans and their families," Branstad said in a statement. "We are dedicated to making Iowa a home for the nation's returning heroes."

Truss maker, jobs may go to Mitchellville

Mitchellville officials have been exploring annexation options to help spur an industrial development west of the city limits.

Mayor Jeremy Filbert said Friday that Johnston-based Lansink Construction is interested in building a facility that would construct and ship wooden trusses near a railroad crossing west of Mitchellville.

"It's easy access to the highway and it's easy access to the railroad," Filbert said.

The project could bring a manufacturing operation with 40 to 50 employees to the community, he said.

Edward Craig confirmed Monday that Lansink has expressed an interest in building the facility on approximately 95 acres his family owns.

The land, which is currently used for farming, is located in unincorporated Polk County.

Obradovich: GOP Senate candidates predict how Braley will attack them

DMR

Four Republican candidates for U.S. Senate predicted tonight how Democrat Bruce Braley would attack them in the general election.

Sam Clovis went for humor: "I'm short, I'm old and I'm ugly," he said, drawing one of the biggest laughs of the night. He added he would relish debating Braley about programs the Democrat supported, such as Cash for Clunkers and the Affordable Care Act.

Matt Whitaker went for populism. He said Braley's line of attack would be that he attended a public university. "Educated by the public schools, went to a small, liberal-arts school in eastern Iowa," he said.

(In case anyone doesn't know, Whitaker played football for the University of Iowa.) He said he expects the campaign will be about Braley's record, not the GOP nominee.

Joni Ernst went for denial. "Certainly, he's going to have a hard time attacking me. I can't think of too many reasons Mr. Braley would say I'm unelectable," she said.

Democrats accused her recently of being against the middle class. "I am the middle class," she said. She added that Braley might not like that she rides a Harley Davidson motorcycle. A missed opportunity there — she could have made a Second Amendment reference and said Braley might criticize the gun in her purse.

Mark Jacobs went for the ominous prediction: Braley will use "personal character assassination," he said.

Braley is a formidable opponent who will be incredibly well financed and bring in national money, Jacobs said. He also took a veiled swipe at Ernst: "For anybody to think we're not going to get attacked — we're going to get severely attacked."

He argued that Republicans need a candidate who can stand up to the heat and take it to Bruce Braley on his voting record.

The four candidates attended a forum in Des Moines sponsored by the National Federation of Independent Business. A fifth candidate, Scott Schaben, did not receive an invitation based on a threshold of poll results, organizers said. Braley was invited but did not attend.

Grassley Iowa View: Good government needs watchdogs, whistle-blowers

DMR

From the earliest days of the republic, America's Founders fought tooth and nail to strike the proper balance between an effective federal government, the sovereignty of the states and the natural rights of individuals.

The timeless principle of self-governance embodied by the Constitution preserves the blessings of liberty and prosperity in America more than two centuries later. Thanks in large measure to the leadership of James Madison, widely acknowledged as the father of the Constitution, Americans today live in a free society, protected by freedoms of religion, speech and the press and rights of assembly, privacy and property.

The influential Federalist essays, co-authored with Alexander Hamilton and John Jay, served as a catalyst in the 18th century for ratification of the Constitution and flesh out the brilliance of our system of checks and balances today in the 21st century. As a member of Congress, Madison also spearheaded adoption of the Bill of Rights. His legacy for promoting and protecting the free flow of information and the public's right to know is observed as National Sunshine Week throughout the week of Madison's birthday, which was March 16, 1751.

Among my highest priorities in the U.S. Senate are holding the federal government accountable to the taxpaying public, making its policymaking transparent to the people and demanding scrupulous stewardship of public programs and resources. The federal bureaucracy too often circles the wagons and erects a stone wall to bypass transparency and accountability.

Even the federal judiciary has resisted my bipartisan-led efforts to let in the sunshine. I've championed legislation that would allow cameras into federal courtrooms and the Supreme Court. An informed and engaged citizenry has a right to see and a duty to digest why the courts rule one way or another on issues that shape our society and impact how federal laws apply to daily life in America.

Justice Louis D. Brandeis wrote in 1913 that "sunlight is said to be the best of disinfectants." I couldn't agree more. That's why I work to throw open the shutters of the federal bureaucracy. My most recent oversight work has found ongoing fiscal mismanagement at the Pentagon; squandered tax dollars for federal housing assistance; mismanagement of foreign visa programs; and negligent stewardship of Medicaid dollars financing substandard dental care for low-income children.

Fortunately, the good works of good government watchdogs breathe down the necks of wrongdoers and obfuscators to spread sunshine into the public's business. America needs these truth seekers to infiltrate closed doors of corruption, negligence and injustice that infect the works of good government. Mold and mildew won't disappear if left in the dark. And once exposed, these areas require thorough scrubbing to remove the damage and constant vigilance to prevent reoccurrence.

From investigative reporting by the media, to internal inspectors general who audit federal agencies and courageous whistle-blowers who step forward to expose waste, fraud or abuse they witness on the job, we need all hands on deck inside and outside of government to hold the public's business to account. Unfortunately, this administration has not helped to dispel cynicism and restore the public's trust despite pledges that this White House would practice "unprecedented" openness and transparency.

From the Internal Revenue Service to the Food and Drug Administration, Federal Election Commission, National Security Agency and Federal Communications Commission, examples of stonewalling, secrecy and snooping underscore why it's important for watchdogs and private citizens not to let down their guard. I applaud the recent Supreme Court ruling that upheld federal law extending whistle-blower protection to contractors and subcontractors of publicly traded companies. The U.S. Court of Appeals also delivered good news leading up to National Sunshine Week. It unanimously stood up for the Freedom of Information Act to protect the free flow of information and government transparency.

Using legislative and oversight tools bestowed by the Constitution, I will continue fighting tooth and nail in the U.S. Senate to protect the public's right to know and make government more accessible. That includes strengthening federal whistle-blower and freedom of information laws that protect the rights of private citizens and foster better stewardship of public services.

History shows that transparency and accountability bring stability to institutions of government. Americans owe a debt of gratitude to those who carry on James Madison's legacy of a free society. National Sunshine Week offers a good reminder to government watchdogs to keep a tight-fisted grip on freedom's torch that helps burnish America's commitment to openness and transparency for generations to come.

Highway 20 widening will mean closure near Correctionville

SCJ

Residents near the road that will become a detour during the U.S. Highway 20 modernization are not looking forward to 2016.

That's when Highway 20 will be closed for work west of Correctionville, requiring a detour onto eight miles of County Road D22, or what residents still call Old Highway 20.

"That is one windy son of a gun. The less you are on that Old 20, the better," said Greg Manker, of rural Moville.

The Woodbury County Board on Tuesday approved an agreement to grade Highway 20, a key step in the process to widen a 12-mile section of the two-lane roadway. The Iowa Department of Transportation plans to finish the project, from two miles east of Moville through Correctionville, by 2017.

The county is in charge of altering intersections of Highway 20 with county roads.

The portion approved Tuesday will be paved in 2016. The four-mile portion nearest to Correctionville will be completed at a later date, said County Engineer Mark Nahra.

To get ready for the detour, the weathered Old Highway 20 will be widened and repaired in 2015, Nahra said.

Manker said that's a good step, but highway will still have lots of long curves where traffic slows. He said some drivers won't like being held back to a slower pace.

Manker lives along D22 just west of the detour route. He uses Highway 20 to haul grain trailers east to Correctionville, sometimes daily.

Officials say it is the best way to route traffic.

Old Highway 20 runs roughly one-half mile parallel south of U.S. Highway 20. It became a county road when the newer highway opened.

Danny Irwin, manager of the Western Iowa Co-Op in Correctionville, said many of the elevator's users wouldn't see a big impact when hauling to town. But farmers living north of Highway 20 will have difficulty crossing the road and need alternative routes, he said.

"It is going to be a pain and we are going to have to work around it. It is nothing we can't handle," Irwin said.

IDOT officials wanted to keep U.S. Highway 20 open without a full closure, but the difficulty of work with bridges and the highway near the Little Sioux River Valley just west of Correctionville has complicated plans, Nahra said. Additionally, there is need for more environmental studies, after discovery of American Indian historic sites along the road.

"They've come across some cultural resources. There was an Indian village and burial site there," Nahra said.

Advocates for the highway widening point to a safer thoroughfare and the ability to boost economic growth.

River Valley School District runs buses out of Correctionville on Highway 20 and Old Highway 20. Principal Valery Fuhrman said those routes will need to be altered, but she doesn't see that as problematic.

"It is a short-term inconvenience for a long-term gain," Fuhrman said.

Of the 300-mile span of the highway across Iowa, 44 miles in western Iowa are left with two lanes, from Merville to Early, Iowa. The estimated cost to widen that section to four lanes is \$375 million.

IDOT funding is allocated in a series of rolling five-year plans. The next five-year plan will be set in June, when the updated timeline for the U.S. Highway project will be detailed.

Debate erupts over Iowa anti-bullying bill in Senate

SCJ

Efforts to curb bullying in schools turned angry on the Iowa Senate floor Tuesday as senators shouted through a debate over parental involvement and the most effective ways to protect children.

The Democratic-majority Senate passed the measure 26-19. The legislation now goes to the Republican-controlled House, where lawmakers are wrangling with a similar measure.

"This bill is about getting our schools more tools, more resources, more training to safeguard our children," said Sen. Rob Hogg, D-Cedar Rapids, floor manager of the legislation.

The bill would build upon current Iowa law by broadening the definition of bullying, requiring parental notification in some instances of bullying, granting school officials the authority to handle bullying incidents that occur off campus if they affect students on school grounds, and training school officials on the best practices and procedures to respond to bullying cases.

The bill seeks \$1 million for anti-bullying efforts, of which \$250,000 would go toward establishing an office within the Department of Education to coordinate and implement new policies to prevent bullying and harassment in schools. The remainder of the money would be used for a competitive grant program to help schools with carrying out the new rules.

The bill also doesn't require parental notification in all cases, leaving that decision to students and educators.

GOP senators raised concerns about putting schools at risk for lawsuits and infringing of free speech.

"There are a number of reasons why a no vote is a good vote on this bill," said Sen. David Johnson, R-Ocheyedan, who tried unsuccessfully

Monday to amend the bill during a debate that spanned two days. "Are we really, really, really trying to make it the very best it could be at this point? Nothing's perfect. But we're falling way short on this."

The law outlines a list of reasons a child might be bullied, such as religion or sexual orientation. It includes an opening clause that suggests more reasons for bullying can be considered, but Johnson said the bill doesn't go far enough to guarantee that bullying for unlisted reasons isn't tolerated.

He also said the bill as written fails to keep parents directly involved.

"In the end, this bill does not protect all children, all students in any situation for any reason," he said. "That's why this is a bill that falls way short and deserves a 'no' vote. We are not protecting children."

Johnson proposed an amendment to address his concerns, but the amendment failed. He then urged lawmakers in the chamber to vote against the bill.

Hogg argued Republicans are neglecting to consider the well-being of children by refusing to support the measure.

When Iowa's current bullying law was up for debate on the Senate floor in 2007, all but six Republicans voted against it.

Republican Gov. Terry Branstad has made bullying prevention a priority this year after a failed attempt during the 2013 session. After some high-profile bullying incidents in Iowa, including the 2012 suicide of a 14-year-old boy in Primghar, Iowa, who had been bullied, Branstad organized an anti-bullying summit. He held another such gathering last fall.

The House version of the bill is awaiting action, said floor manager Rep. Quentin Stanerson, R-Center Point. "We've been looking through some of the amendments seeing which ones help the bill and which ones don't," he said.

The main difference between the two is the House version does not include the money for bullying specialists included in the Senate version. It also doesn't include the \$25,000 the governor's proposal set aside for a training webinar.

"Policy-wise, the bills are pretty similar," Stanerson said. "The difference is appropriations. We don't want any unfunded mandates."

Iowa GOP Senate hopefuls split on religious conscience law

SCJ

Candidates for the Republican nomination for the U.S. Senate found little to disagree on when talking about what's bad for small business: Obamacare, the EPA, big bank bailouts and overreaching Washington politicians and bureaucrats.

However, there was disagreement on whether small business owners need an Arizona-like conscience law to protect their religious liberties.

Four Republicans hoping to succeed Democrat Sen. Tom Harkin spent most of a forum in front of the National Federation of Independent Business Tuesday evening singing from the same hymnal as they discussed Obamacare, the EPA, big bank bailouts and overreaching Washington politicians and bureaucrats.

However, there was some dissonance when the quartet was asked about their support for the Arizona religious freedom law that would have made it easier for business owners to refuse service to gay people on religious grounds.

College professor Sam Clovis called Arizona Gov. Jan Brewer's veto a mistake because religious freedom is a 1st Amendment right that means "our religious faith, our religious doctrine should be protected and there are no exceptions."

State Sen. Joni Ernst called it a "very, very difficult issue." As conservatives, she said, the GOP was based on the premise that all people are created equal "do not want to discriminate anybody regardless of whatever their sexual preference might be."

"However, I do not believe that we should be forcing people who have a religious objection to providing services that deal with their religious liberties," she said.

She wouldn't support discriminating against a gay couple who went to a restaurant for meal, Ernst said, adding "it's a very complicated issue."

Matt Whitaker said he hadn't been following the Arizona situation, but he does care about religious liberty and cases of religious organizations being forced to do things that violate their beliefs.

"As a Christian, I practice my Christian religion and I don't want to get in the way of others whether you are Muslim or Jewish or some other denomination, from you practicing your religion," he said.

Mark Jacobs shares his competitors' concern with the federal government's encroachment on religious liberty and promised to "fight very vigorously" to defend religious liberty.

"In the instances of religious organizations, I absolutely, 100 percent support the idea that we can have no religious encroachment," Jacobs said. "But when people choose to enter the field of commerce, I think we have to make sure that we have an environment that those businesses are open to law-abiding citizens. I'm very concerned about the discriminatory nature that could creep into that if we open that door."

Speaking to members of the NFIB, which has nearly 11,000 members in Iowa -- 92 percent whose businesses employ 20 or fewer 20 employees, the candidates generally agreed the current \$7.25-an-hour minimum wage is appropriate and there is no role for the federal government in raising it. Three of the four candidates said they had worked for the minimum wage at one time.

They also generally agreed the common core should be scrapped, but called for higher education standards set by states and local school boards. They'd also like to repeal and replace the Affordable Care Act, and get rid of the Department of Education, the Dodd-Frank act.

Iowa House passes legislation to toughen penalties for kidnapping minors

SCJ

Legislation to toughen penalties for kidnapping a minor in Iowa including the elimination of early release based on good behavior passed Tuesday afternoon through the House.

The legislation comes in the wake of a high-profile case last year where authorities said a man freed from prison abducted two girls and killed one victim, Kathlynn Shepard, before hanging himself.

Senate File 2201 would prevent inmates who have committed several sexual or violent crimes against a minor from being released from prison early.

Kidnapping a person 17 and under would be considered a Class B felony punishable for up to 25 years. Any additional kidnapping convictions would be an automatic Class B felony subjected to the mandatory minimum sentencing provisions. There is an exception for relatives who kidnap their child, under 18, in attempt to obtain custody of the child.

"I simply cannot condone the thought of allowing inmates to reap the reward of being released early simply because they behaved themselves behind bars especially when they decided the victim they chose to offend upon is a child," said Rep. Chip Baltimore, R-Boone, the bill's floor manager.

The legislation also allows authorities to examine both sealed and unsealed juvenile records when sentencing sexually violent predators or imposing civil commitment.

Rep. Mary Wolfe, D-Clinton, opposed eliminating earned time off saying there was a lack of studies on the issue, noting it wasn't a part of the Public Safety Advisory Board's original recommendations regarding the bill.

"I would suggest before we go dismantling a policy that has been in place for some time we ask the experts to look at that policy and analyze it and evaluate it and tell us why its there," Wolfe said, adding to then consider the measure if experts approved.

The House approved the bill, 96-3. It was the second time the House voted for stiffer penalties and eliminating time off for good behavior.

Baltimore said he believes the measure is "based on pure simple and fact" and is something the public has largely supported.

The bill will go back to the Senate floor for approval. If the Senate doesn't agree with the House's amendments, lawmakers will come together in a conference committee to hammer out a final version.

Also Tuesday, House passed, 99-1, legislation encouraging schools to test for radon. The amended bill does not mandate schools test or mitigate for high levels of cancer-causing radon but encourages schools to report to the Department of Education their plans to test and mitigate. The department must also provide schools with options and possible program funding to test and mitigate and provide the Legislature with the information. The amended version will now go back to the Senate to agree on a final version.

Legislation providing low-income child-care assistance in four Iowa communities also passed the House, 96-2. The bill allows low-income parents who accumulate 28 hours between working and going to school to be eligible for potential state child-care assistance. Current law gives parents eligibility if they spend 28 hours working or in school. The House bill limits the piloted program to Hamilton, Lee, Pottawattamie, and Scott counties, which angered House Democrats. The Senate version called for access to all 99 counties. The amended version now goes back to the Senate.

The House also passed, 98-1, a bill to raise the maximum speed of mopeds from 30 to 39 miles per hour. Floor manager Rep. Brian Moore, R-

Belleveue, said the increased speed would help the vehicles keep up with the flow of traffic on the road.

Ted Cruz talks family values with Iowa home-school advocates

SCI

U.S. Sen. Ted Cruz of Texas told a group of Iowa home-schoolers that school choice is a civil right and "there is no liberty more important than religious liberty."

More than 500 home-school advocates were on hand at the Des Moines Marriot to hear Cruz speak in what was his fourth trip to the state since July. The gathering was put on by the Network of Iowa Christian Home Educators, or NICHE. It's a small but politically influential group in Iowa and in Republican circles in particular.

The group burnished its reputation among conservatives in 2013 by organizing a wide-ranging reworking of the state's home-school rules as part of the education reform package.

"Congratulations," Cruz told the crowd. "You won a major victory here."

His 20-minute speech focused on fatherhood, educational choice and religious freedom that he delivered standing beside, not behind, the podium and without notes.

He called himself a "passionate fan" of school choice. He recounted his fights as solicitor general in Texas, where he defended the placement of the Ten Commandments in the Texas Statehouse and his writing the brief on behalf of all 50 states in defending the requirement to say the Pledge of Allegiance in public schools even though it contains the words "under God."

"I would love to see Senator Cruz run for president," said Richard Puhl, a home-school parent from Des Moines who was one of a handful of families that signed up to have their pictures taken with Cruz before he took the stage. "A lot of his approach and beliefs stems from his values. I'm fairly conservative in my viewpoints, politically and religiously, and I know he has very traditional viewpoints."

Although Cruz has not publicly announced plans to seek the Republican Party nomination in 2016, his frequent visits to Iowa did catch the attention of Democrats and some interest groups.

Americans United for Change chided Cruz for visiting Iowa, where biofuels is a key industry.

"As Iowa Republicans get their first look at Ted Cruz today, they might want to ask him why he's putting Texas Oil interests ahead of Iowa's ethanol producers. His plan to repeal President Bush's Renewable Fuel Standard would put 62,000 Iowa jobs at risk — most of them in rural, Republican areas of the state," Caren Benjamin, executive director of Americans United, said in a news release. "Killing Iowa's biofuel industry may win him support from Exxon, but it's lousy politics in Iowa and lousy policy for our country — which already spends about \$1 billion a day on foreign oil."

Democratic National Committee Chair Debbie Wasserman Schultz held a conference call with reporters Tuesday morning, calling Cruz "the new face of the Republican Party" and criticizing him for leading the government shutdown in 2013 and his opposition to same-sex marriage.

Iowa Democrats demand more answers in "hush money" payouts

DMR

Legislative Democrats turned up the heat on Gov. Terry Branstad and his administration Tuesday, demanding access to documents related to what they called "hush money" payouts made to former state employees to buy their silence.

Sen. Janet Petersen, D-Des Moines, chairwoman of the Iowa Senate's Oversight Committee, said she has written a letter to Gov. Terry Branstad requesting "public documents related to secret settlement agreements with former state employees."

Petersen said she is seeking copies of all signed, unsigned and proposed "settlement agreements" between any state agency and former employees since Jan. 14, 2011 — when Branstad's fifth term began. She also requested information on state department directors who requested such agreements and the names of persons who authorized the payments.

"Spending almost \$300,000 provided by taxpayers to pay former state employers to keep silent is outrageous. How did this happen? What information was intended to be concealed by these payments?" said Petersen.

The request comes in the wake of a Des Moines Sunday Register report that more than \$280,000 was paid out in six secret settlements to former state employees — many with Democratic ties — who were asked to sign confidentiality agreements about the settlements. On Monday, Lt. Gov. Kim Reynolds told reporters she and Branstad were unaware of the secret agreements and payments.

Lt. Gov. Kim Reynolds said neither she nor Branstad knew of allegations regarding political firing and secret settlements involving state employees until the story appeared in the news.

On Sunday, the Register published the accounts of six former state workers who said they were fired for political reasons, given secret payments by the state and asked to sign confidentiality agreements to keep the settlements out of public view.

"We did not find out until yesterday," Reynolds said when asked about her knowledge of the accusations Monday during the administration's news conference. "We found it troubling when we learned about the confidentiality clauses, and we intend to put together a group that will perform a comprehensive review of the process."

Branstad is vacationing in Arizona with his family this week.

In response to Petersen's letter, Branstad spokesman Jimmy Centers issued a statement saying "A comprehensive review is underway to ensure the administration is adhering to the governor and Lt. governor's goal of efficient, effective and transparent government. Upon completion of the review, the findings and any actions will be made public."

Sen. Jack Hatch, a Des Moines Democrat seeking to challenge Branstad in the November general election, released a statement Tuesday demanding the GOP governor and his administration be more forthcoming with information regarding the targeting of state employees based on their political affiliations and what he called the subsequent cover up.

"When the governor returns from his vacation, he needs to come clean," Hatch said in a statement. "We don't need another sham blue-ribbon committee handpicked by him to absolve him of wrong doing."

"We have seen these pretend investigations before with the Iowa Juvenile Home, the speeding incident, and the firing of Larry Hedlund," Hatch added. "He knows what really happened to these employees and about the secret hush money that was paid. This was perpetrated by his hand-selected people."

"If he doesn't know what happened, then it shows gross incompetence, reckless mismanagement, and a bureaucracy run amok that we have never seen before in this state," Hatch charged. "No longer can the Governor once again claim that he knows nothing and that this isn't his fault. He clearly has been in office for too long."

Iowa Senate votes to raise corn checkoff authorization

SCJ

Legislation that could lead to a future increase in the per-bushel corn check-off if approved in referendum by Iowa corn producers passed the Iowa Senate Tuesday and is on its way to Gov. Terry Branstad's desk for his consideration.

House File 2427 would raise the maximum amount of marketing money authorized to be assessed on each bushel of corn that an Iowa producer sells from the current one-cent to as much as three cents if approved by producers.

The maximum rate must stay at one cent per bushel through Aug. 31, under the bill. The maximum rate for the next five marketing years – from Sept. 1, 2014, to Aug. 31, 2019 – cannot exceed two cents if approved by corn growers, and the maximum check-off rate is capped at three cents per bushel for all future marketing years beginning Sept. 1, 2019, according to the bill.

The Senate approved the bill, 46-0. The measure was adopted on a 98-0 vote by the Iowa House on March 4.

"Iowa's commodity groups do great, great things for the state," said Sen. Dennis Black, D-Grinnell, the bill's floor manager.

Officials with the Iowa Corn Promotion Board and the Iowa Corn Growers Association say that raising the maximum checkoff authorization does not mean that producers will be asked to pledge that amount. The check-off began in 1976 and reached one cent per bushel in 2012.

"It increases their authority, but it doesn't mean the check-off is going up," said Sen. Tim Kapucian, R-Keystone. "I'm happy that we've got this where it is today and we can move on."

Kapucian said there are some producers who have concerns, but he was satisfied adequate checks and balances are in place for the legislation to move forward. He said he was pleased lawmakers decided to keep a cap in place and hold it to a maximum of three cents a bushel if that level is approved by Iowa farmers at some future time.

Last fiscal year, the Iowa corn check-off generated more than \$17 million, said Mindy Larsen-Poldberg of the Iowa Corn Growers Association, and producers asked that about \$1.2 million (7 percent) be refunded to them.

Money generated by the checkoff is used for market development/promotion, education and research – which include sponsorships of the Iowa Corn 250 auto race at the Newton track and the Cy-Hawk series involving athletic teams at the University of Iowa and Iowa State University.

Also Tuesday, the Senate voted 45-0 to approve legislation authorizing Iowa law enforcement officers to seek judicial permission for a search warrant allowing for the placement of a global positioning device on a motor vehicle.

Currently, the GPS authority is limited, said Sen. Steve Sodders, D-State Centers, a Marshall County deputy sheriff who was floor manager for House File 475, which would expand the ability of law officers to obtain permission for use of a GPS device under the same procedures as other search warrants. The bill was amended, so it must return to the Iowa House for further consideration.

Sen. Whitehouse: Iowans must help set agenda on climate change in 2016

[Lee News](#)

Iowans can play a significant role in making climate change a top political priority, a Rhode Island Senator and vocal activist on climate change told state lawmakers and citizens Tuesday.

Sen. Sheldon Whitehouse, D-R.I., said Iowa becomes the "political epicenter" with its first-in-the-nation caucuses leading up to the 2016 presidential election and called on Iowans to make candidates talk about the issue.

"I want to work with you to make sure Iowa is sending a strong message to every single presidential candidate that shows their face here: if you're going to be credible in Iowa, you've got to be credible on climate change," said Whitehouse, which received a round of applause from the more than 100 lawmakers and citizens in attendance at the Iowa Statehouse discussion.

Whitehouse, chair of the Environment and Public Works Committee's Clean Air and Nuclear Safety Subcommittee, has remained vocal on the impacts of a warming climate. Last week, Whitehouse spearheaded a 15-hour overnight discussion on climate change.

He told members of the press Tuesday he'd like to see a federal climate bill in 2015 and efforts in Iowa can help lay the groundwork. He said he'd like to see the bill put a price on carbon to hold carbon polluters accountable for excessive emissions.

"This is a fight that we have to have and we have to win," Whitehouse said.

Whitehouse told members of the press that fight includes knocking down what he calls the "propaganda effort" by some energy companies that contend climate change isn't a pressing issue.

A recent Gallup poll showed many Americans aren't thinking about the issue either. Only 24 percent of Americans said they were greatly concerned about climate change. The poll also revealed the political divide with 36 percent of Democrats and 10 percent of Republicans who said they worry about climate change.

Whitehouse said climate change is an unquestionable fact and shared stories of rising ocean levels and fishermen in Rhode Island who are seeing the impacts of carbon pollution. He said larger companies and organizations including Coca-Cola, Pepsi, and Apple are acknowledging climate change and need to work together to help drive a unified message to the public.

The Tuesday morning talk was part of Whitehouse's three-day stop in the Midwest to speak on climate change. Whitehouse is slated to visit BioProcess Algae Wednesday morning in Shenandoah with a meet and greet at The Depot Restaurant that afternoon.

State Sen. Rob Hogg, D-Cedar Rapids, hosted the East Coast Senator's visit and said Whitehouse's visit is a sign the discussion on climate change needs to continue in Iowa.

"I think that says something and I think Iowans are ready for climate action, I think the momentum's building and you're helping to do that," Hogg, who has authored a book on the subject, told the audience.

Gazette editorial: Iowa's 'sunshine' board is busy

[Gazette](#)

"A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce, or a tragedy, or both." — James Madison

Our country's fourth president understood that a transparent, accessible government was critical to ensuring a free and stable nation. His wisdom is no less important today in a world that has become increasingly complicated and connected by technology.

Thus, as we observe the annual Sunshine Week, we're thankful for and commend to Iowans the Iowa Public Information Board.

Created by legislation in 2012 after several years of wrangling about its structure, purpose and funding, the board has been active since July. Contrary to critics of the idea, it's serving a need. In the first eight months, the board staff has fielded 368 questions, complaints and requests.

The majority are from citizens who want help in acquiring public records or gaining access to meetings without having to file a formal complaint that may take weeks or months to resolve. And about one-third of the contacts are requests from government officials and staff for assistance in interpreting and implementing Iowa's open meetings and public records laws.

While it's too soon to judge the board's effectiveness and whether being part of the governor's administrative umbrella allows enough independence, we're encouraged by the growing use of its resources. It's a one-stop agency where Iowans can get answers regarding their concerns about how state and local government should be responding.

It's a valuable citizen tool to ensure there's plenty of sunshine on government in Iowa.

Use it as needed.

Comments: editorial@thegazette.com or (319) 398-8262

TO GET HELP:

The Iowa Public Information Board website provides advice on what public meetings should be open, how to get copies of public records as well as other information on Iowa's open meetings and public records laws and a training section on those laws at

Bruce Rauner wins Republican nomination for Illinois governor

[QCTimes](#)

Venture capitalist Bruce Rauner won the GOP primary Tuesday in his bid for Illinois governor, as voters embraced a first campaign by the multimillionaire who flooded the airwaves with vows to run the Democratic stronghold like a business and curb the influence of government unions.

With Republicans eyeing what they view as their best shot in years to win the top job in President Barack Obama's home state, Rauner defeated three longtime state lawmakers — including the current state treasurer. He advances to a November matchup with Democratic Gov. Pat Quinn, who easily won his nomination for a second full term.

"The voters are going to face a stark choice in November, a major decision about the future of our state," Rauner said in his victory speech. "It's a choice between failure of the past and a new day."

Between Quinn and predecessor Rod Blagojevich, now imprisoned for corruption, Democrats have held the governorship since 2003. But Rauner could present a serious threat, partly due to a massive fundraising campaign that included contributing more than \$6 million of his own money.

For voters across Illinois, the governor's race represents a potentially transformative battle over union influence, with some voters saying they want to break an alliance between organized labor and Democrats, who have long controlled most statewide offices and the Legislature.

Organized labor battled back out of concern that Rauner could seek to weaken unions in the same way GOP governors have in other states across the Midwest.

Quinn's first re-election ad of the season — focusing on Rauner's evolving stance on raising the minimum wage — hit the airwaves Tuesday evening. Quinn has called for increasing the state's rate from \$8.25 to at least \$10 an hour. Rauner had initially called for a cut and later said he'd raise it under certain circumstances.

"I'm here to fight for an economy that works for everyone," Quinn said Tuesday night. "Not just the billionaires, but for everyone."

Rauner says he would model his governorship after those of Wisconsin Gov. Scott Walker and former Indiana Gov. Mitch Daniels. Both significantly rolled back union power in what they said were necessary steps to attract business and reduce costs. Rauner defeated state Sens. Bill Brady and Kirk Dillard and state Treasurer Dan Rutherford in the primary.

"Rauner is going to be a bull in a china shop; we need a bull," said Tom Sommer, a 57-year-old real estate broker from the Chicago suburb Hinsdale. "It's not going to be more of the same."

Issues such as a public pension overhaul and high taxes "are coming to the fore and the old guard is not going to handle that," Sommer said, adding that he voted for Rauner because of his tough talk against the unions that represent public sector workers. That sentiment persists despite Democratic Gov. Pat Quinn's push to fix Illinois' finances by overhauling the heavily underwater public pension systems, which earned him the unions' ire.

Rauner has also won supporters with his call for term limits.

Union leaders, meanwhile, sought Rauner's defeat by encouraging members to pull Republican ballots and vote for Dillard, who picked up

several union endorsements.

The typically left-leaning unions spent more than \$6 million on the GOP primary, both in anti-Rauner and pro-Dillard ads. Rauner raised more than \$14 million, including \$6 million of his own money — more than any candidate seeking a gubernatorial nomination in state history.

Rauner warned supporters about the unions' efforts, saying Quinn's "allies" were trying to hijack the election. He said legislative term limits could break the labor-Democratic alliance.

The race turned out to be far closer than polls suggested. With nearly all precincts reporting, Rauner's edge over Dillard was slightly more than 2 percentage points.

In southern Illinois, voters had another reason to want to upend the state's political order, saying they felt marginalized and neglected by a political balance weighted toward Democrats and the Chicago region.

In the last 10 years, things have gotten really bad (in the state)," said Marty Johns, 48, of Godfrey. "Throw out all the Democrats in Chicago. All of our money goes up there while southern Illinois gets the crumbs."

Johns said he voted for Dillard to "remove Quinn."

Quinn, who was Blagojevich's lieutenant governor and assumed the office after he was booted amid a corruption scandal, easily defeated a lesser-known primary challenger Tio Hardiman in his bid for a second full term.

Brady won the 2010 GOP nomination, but lost the general election to Quinn. Brady, of Bloomington, argued he built the support during that bid to defeat Quinn this time around.

Rutherford, of Chenoa, did little campaigning recently. He all but conceded defeat after a former employee filed a federal lawsuit accusing Rutherford of sexual harassment and political coercion. Rutherford denied the allegations.

Republican primary voters also chose state Sen. Jim Oberweis, a dairy magnate, to run in November against U.S. Sen. Dick Durbin, the Senate's second-ranking Democrat. Oberweis, who defeated businessman and West Point graduate Doug Truax in the primary, has lost five of his six bids for public office.

Also on the ballot were primary races for the U.S. House, Illinois Legislature and statewide constitutional officers.

Branstad group to meet privately on deals probe

AP

Gov. Terry Branstad's work group appointed to investigate secret settlements with former state employees plans to meet behind closed doors.

Lt. Gov. Kim Reynolds announced formation of the work group on Monday. The Des Moines Register reports (<http://dmreg.co/1ekclSh>) that on Tuesday the governor's spokesman, Jimmy Centers, said the meetings would be private but that the findings and any actions would be made public.

Reynolds said she and Branstad did not know about the agreements with six former employees, who were secretly paid a total of more than \$282,000 if they agreed to keep quiet. The agreements were signed over the past three years.

Reynolds says she and the governor first learned of the payments and confidentiality agreements in a Register story published Sunday.

Candidates disagree over need for religious conscience law

Radio Iowa

Four of the Republican candidates for the U.S. Senate pledged tonight during a forum in Des Moines that they would reduce government regulations and vote to repeal "ObamaCare" if they're elected. But the candidates differed on whether there's a need for a law giving small business owners the right to refuse to serve same-sex couples.

Arizona's Republican governor recently vetoed a bill that would have carved out a religious exemption for business owners who, for instance, don't want to be involved in gay weddings. Candidate Mark Jacobs of West Des Moines, a retired business executive, said religious organizations should "100 percent" have that right to refuse to participate in gay weddings.

"But I think for people that choose to enter the field of commerce in businesses, I think we have to make sure that we have an environment that those businesses are open to law-abiding citizens and I'm very concerned about the discriminatory nature that could creep into that if we start to open that door," Jacobs said.

Sam Clovis of Hinton, an economics professor, said Arizona's governor should have signed that bill into law.

"This, to me, is one of the most fundamental questions that we will have to wrestle with as a society," Clovis said. "...At no other time in history

— and I'm the oldest one sitting on this stage, I'll tell you — I have never seen in my life the assault on religious liberty that we see today." Matt Whitaker of Ankeny, a former federal prosecutor, said the federal government is guilty of encroaching on religious freedoms in a number of cases, but he said there's no need for a law granting businesses a religious exemption.

"As a Christian, I practice my Christian religion and I don't want to get in the way of others whether you're Muslim or whether you're Jewish or some other denomination from you practicing your religion," Whitaker said, "but I don't think we need a federal law to enforce that right because it's already evidenced in the First Amendment to our Constitution."

Joni Ernst of Red Oak, a state senator, said it's a complicated issue that has to be sorted through.

"We want to ensure that we're not discriminating, but then on the other hand we're not forcing those (business owners) to do something that disagrees with what they believe as a religion," Ernst said.

All four candidates expressed concerns about the so-called "common core" education standards that supporters say will lead to a better-educated workforce. The candidates said curriculum decisions should be made at the state and local level. The group fielded a question about the minimum wage and each criticized the plan backed by President Obama and Iowa Senator Tom Harkin that would raise the national rate to \$10.10 per hour.

Harkin, a Democrat, announced in January of 2013 that he would not seek re-election and Bruce Braley, an eastern Iowa congressman, is the only Democratic candidate in the race to fill Harkin's seat. The four candidates who appeared at tonight's forum are competing for the GOP's 2014 U.S. Senate nomination.

The forum was sponsored by the National Federation of Independent Business.

Senate Democrats pass anti-bullying bill, GOP-led House has yet to act

Radio Iowa

Democrats in the Iowa Senate have passed a bill designed to give school administrators more authority to address instances of bullying that occur outside of school and on-line. Senator Rob Hogg, a Democrat from Cedar Rapids, said addressing "cyber-bullying" is important.

"To all those young people across this state who have spoken up and asked us to act, we are acting," Hogg said.

While all 26 Democrats voted for the bill, all 24 Republicans in the senate voted against it, voicing a variety of complaints. Republican Senator Mark Chelgren of Ottumwa said he's worried school officials won't be properly trained to recognize the First Amendment free-speech rights of students.

"We need to make sure that when we are dealing with bullying the people who are making the decisions on whether or not this qualifies as bullying understand the line," Chelgren said.

Republican Senator David Johnson of Ocheyedan objected to the new "Safe Schools" office created in the Iowa Department of Education and he suggested the bill didn't provide enough money to train school officials.

"We try to cover everything, but we're falling way short on this," Johnson said.

Senator Hogg responded. "Senator Johnson, I know you don't think \$1 million is enough. I never saw your amendment to add money."

Republican Governor Terry Branstad called upon legislators to pass anti-bullying legislation last year and again in January. An anti-bullying bill stalled in the Republican-led Iowa House last year. Many Republicans suggest it's up to parents to police the actions of their children when they're outside of school, however an anti-bullying bill has been under consideration in the House this winter.

Ted Cruz, "passionate fan" of school choice, speaks to Iowa home schoolers (AUDIO)

Radio Iowa

Texas Senator Ted Cruz told Iowa home schoolers today: "school choice is the civil rights issue of the 21st century."

"I think we ought to be pursuing every possible policy to expand the option for parents and for kids," Cruz told reporters immediately after his speech.

Cruz told the crowd of hundreds of children and their home-schooling parents that they have a "fundamental right" to educate their children and they must "guard against efforts to undermine" their new-found freedoms.

A 2013 Iowa law erased previous requirements that parents who intend to teach their children at home notify their local public school district and file lesson plans with the school. Cruz said he is a "passionate fan" of school choice as well — allowing parents to send their children to the school of their choice, not just to the school in the district in which they live.

"For too long, we've been hearing that solutions will come in time, in decades, and yet one generation after another of kids are left without good options," Cruz said. "We need to have the urgency that, frankly, we would have if it were our kids trapped in schools."

Cruz is "emphatically opposed" to the so-called "common core." Supporters say is an effort to ensure students are competent in essential subjects like math and science. Cruz sides with those who say it will wind up being a federal take-over of education.

"I don't think the federal government has any role dictating the content of curricula. I think education is a state issue and a local issue and ideally at the local level because that way parents can have direct input and control of what's being taught to their kids," Cruz told reporters. "If you or I disagree with what some bureaucrat in the federal Department of Education says, you can't change that. You don't have an influence on that."

Cruz just recently finished second in the Conservative Political Action Conference straw poll gauging interest in the field Republicans likely to run for president in 2016. He is due to speak in Mason City this evening at a Cerro Gordo County GOP fundraiser. This is the first-term senator's fourth visit to Iowa in less than a year.



AUDIO of Cruz' speech, 26:00

Democrats organized a conference call with reporters a few hours before Cruz made his public appearance in Des Moines. Democratic National Committee chairwoman Debbie Wasserman-Schultz called Cruz the "new face" of the GOP.

"The Tea Party has clearly had a strangle-hold over the Republican agenda and Ted Cruz has been driving that agenda," Wasserman-Schultz said.

Spencer not ready to bring back fireworks

Radio Iowa

As Iowa lawmakers consider a bill to legalize the sale fireworks in the state, leaders of a community in northwest Iowa strongly oppose the idea

— after having been the scene of a disaster years ago. Spencer officials are lobbying legislators to kill the measure, according to city manager Bob Fagen, or at least to allow communities to opt out and uphold the longstanding fireworks ban.

"It's very dear to most of us, that idea you could lose part of your town on a simple thing like somebody tripping and letting a Roman candle or whatever it is burn down your town," Fagen says. "You've got to be very, very careful about that." Spencer was instrumental in getting fireworks banned statewide more than eight decades ago after fire devastated the town.

During the midst of a drought in 1951, a boy with a sparkler accidentally set off some fireworks in Spencer, sparking a wind-whipped fire that destroyed two-and-a-half city blocks of the downtown. "People still leave the state and go out and buy things they probably aren't supposed to legally and come back and use them," Fagen says. "Most people grew up with the idea that for some reason you couldn't do it, but unless you're from this area, you don't know what can happen if they're not used correctly."

Fagen says he knows of colleagues from other communities who would welcome the sale of fireworks to generate additional sales tax revenue, but he says the older generation of Spencer residents still remember. In the legislature, the fireworks legalization bill died initially but was revived. It's now before the House Ways & Means Committee. A subcommittee advanced the bill on Monday and it may be debated in the full committee sometime this week.

(Reporting by Dennis Morrice, KLEM, Le Mars)

Iowa state senator seeks records of secret state settlements

AP

A state senator from Des Moines has asked Gov. Terry Branstad to turn over public documents related to settlements reached with state employees who were laid off then paid to sign agreements to keep it quiet.

Sen. Janet Petersen, D-Des Moines, the chairwoman of the Iowa Senate Oversight Committee, said she wants copies of any such agreements since January 2011. She also wants to know who requested the agreements and who authorized the payments.

On Sunday, the Des Moines Register reported that more than \$280,000 was paid to six former state employees.

Lt. Gov. Kim Reynolds said she and Branstad were unaware of the agreements, and a comprehensive review is underway.

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[Preview is not available (conversion excluded for this file type).]

Message: Morning Clips 3.20.14**Case Information:**

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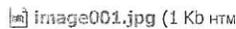
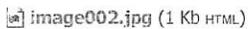
No reviewing has been done

Policies:

No Policies attached

✉ Morning Clips 3.20.14

From Centers, Jimmy [IGOV] **Date** Thursday, March 20, 2014 7:05 AM
To Centers, Jimmy [IGOV]
Cc

Dotzler launches partisan attack: A Democratic lawmaker on Wednesday accused the Republican head of Iowa Workforce Development of illegally pressuring the agency's administrative law judges to rule in favor of businesses and against workers in appeals involving unemployment benefits.

Wahlert issued a statement Wednesday saying her agency's administrative law judges are working diligently and doing their jobs properly while making improvements to the adjudication process. The improvements will ensure the state continues to receive federal money to administer the unemployment insurance program, she said.

Jimmy Centers, Branstad's communications director, criticized Dotzler, accusing him of "Washington, D.C.-style partisan attacks" that have no place in Iowa. "The taxpayers expect their elected leaders to work in a bipartisan fashion to pass meaningful legislation, not engage in Senate Democrats' petty political theater," he said. [DMR](#)

Panel to decide Chido-Bisignano dispute Friday: A panel of state officials decided Wednesday to consider arguments and review legal briefs before they determine whether former state lawmaker Tony Bisignano may run for the Iowa Senate.

Attorney General Tom Miller, Iowa Secretary of State Matt Schultz and State Auditor Mary Mosiman are considering a challenge by one of Bisignano's primary opponents, Ned Chido, who claims Bisignano is disqualified from running because he was convicted of second-offense drunken driving in January.

Bisignano's attorney, Joseph Glazebrook, argued that drunken driving is not an infamous crime, and, if the panel ruled as such, thousands of Iowans would be made ineligible to vote.

Miller said his office's research shows as many as 50,000 voters could be disqualified from voting under that interpretation. [DMR](#)

Senators mull medical marijuana study: A bipartisan group of 10 Iowa senators on Wednesday called for a legislative interim study on the feasibility of legalizing medical marijuana, a move that could signal a shift in attitudes at the Iowa Statehouse.

State Sen. Brad Zaun, R-Urbandale, who signed the resolution, said he has heard from many of his constituents who support the legalization of medical marijuana. He is leaning toward supporting legislation that would tightly restrict its use. "What is being proposed is not smoking marijuana. It is a vapor or a pill form," Zaun said. "If that helps reduce seizures in people, I think I should have an open mind and study that issue more. ... So I am supportive of at least having a study committee."

Jimmy Centers, communications director for Gov. Terry Branstad, said Wednesday the governor empathizes with individuals and families as they explore ways to treat medical ailments affecting them and their loved ones. But the governor also believes the state needs to exercise caution when considering loosening regulations on a substance that is still illegal federally and is being studied by the Food and Drug Administration, he said. [DMR](#)

Morning Clips 3.20.14

[Workforce Development official is hurting the jobless, senator says](#)

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[Des Moines, other Iowa cities face possible bond-rating decrease](#)

[State officials to rule Friday on Bisignano's eligibility after arrest](#)

[Iowa senators dive into marijuana issue](#)

[Documents offer examples of allegations about Iowa Workforce Development](#)

[Legislature briefs: Human-trafficking bill moves forward](#)

[The Register's Editorial: There are good reasons for 'estate recovery'](#)

[Lawmaker: Iowa gas tax hike still possible](#)

[Former Iowa felon says she believed she could vote](#)

[Iowa senator seeks review of unemployment process](#)

[Man convicted in Waterloo police slayings dead](#)

[Iowa House proposal would limit attorney general's discretion in lawsuit settlements](#)

[Voting rights of an estimated 50,000 at stake in Friday decision \(AUDIO\)](#)

[Patrick McCaffery's surgery goes well](#)

[Branstad administrator accused of exerting improper influence over unemployment cases \(AUDIO\)](#)

[Common cleaners one of the biggest dangers for poisoning](#)

[White House push to speed health care sign-ups](#)

[Findings on Iowa probe of secret deals to be public](#)

[Workforce Development official is hurting the jobless, senator says](#)

DMR

A Democratic lawmaker on Wednesday accused the Republican head of Iowa Workforce Development of illegally pressuring the agency's administrative law judges to rule in favor of businesses and against workers in appeals involving unemployment benefits.

State Sen. William Dotzler of Waterloo accused Director Teresa Wahlert of harassing the judges — whom he described as working in a climate of fear — in an effort to reduce employers' costs for jobless benefits. He called on Republican Gov. Terry Branstad to ask for the resignation of Wahlert, whom he appointed. Dotzler also said he has asked for a federal investigation.

"In a legal dispute, everyone should be treated fairly and with respect. That's not happening," Dotzler said.

Wahlert issued a statement Wednesday saying her agency's administrative law judges are working diligently and doing their jobs properly while making improvements to the adjudication process. The improvements will ensure the state continues to receive federal money to administer the unemployment insurance program, she said.

Dotzler, who co-chairs the committee responsible for drafting the department's budget, said he sent a letter asking the U.S. Department of Labor to investigate whether Wahlert is violating federal laws requiring the fair and impartial administration of unemployment insurance benefits.

The Department of Labor did not respond Wednesday to a request for comment about Dotzler's letter.

Jimmy Centers, Branstad's communications director, criticized Dotzler, accusing him of "Washington, D.C.-style partisan attacks" that have no place in Iowa.

"The taxpayers expect their elected leaders to work in a bipartisan fashion to pass meaningful legislation, not engage in Senate Democrats' petty political theater," he said.

Main accusations, agency rebuttals

Dotzler, who said he has met with many current and former administrative law judges, held a news conference to voice his complaints against Wahlert. These included allegations that Wahlert:

- Created a hostile work environment for administrative law judges who did not follow her “pro-employer, anti-employee philosophy.” Wahlert’s statement rejected that accusation.
- Eliminated the chief administrative law judge’s position, which had provided a buffer against politics, and made herself the direct supervisor of the administrative law judges.

Workforce Development spokesman Kerry Koonce said that in July 2013, several positions were eliminated in the department due to federal budget issues. The chief administrative law judge position was one of them. As that position was eliminated, the staff required a different supervisor, she said. As a result, Wahlert is supervising the staff, work flow and training for the Unemployment Appeals Bureau, she said.

“This is completely allowable under federal regulations ... as long as the director does not hear cases, which she doesn’t,” Koonce said. “The director does not participate in the hearings or review the decision before they are issued.”

- Directed the administrative law judges to become involved with “outreach to community and business leaders” and required them to develop “tip sheets” to help businesses win cases against their former employees. He said these actions interfered with the judges’ ability to impartially weigh cases. He added that Wahlert did not ask judges to create tip sheets to help workers win appeals against their ex-bosses.

Koonce said it’s untrue that judges were required to develop tip sheets to help employers while such sheets were not developed for ex-workers.

“There are a number of generic tip sheets on our website usable by employers and claimants,” Koonce said. “Tip sheets are available for general fact-finding information, preparing a case, and for issues that come up frequently, such as what an employer or claimant should do if they refuse a job while receiving benefits, information on how cases are handled related to intoxication in the work place, off duty conduct, etc.”

The documents reference both employers and claimants, she said.

Former chief judge echoes allegations

Joseph L. Walsh — the former chief administrative law judge identified by Dotzler — echoed the allegations against Wahlert in an interview on Wednesday.

Walsh, who has since taken another job with Workforce Development and stressed that he was speaking as a private individual and not in his official capacity, recalled Wahlert coming to him with complaints from employers and asking him to review and evaluate judges’ decisions.

In at least one case when he found a judge had made the right ruling, she ordered him to write an “employer tip sheet” so other employers could avoid paying benefits in similar cases.

“The bottom line is she was not happy with what the law is with regard to unemployment. She doesn’t like it. She wants it changed,” Walsh said. “When I explained to her the process for changing the law, she didn’t like that. So when she was really unhappy, the main thing that she would do is demand these employer tip sheets.”

Wahlert said in a statement that the U.S. Department of Labor last week completed a routine monitoring visit to Iowa Workforce Development regarding its unemployment appeals process. The monitoring staff was very complimentary of the department’s improvements and process changes, she said, adding she does not expect any negative findings.

Wahlert describes accomplishments

Wahlert said one of the primary measurements for the state’s unemployment appeals program is a 30-day “timeliness data point.” Since August 2013, Iowa has moved from the 47th-lowest in the country to 12th place, she said.

“I’m extremely proud of the administrative law judges and staff who have worked diligently and brought forth a number of innovative ideas to improve our process,” Wahlert said.

Since August, Wahlert added, the appeals unit has implemented new training opportunities, introduced technologies that have decreased processing times and clarified rules that create a better understanding of the process for customers.

Dotzler noted that in February, a federal investigation concluded that Maine Gov. Paul LePage, a Republican, and other Maine officials

interfered with unemployment hearings in a way that could have swayed hearing officers to favor employers over claimants.

LePage has issued a statement denying any wrongdoing and has contended the federal probe was politically motivated by Democrats.

Dotzler's accusations against Wahlert and the Branstad administration quickly drew the attention of Democrats focused on defeating Branstad in his re-election bid this November. State Sen. Jack Hatch of Des Moines, the leading Democratic gubernatorial candidate, issued a statement Wednesday lumping the Workforce Development issue together with the revelation this week that Branstad's administration paid several secret settlements to fired employees and calling on the governor to answer questions on both matters.

"Is the governor unable to do a quick conference call with reporters and legislators to clear the air?" Hatch asked in a prepared statement. "If there's nothing to hide, stop hiding."

Branstad is out of state on a weeklong vacation in Arizona. Lt. Gov. Kim Reynolds is at a conference in Washington, D.C.

Judge rules Nancy Sebring's emails should remain confidential

DMR

Sexually explicit emails sent and received by a former Des Moines school district superintendent using her district-issued email and laptop should have remained confidential, a Polk County District Court judge ruled this week.

Judge Glenn E. Pille's ruling on Tuesday means an invasion of privacy lawsuit brought by former superintendent Nancy Sebring will move forward. Sebring is suing the district, its spokesperson, a former school board president and a school attorney, arguing that the emails were personal and not subject to Iowa's open-records laws.

The ruling was celebrated by attorneys representing the former superintendent. Sebring's attorneys will argue that the judge's ruling should hold throughout the trial — meaning that future jurors won't be able to weigh in on whether the emails should have been kept secret, said David Goldman, one of Sebring's attorneys.

Pille's ruling, however, raised concerns for open-records advocates. The state's law suggests the district can release records, even if they're part of a personnel file or related to discipline, if it chooses to, said Herb Strentz, a former executive secretary of the Iowa Freedom of Information Council.

"The ruling is troubling, but fortunately not decisive in the case because the issue moves forward and, one hopes, eventually to recognizing the school board had the authority and the responsibility to release the public records," said Strentz, who also was dean of Drake University's School of Journalism and Mass Communication from 1975 to 1988. "This is as close as Iowa law comes to having a public interest test — that even if someone asserts confidentiality, the public's interest in knowing what is going on in their government outweighs options for secrecy."

The Des Moines school district in May 2012 released 42 pages of emails to The Des Moines Register following an open-records request. The emails revealed Sebring's misuse of her district email account and electronics.

Sebring had been hired in the spring of 2012 to become superintendent of Omaha Public Schools. The controversy over the emails caused Sebring to resign early from the Des Moines superintendent's job; she also resigned from the Omaha position, which was to have begun on July 1, 2012.

In January, attorneys for the Des Moines district asked Pille to dismiss Sebring's lawsuit, arguing that the emails were public records and that the district was obligated to release them.

Further, when Sebring went to court to stop the release of a second batch of emails in June 2012, Polk County District Judge Robert Hanson ruled that the emails were public records, the district argued.

In his ruling Tuesday, however, Pille wrote that the emails should have been kept secret because they relate to discipline Sebring faced from the Des Moines district. When the emails were discovered in May 2012, they were immediately treated as evidence that Sebring broke school district policy and an emergency school board meeting was scheduled.

Iowa Code allows for "personal information in confidential personnel records of government bodies" to be kept secret.

"We are delighted with the court's ruling, which denies the district's motion and permits Dr. Sebring to proceed to trial," said Goldman in a written statement. "The district had contended that on no possible factual showing could Nancy Sebring win her case. ... The court found that

she has enough evidence that it is possible for her to win on each of her claims and she has the right to have her day in court and present her case for decision by a jury."

Pille also ruled that Sebring's lawsuit brings up valid questions regarding how the emails came to the attention of the Register.

"There is a material question regarding whether the (district) tipped off The Des Moines Register, gave (information) to the Omaha World-Herald, and whether their actions were intentionally tortious," Pille wrote.

Sebring's lawsuit also names former school board president Terece Caldwell-Johnson as a defendant, saying she helped "tip off" the media about the explicit emails.

The lawsuit alleges Register President and Publisher Rick Green, in his former capacity as editor, told current Superintendent Tom Ahart that Caldwell-Johnson was the source.

Green said the Register does not reveal its sources and didn't do so in this case.

"We hold ourselves to the highest journalistic ethics, and that includes maintaining the confidentiality of our sources," Green said. "We wouldn't, nor did we, discuss any sources that went into our reporting of this story. We take the trust placed in us by our sources and readers very seriously."

Regardless of how the emails came to light, Sebring's status as the leader of Iowa's largest school district should trump any questions about the district's motives in releasing the emails, said Brian Steffen, chairman of the communications and media studies department at Simpson College.

"We're still dealing with a public official who did what she did on the public expense. I think our courts are pretty clear that the public's interest in knowing is not dependent on what the motivations of the people who are revealing information are," he said.

Phil Roeder, a spokesman for the school district, referred questions to the attorney representing the district. The attorney could not be reached.

The case is scheduled to go to trial in November.

Groups try to extend Wellmark health insurance plans

DMR

About 200,000 Iowans should learn soon whether they'll be able to keep their old health insurance policies for the next two years or if they'll have to shop for new ones next fall.

The issue hinges on whether Iowa accepts President Barack Obama's recommendation on the matter. Obama said earlier this month that Americans who have insurance plans they bought before this year should be able to keep those policies through 2016.

Iowa Insurance Commissioner Nick Gerhart must decide whether to allow such an extension. The state's dominant health insurer, Wellmark Blue Cross & Blue Shield, wants him to say yes. A new carrier, CoOpportunity Health, has asked him to say no.

Gerhart said in an interview that the benefit of consumer choice would weigh heavily on the decision, which he plans to make within about two weeks. But he also said he will consider whether the extension could distort risk calculations and premium rates throughout the insurance market. "I try to put myself in the shoes of a customer," he said.

Most of the affected Iowans have coverage from Wellmark. The carrier last year offered to let customers keep individual policies or small group policies through 2014.

The old policies' premiums can be relatively low for two major reasons. One is that they do not necessarily meet all coverage requirements of the Affordable Care Act, which went into full effect this year. Also, people who purchased the old plans were screened beforehand for pre-existing health problems. That practice, which is not allowed for new insurance plans, helped keep out people with expensive medical conditions.

Wellmark officials said more than 85 percent of customers who were offered extensions last year accepted them. "People really talked with their wallets. They said, 'Hey, I'd like to stay with what I have,'" Wellmark Chief Financial Officer David Brown said in an interview.

Brown said that in some other states, critics have decried the pre-Affordable Care Act plans as having skimpy benefits. That is not true of the plans Wellmark offered in Iowa, he said. He also said internal analysis has shown that the people remaining in the old plans are not substantially less risky than others.

CoOpportunity Health's chief operating officer, Cliff Gold, said the main problem with allowing the extension is that it would discourage Iowans from considering other options. He said many of those consumers would not realize they could qualify for substantial public subsidies toward policies purchased on the Affordable Care Act website, healthcare.gov. CoOpportunity and another carrier, Coventry Health Care, are selling policies on the site this year, but Wellmark is not. Wellmark has said it intends to participate next year, but it has not committed to doing so.

Gold said Iowa has one of the highest percentages of current health insurance policies that don't meet the new federal regulations.

That's apparently because so many people are hanging on to the old Wellmark policies, he said. If those policies are extended again, he said, many relatively low-risk people will stay out of the new plans, forcing price increases.

"The playing field was leveled by the ACA, and now it's being unlevelled by the administration," he said.

The company has told Gerhart that it made sense to allow extensions of old policies last year, because the online marketplace was not functioning well then. But now the system is working much better, the carrier said.

Both sides have urged customers to contact Gerhart. The Iowa Farm Bureau also is stepping into the controversy. Farm Bureau, which markets Wellmark insurance policies, sent an email to members this week urging them to contact Gerhart and voice support for the extensions.

"Without an extension, thousands of Iowans, including thousands of Iowa Farm Bureau members, will be forced to move to a new Affordable Care Act plan in 2015," the email says in bold, underlined letters. The email was marked "confidential," but a copy was forwarded to the Register.

Tax break for racetrack in Newton moves ahead

DMR

A plan to extend a tax break provided to the Iowa Speedway at Newton moved forward Wednesday in the Iowa House.

The proposal received preliminary approval from a House Ways and Means subcommittee. It will now be subject to committee-level review.

The racetrack in Newton, which opened in 2006, receives a state sales tax rebate that's set to expire on Jan. 1, 2016.

The tax break has been contingent upon 25 percent of Iowa Speedway's ownership being from Iowa. The Speedway was bought by NASCAR last year.

The proposal would remove the 25 percent Iowa ownership requirement. It would extend the tax break by 10 years and would maintain a rebate limit of \$12.5 million.

"The Iowa Speedway in its success is very much tied to the success and future of the community of Newton," said Rep. Daniel Kelley, D-Newton. "I want to do everything I can as a legislator to make sure that connection is strong and puts us all in the best position to move forward."

Jimmy Small, president of the Iowa Speedway, said the track has realized about \$3.5 million of the \$12.5 million limit.

He said a tax break extension is necessary for the racetrack to fully realize the cap and to expand.

City officials say the tax break extension is needed not only to grow auto racing in Newton, but also to highlight what central Iowa has to offer.

"It grows and diversifies our quality of life and all of our cultural entertainment opportunities here in the state of Iowa, which in turn grows the economic impact," said Joseph Jones, a lobbyist with the Greater Des Moines Partnership.

A similar plan to offer a state tax break of up to \$2 million to the Knoxville Raceway stalled earlier this session, but Rep. Thomas Sands, R-Wapello, who chairs the House Ways and Means Committee, said he intends to revive the legislation.

Des Moines, other Iowa cities face possible bond-rating decrease

DMR

Des Moines and six other Iowa cities and counties are undergoing a review by Moody's Investors Service that could lead to a change in their bond rating.

Moody's is reviewing general obligation bond ratings for 256 local governments after changing its rating methodology. The company is placing greater significance on debt and pension costs and less significance on economic factors.

The ratings help determine what interest rate cities and counties can get when they borrow money. General obligation bonds are backed by property tax revenue.

Two Iowa cities, Davenport and Sioux City, have already had their bond ratings downgraded. The ratings for Okoboji and Mason City improved.

Des Moines, Bettendorf, Cedar Rapids, Clive and Dubuque are waiting to see if their ratings will be downgraded. The ratings for Clay and Tama counties could improve.

State officials to rule Friday on Bisignano's eligibility after arrest

DMR

A panel of state officials decided Wednesday to consider arguments and review legal briefs before they determine whether former state lawmaker Tony Bisignano may run for the Iowa Senate.

Attorney General Tom Miller, Iowa Secretary of State Matt Schultz and State Auditor Mary Mosiman are considering a challenge by one of Bisignano's primary opponents, Ned Chiodo, who claims Bisignano is disqualified from running because he was convicted of second-offense drunken driving in January.

Bisignano and Chiodo, both former legislators, are seeking the Democratic nomination for the Des Moines-area seat Jack Hatch is leaving to run for governor. A third candidate, Nathan Blake, also is on the primary ballot.

Chiodo's attorney, Gary Dickey, argued that the aggravated misdemeanor falls under the state constitutional definition of an infamous crime, which means Bisignano cannot vote or hold public office.

Bisignano's attorney, Joseph Glazebrook, argued that drunken driving is not an infamous crime, and, if the panel ruled as such, thousands of Iowans would be made ineligible to vote.

Miller said his office's research shows as many as 50,000 voters could be disqualified from voting under that interpretation.

"I think that is very serious," Miller said.

Dickey said he believes the number is significantly less than that.

He argued that the framers of the Iowa Constitution concluded that anyone convicted of an infamous crime did not have the privilege of holding public office. He said the Iowa Supreme Court has decided in three cases that infamous crimes are those that include a prison sentence.

However, the Iowa Legislature in 1994 passed a law that equates an infamous crime to felonies.

Glazebrook argued that since the Constitution and Iowa law are in conflict on the issue, the panel should carefully consider how their decision could affect many voters.

"Since rights of thousands of Iowans to vote are at risk, a definition that would take away that right should err on the side of the voter," he said.

The panel members decided to consider the arguments and review documents each side has submitted and reconvene Friday with a decision.

"I want to review the case law submitted by the parties and look through their legal arguments and look at the case law myself," Schultz said.

"This is a very important decision, and I don't think it should be made lightly."

An appeal to district court is likely, but the issue of whether Bisignano may be on the ballot must be resolved by early April in time for county election officials to get ballots printed, Schultz said.

Bisignano served six years in the Iowa House and four years in the Iowa Senate. Chiodo served five terms in the Iowa House.

Iowa senators dive into marijuana issue

DMR

A bipartisan group of 10 Iowa senators on Wednesday called for a legislative interim study on the feasibility of legalizing medical marijuana, a move that could signal a shift in attitudes at the Iowa Statehouse.

Interim study committees meet after the legislative session ends and typically complete their work before the next session, which will convene in January. Their work often leads to the introduction of bills.

Recent polling in Iowa has shown public support for allowing a medical marijuana program, but legislation on the issue has gone nowhere at the Statehouse. The 10 lawmakers — five Republicans and five Democrats — co-signed Senate Resolution 112, which seeks an examination of establishing a “medical use of cannabis program” in Iowa.

The resolution, which appears likely to win Senate approval, will be sent to the Iowa Legislative Council, which is headed by Senate Majority Leader Michael Gronstal, D-Council Bluffs, and House Speaker Craig Paulsen, R-Hiawatha. The panel meets in June to consider requests for interim studies.

“I am optimistic that this study will be approved. I think there is support for it in both the House and the Senate,” said Sen. Joe Bolkcom, D-Iowa City, a strong proponent of medical marijuana. He said it’s likely the study committee would conduct its work after the November election.

The resolution says modern medical research has confirmed the beneficial uses of cannabis in treating or alleviating pain, nausea and other symptoms associated with a variety of debilitating medical conditions. These include epilepsy, cancer, multiple sclerosis and HIV/AIDS.

The measure also says cannabis has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 600,000 patients in states with medical cannabis laws.

State Sen. Brad Zaun, R-Urbandale, who signed the resolution, said he has heard from many of his constituents who support the legalization of medical marijuana. He is leaning toward supporting legislation that would tightly restrict its use.

“What is being proposed is not smoking marijuana. It is a vapor or a pill form,” Zaun said. “If that helps reduce seizures in people, I think I should have an open mind and study that issue more. ... So I am supportive of at least having a study committee.”

Sen. Tom Courtney, D-Burlington, also signed the resolution, saying medical marijuana deserves further consideration in Iowa.

“This is not like Colorado,” which has legalized recreational marijuana, Courtney said. “It couldn’t be further from it. This is for medical purposes only, and the things that we are talking about here, you don’t even get high on.”

Courtney said he especially feels sympathetic for the daughter of West Des Moines Mayor Steve Gaer and his wife, Sally. Their daughter, Margaret, 24, suffers from epileptic seizures that her parents believe could be alleviated with medical cannabis.

Maria La France, a Des Moines mother who has testified in favor of medical marijuana, had a mixed reaction to the Senate proposal.

“I’m happy they’re looking at it, but looking at it and doing it are two different things,” said La France, whose 12-year-old son, Quincy, has a severe form of epilepsy.

La France said that while legislators study the issue, they should at least drop criminal penalties for Iowans who purchase marijuana out of state with a doctor’s recommendation. She added that she was not surprised some Republican legislators are co-sponsoring the resolution.

“Republicans get sick too,” she said. “This shouldn’t be a partisan issue.”

The Iowa Senate recently conducted two committee meetings that included testimony from a Drake University pharmacy professor and a retired Des Moines neurosurgeon on the benefits of medical cannabis.

They also heard from Sally Gaer, from a Des Moines grandmother who has smoked pot to relieve chronic pain from post-polio syndrome, and from the partner of a Boone man with brain cancer who wants another option to reduce his suffering.

Jimmy Centers, communications director for Gov. Terry Branstad, said Wednesday the governor empathizes with individuals and families as they explore ways to treat medical ailments affecting them and their loved ones. But the governor also believes the state needs to exercise caution when considering loosening regulations on a substance that is still illegal federally and is being studied by the Food and Drug Administration, he said.

A statewide Iowa Poll commissioned last month by The Des Moines Register found that a significant majority of Iowa adults (59 percent) support making the drug legal for medical purposes, while 37 percent oppose the idea.

Medical marijuana is legal in 20 states and the District of Columbia with a doctor’s recommendation.

Several other states, including Minnesota, are considering legalization.

Documents offer examples of allegations about Iowa Workforce Development

DMR

Copies of emails between the director of Iowa Workforce Development and administrative law judges support the accusation of a dysfunctional work environment at the agency, Democrats said Wednesday.

The emails and other documents, supplied at a news conference, also suggest Director Teresa Wahlert asked the judges how businesses might improve their chances of winning cases, the Democrats said.

In one series of emails from August 2013, Administrative Law Judge Susan Ackerman sent a lengthy, anguished message to Wahlert describing her concerns with "overwhelming" stress and "hostile work conditions."

Wahlert sent her reply not only to Ackerman but also to more than 20 other employees and dismissed Ackerman's concerns over workplace conditions by noting that she works from home.

"If you believe we have a hostile environment — that would be in your home office. Maybe you should consider working in the office full time?!" Wahlert wrote.

In an email to colleagues from last November, Administrative Law Judge Bonny Hendricksmeier describes being asked to draft a tip sheet for employers "about employees discharged for off duty conduct."

"I submitted the attached," Hendricksmeier wrote, referring to a one-page summary of a relevant court case, "but she feels there needs to be more. I'm not sure more what."

Hendricksmeier, 60, of Pleasant Hill, who is in the process of retiring after 23 years as an administrative law judge, told the Register Wednesday that there clearly is a hostile work environment in the office. She said she had complained directly to Wahlert that she had been bullied by a supervisor whose name she declined to disclose, but added she would name the person if issued a subpoena.

"That is one of the reasons I am retiring," she said. "It played a very substantial role in my decision."

Legislature briefs: Human-trafficking bill moves forward

DMR

The Iowa House unanimously approved a measure Wednesday meant to crack down on human trafficking involving minors.

The House approved the legislation 97-0. It now returns to the Senate for further consideration.

The bill as approved removes training requirements and a victim support fund included in the Senate's original version. It maintains provisions to toughen penalties for those who sexually exploit minors.

Rep. Sharon Steckman, D-Mason City, said taking training out of the bill is a mistake.

Rep. Phyllis Thede, D-Bettendorf, said she's disappointed in the funding elimination.

Rep. Greg Heartsill, R-Melcher-Dallas, said despite conflicting opinions, the legislation would send the message that sexual exploitation won't be tolerated in Iowa.

Civil commitment for predators OK'd

The Iowa House passed a bill Wednesday intended to keep sexually violent predators off the streets.

Lawmakers unanimously approved the measure 97-0. It now returns to the Senate for final review.

The bill would allow people convicted of a violent sexual offense as a juvenile to be sent to a civil containment unit for sexually violent predators upon release from prison.

Rep. Greg Heartsill, R-Melcher-Dallas, said taking this step is needed to ensure the safety of all Iowans.

Rep. Mary Lynn Wolfe, D-Clinton, said predators like Michael Klunder, who authorities say abducted and killed 15-year-old Kathlynn Shepard last year, would have been kept in civil containment under this legislation instead of being freed. Wolfe said the Shepard case might have been different had the legislation been in place.

— Associated Press — Associated Press

The Register's Editorial: There are good reasons for 'estate recovery'

DMR

Among the challenges states like Iowa face in implementing the Affordable Care Act: reconciling the new law with existing laws. Obamacare encourages states to expand their Medicaid programs to cover more low-income Americans. Decades-old federal law requires states to try to recover money from the estates of deceased Medicaid enrollees (if there is any money or assets) that the government paid for their health bills.

Janet Sharp, who lives on less than \$1,150 per month from Social Security, is an example of how these two provisions collide.

The 63-year-old Pella woman obtained health insurance coverage this year under the state's expanded Medicaid program. She later received a letter from the Iowa Department of Human Services informing her that after she dies the government could bill her estate for what it spent on her health care.

The department says it is simply continuing a policy that it previously applied to people enrolled in Medicaid and a Medicaid-funded program called IowaCare that expired last year. Sharp is concerned her children may not inherit her house after she dies. She also questions why some Iowans are subjected to estate recovery while others are not.

Iowa certainly has some details to sort out in all this.

Recovery rules generally apply to people 55 and older. The original goal was to recoup money from deceased people who could have paid for their own nursing home care but relied, instead, on Medicaid. It's hard to imagine a young person receiving government health insurance today should worry that his estate might be billed when he dies 60 years from now. Or the government should maintain records about him for that long. Why apply recovery efforts to an Iowan enrolled in Medicaid but not someone enrolled in a new private health insurance plan that is heavily subsidized with federal money?

It's likely the vast majority of states are not invoking the estate-recovery policy for people on expanded Medicaid programs because this is all so complicated. But that does not mean Iowa should entirely abandon the effort.

Medicaid is intended to help the poor. Americans want some assurances enrollees are actually poor. Most of us probably agree that if taxpayers fund health care for someone, his family shouldn't later inherit assets and have no obligation to repay the government. In fact, the very premise of the estate recovery program was ensuring that taxpayers were repaid if possible.

The Iowa Supreme Court reminded Iowans of this just a few months ago. Arnold and Vesta Melby of Monona County had created trusts that made them appear poor enough to be eligible for Medicaid. Taxpayers funded hundreds of thousands of dollars in nursing care for them. After the couple died, their children sold the family farm for about \$900,000. The Supreme Court ruled that the estate had to pay back the government.

With the new health reform law, more Iowans, including those with substantial assets, could be eligible for Medicaid if their income is low enough. Under the traditional Medicaid program, people had to document their income and their assets when applying for Medicaid. Under the expanded version of Medicaid, applicants only have to document their income, not their assets.

When they die, shouldn't their estates have some obligation to repay taxpayers?

Iowa collects about \$20 million per year through its estate recovery program. The money is used to fund health care for others. As more people sign up for Medicaid, state officials must craft a thoughtful plan to recover money from estates. It should be fair to those who relied on government health care and those who paid for it.

Lawmaker: Iowa gas tax hike still possible

Lee News

The chances of a gas tax increase landing on the governor's desk this year is a lot like the Iowa State University Cyclones' chances of winning the NCAA tournament, according to the legislator leading the charge for a motor fuel increase.

"There's a chance and a lot of people are pulling for them and it would be a really nice victory," said House Transportation Committee Chairman Josh Byrnes, R-Osage, who's working on his doctorate at ISU.

And the odds of winning approval of a state gas tax increase for the first time since 1989 are improving now that the deadline for candidates to file for legislative offices has passed, he said.

Incumbents, who now know whether they face primary opposition, may be more inclined to listen to the arguments for raising the tax to address the state's infrastructure backlog, which the Iowa Department of Transportation pegs at \$215 million a year.

Add to that the potholes drivers are encountering as the ground thaws and Byrnes thinks his colleagues are beginning to feel pressure to take action sooner rather than later.

"We're at a point where I can hope to get people moving" toward supporting his proposal, Byrnes said Wednesday.

He's also been busy doing "background work" on the proposal, addressing individual lawmaker's concerns about specific transportation-related issues in their districts.

"Some of them tell me 'I'll support it if the DOT does this or that,'" Byrnes explained.

If there is action, he doubts it will be on his original plan to raise the tax by 10 cents a gallon over three years.

Instead, he's proposing to cut the state's per-gallon fuel tax but bump sales taxes on fuel wholesalers. Every 1 percent increase in the wholesale tax would bring in \$47 million compared to \$22 million raised by every 1-cent increase in the pump price of fuel, Byrnes said.

If the state had taken that approach in 1989, Byrnes said, Iowa would have collected \$3 billion more than it has in the past 25 years.

"We probably wouldn't need to raise the gas tax now if we had done that," he said.

Another factor in winning support is a proposal by DOT Director Paul Trombino to "buy out" federal transportation construction funds received by counties. Often there are strings attached to those funds that can increase the cost of projects.

"Because of its staff and resources, the DOT is better situated to deal with those regulations," Byrnes said. "So the DOT would essentially swap out federal dollars for state dollars. We think we can get more projects done that way."

Former Iowa felon says she believed she could vote

AP

A former drug offender on trial for illegally voting in an Iowa municipal election last fall testified Wednesday that she believed her right to cast a ballot had been restored when she completed probation.

Kelli Jo Griffin's case highlights Iowa's unusually harsh and confusing policies on voting rights for former offenders, which have changed three times over the last decade. Iowa is considered to be among the most difficult states for convicted felons to get back the right, and more than a dozen have faced charges of voting illegally during a two-year state investigation.

Griffin, who faces up to five years in prison if convicted, became the first of that group to challenge the charges at trial. Closing arguments and jury deliberations are expected Thursday at the county courthouse in Keokuk.

She testified Wednesday that when she was convicted of a cocaine delivery charge in 2008, her lawyer advised her that she would regain her rights to vote and hold public office when she completed her five-year term of probation. That was the policy in place at the time, under a 2005 executive order signed by Democratic Gov. Tom Vilsack.

Griffin said she was unaware that Republican Gov. Terry Branstad rescinded that policy in 2011, once again requiring former offenders to apply to him to get their voting rights back. Iowa is only one of four states with such a policy. She said she believed her rights were restored automatically when she was discharged from probation in January 2013.

By then, Griffin said, she had turned her life around. She said she was abused as a child and by her first husband and became addicted to drugs, which led to felony drug convictions in 2002 and 2008. She said she got remarried in 2011 and was living in the town of Montrose, population 878, with three young children and one stepdaughter. Griffin was a stay-at-home mom who was volunteering at school and served as vice

president of a county child abuse prevention council.

She said she voted in the Nov. 5 municipal election in Montrose because her stepdaughter had been learning in school about elections. She went with her children to the polling place, where the workers told her she needed to present identification to register on election day. Griffin said she went home to get her ID and returned to fill out the voter registration form, attesting that she was not an ineligible felon, and cast her ballot. Just over 100 votes were cast in the election, which had no contested races on the ballot.

Asked by her attorney why she wanted to vote, she said, "That's where I live."

Griffin said she didn't think anything was wrong until she got a call from the Division of Criminal Investigation days later seeking to interview her. Poll workers had run Griffin's name through a database on election day and it did not flag her as a potential felon because her earlier conviction came under a different last name. But days after the election, a county election worker added her name to the state's voter registration database, which compared a match of her driver's license number and determined she was ineligible.

Lee County Attorney Michael Short raised his voice during cross-examination as he repeatedly told Griffin she was a "convicted drug dealer" who was trying to run from her past. He chastised her for not reading Vilsack's executive order and for not checking with anyone on whether the policy had since changed.

He rejected Griffin's claim that she gained nothing from voting.

"You want to make it appear that you are a normal citizen, that you are not a convicted drug dealer, that you have the same rights as everybody else," he told her.

Short said that Griffin ignored several warnings on the voter registration form that said giving false information could lead to a felony perjury charge.

Iowa senator seeks review of unemployment process

AP

A leading Democrat in the state Senate said Wednesday that the Iowa Workforce Development director is improperly pressuring judges who hear unemployment cases to rule against workers and in favor of employers.

Sen. Bill Dotzler, an assistant Senate majority leader from Waterloo, has sent a letter to the U.S. Department of Labor asking the agency to investigate whether IWD Director Teresa Wahlert is violating federal laws requiring fair and impartial administration of unemployment benefits. In the letter he alleges that Wahlert has created a hostile work environment and is directly interfering with the independence of administrative law judges.

He said Wahlert, who is appointed by Republican Gov. Terry Branstad, took over supervising 14 unemployment case judges last year after firing the chief administrative law judge who oversaw them.

Dotzler said Wahlert has been demanding tallies of how often a judge decides in favor of employers and how often workers win unemployment appeals. He said she also has called for judges to create tip sheets to help employers win cases.

"Under federal law, unemployment compensation appeal hearings must be fair and impartial both in fact and appearance," Dotzler said at a news conference at the Iowa Capitol. "Political interference or undue political influence, even the appearance, can potentially destabilize the appeal process and undermine the credibility of the state's unemployment compensation system."

He said he has talked with most of the judges who hear unemployment cases and they fear for their jobs.

Wahlert did not respond to a message seeking comment, but the department's spokeswoman said the chief judge position was eliminated in July 2013 due to budget shortfalls.

"As a budget-saving move, the director has been providing staff, workflow and training supervision as she is allowed to do under federal regulations," spokeswoman Kerry Koonce said. "The director does not participate in appeal hearings, review decisions or make recommendations regarding the outcomes of the appeal case."

Koonce said the U.S. Department of Labor was "extremely pleased" with the department's unemployment appeal process during a monitoring visit last week and will release a report that does not contain any negative findings.

Branstad spokesman Jimmy Centers said Dotzler's criticism of the department is politically motivated.

"Sen. Dotzler's engagement in Washington, D.C.-style partisan attacks has no place in Iowa," Centers said. "The taxpayers expect their elected leaders to work in a bipartisan fashion to pass meaningful legislation, not engage in Senate Democrats' petty political theater."

Dotzler said Iowa's situation is similar to one in Maine, where last month federal officials concluded that unemployment hearing officers could have felt pressured by Gov. Paul LePage to favor employers but found no conclusive evidence of biased rulings.

The U.S. Department of Labor investigation into Maine's unemployment system followed reports that the Republican governor pressured the hearing officers who decide unemployment benefit appeals to favor businesses more often.

LePage has denied allegations that he scolded hearing officers and said he was only urging officers "to follow the letter of the law."

The federal inquiry found that LePage's "direct intervention" and state Department of Labor officials' involvement in the appeal process could "be interpreted as an attempt to intimate or direct hearing officers to view employers more sympathetically," according to a letter to the state from Holly O'Brien, regional administrator for the Department of Labor's Employment and Training Administration.

LePage called the investigation "politically motivated."

Man convicted in Waterloo police slayings dead

The Gazette

More than a decade ago, Cindy Reyst sat in the Anamosa State Prison to meet with a convicted killer.

Reyst said she needed to go so that she could allow herself to forgive the man who killed her brother, Waterloo police officer Michael Hoing, and his partner, officer Wayne Rice, in 1981.

That man, James Michael Taylor, initially resisted to the meeting before he had a change of heart and discovered he wanted to ask for her forgiveness, Reyst said.

"He actually pulled out a little poem and said, 'I read this for your family every night,'" Reyst recalled Wednesday from her home in Crystal Falls, Mich., during a telephone interview. "It said, 'Let go and let God.'"

The Iowa Department of Corrections said Wednesday that Taylor, 60, had died Tuesday at the University of Iowa Hospitals and Clinics from natural causes due to complications from an aortic aneurysm. Taylor was serving two life sentences for the deaths of Hoing and Rice.

Reyst said she has "mixed feelings" about Taylor's death. While he's gone, the pain of her brother's death lives on.

"His prison term is over," she said. "Ours continues until the day we die. We are sentenced to live imprisonment ourselves."

Reyst said when she met with Taylor in 2003, he told her what had happened that night of July 12, 1981.

When the Waterloo police officers went to the residence a second time in response to a loud party call, they were attacked by people at the home. A man hit Rice over the head with a chair, knocking him out.

Taylor then was able to grab Rice's gun and use it to shoot Hoing two or three times. Taylor then shot Rice "point blank," Reyst said. Hoing died shortly after midnight on July 13.

Waterloo Police Captain Tim Pillack said Taylor fled, and a manhunt was launched. Taylor left Waterloo in a car that was found abandoned in LaPorte City.

He was apprehended after police got a tip he was hiding in an abandoned house.

"We found him in a bean field," Pillack said. "We caught him on Friday, July 17."

Dave Hoing, Michael Hoing's brother, said he didn't know how to feel about Taylor's death.

"I don't hate the guy, I gave up on that a long time ago," said Hoing, who still lives in Waterloo. "I can't say I'm going to miss him, either. I don't know what to feel about it."

Hoing said Taylor reached out to him after Reyst went to see him in prison and asked to meet with him. Hoing turned down the request.

"As I told him in the letter, I'm really just better off if I don't think about it," Hoing said. "I told him I didn't hate him. I just didn't want to think about him ..."

"I don't know what to think about it," Dave Hoing said. "I'm not relieved. I'm not sad."

Iowa House proposal would limit attorney general's discretion in lawsuit settlements

Lee News

Iowa Attorney General Tom Miller opposes legislation to require that he get approval from fellow elected officials before accepting settlements, such as a multistate lawsuit in 2012 that resulted in a \$50 billion in relief to borrowers nationwide.

A House Appropriations subcommittee approved a \$728 million justice systems budget that included language to require the attorney general to get the approval of the state's Executive Council before agreeing to a settlement. The council includes the governor, secretaries of state and agriculture, treasurer and auditor. The attorney general advises the council.

"That's one of the basic powers of the office," said Miller, who did not attend the meeting.

However, Rep. Chip Baltimore, R-Boone, argued that an attorney should have to consult with his client before accepting a settlement.

"An attorney does not get to make decisions on behalf of his client," Baltimore said. In these cases, he said, "the client is the people of Iowa."

He cited the example of the National Mortgage Settlement with the country's five largest mortgage servicers. Miller was the lead attorney on the case that involved 48 other state attorneys general.

Miller drafted the consent decree to give himself complete discretion and place himself in a position to develop policies for implementing the \$50 billion settlement, Baltimore said.

"That's not the job the attorney general," he said. "Policy-making is up to the legislature and executive branch."

Miller did come to the Legislature with policy legislation, but at that point, Baltimore said, lawmakers had little choice but to accept legislation complying with the court order.

Democrats on the subcommittee sought to strike that language, arguing the requirement is unreasonable.

"He's a constitutional officer. This is a core function of his office," said Rep. Marti Anderson, D-Des Moines, a former employee of Miller's office. The requirement might undermine the attorney general, she added, and doubted the Executive Council would have time to give proposed settlements the same level of review as they get from the attorney general and his staff.

Rep. Brian Meyer, D-Des Moines, said that although Miller's client is the people of Iowa, they have elected the attorney general to represent them.

Baltimore allowed that the relationship is "a little different than the typical attorney-client situation, "but gives the client a voice in settlements and what policies will be created."

He called the measure a "responsible accountability feature."

In the end, Anderson's amendment to strike the language was defeated on a voice vote and the budget was approved on a party line vote.

It now goes to the full House Appropriations Committee Thursday.

Subcommittee Chairman Gary Worthan, R-Storm Lake, said he's certain the language will not be in the bill when it comes back from the Senate.

Voting rights of an estimated 50,000 at stake in Friday decision (AUDIO)

Radio Iowa

The legal battle over whether a second drunk driving offense bars someone from running for office in Iowa was waged before a three-member review panel Wednesday, with Iowa's attorney general suggesting the voting rights of tens of thousands of Iowans could be at stake.

"Our calculations of how many people are in jeopardy is about 50,000," said Attorney General Tom Miller.

Miller is part of the panel that will meet again Friday to decide the case and determine who can participate in a Democratic primary for a Des Moines-area senate seat. Democrat Ned Chiodo, a candidate for the Iowa Senate, is arguing fellow Democrat Tony Bisignano is ineligible because the Iowa Constitution prohibits those guilty of "infamous crimes" from voting or holding office. Gary Dickey, Chiodo's attorney, argued the panel cannot ignore the "rule of law" just because there might be "collateral damage."

"The purpose of this was not to disenfranchise people," Dickey said. "That decision was made back in 1857 when the (state constitution's) framers got together and decided that."

Joseph Glazebrook, Bisignano's attorney, argued a 1994 state law declares that felonies are "infamous crimes" and second offense drunk driving is an aggravated misdemeanor.

"Since the rights of thousands of Iowans to vote is at stake here, a definition that would take away that right should err on the side of the voter," Glazebrook said.

Secretary of State Matt Schultz, another member of the panel deciding this case, suggested the group take Thursday to review the details.

"I want to review the case law submitted by the parties and look through their legal arguments and look at the case law myself," Schultz said. "This is a very important decision and I don't think it should be made lightly."

The attorney general's office plans to alert the district court that an appeal is likely to be filed quickly by the side that loses in Friday's decision.

The senate seat directly in question is currently held by Jack Hatch, a Democrat who is running for governor.



AUDIO of first 55 minutes of hearing



AUDIO of next 16 minutes of hearing

Patrick McCaffery's surgery goes well

Radio Iowa

The University of Iowa reports the surgery on men's basketball coach Fran McCaffery's son this morning went well and McCaffery has left Iowa City to fly to Dayton for his team's NCAA tournament game at 8:10 tonight.

The U-I released this statement from Fran McCaffery:

"Today's surgery for my son Patrick went as planned. Doctors will continue tests in the coming days to determine further treatment. Patrick was in good spirits after the operation. Our family would like to thank the surgeons who performed the operation and the doctors and nurses at University of Iowa Hospitals & Clinics who have helped treat Patrick during this process. The outpouring of support and encouragement Patrick and our family have received this past week has been overwhelming; words cannot express how genuinely thankful we are to everyone who has offered their thoughts and prayers."

Patrick McCaffery has surgery to remove a tumor from his thyroid.

Branstad administrator accused of exerting improper influence over unemployment cases (AUDIO)

Radio Iowa

A state senator is accusing one of Governor Branstad's top administrators of trying to tilt unemployment compensation decisions in favor of businesses. Senator Bill Dotzler, a Democrat from Waterloo, is questioning the actions of Iowa Workforce Development director Teresa Wahlert. "Enough is enough and it's time for her to go," Dotzler said today during a statehouse news conference.

Dotzler said Wahlert fired the administrative law judge in charge of the 14 lawyers who judge unemployment disputes, set herself up as their manager and then demanded the judges come up with "tip sheets" that would help businesses win their cases.

"The director has crossed a line," Dotzler said, "...and put herself directly as a supervisor of these administrative law judges which is clearly in violation of labor laws."

Dotzler is asking the U.S. Department of Labor to investigate.

"I'm deeply concerned that there'll be retaliation against these administration law judges and I'm serving notice on the director to leave them alone," Dotzler told reporters this afternoon. "According to federal law, they are supposed to be isolated and they shouldn't receive undue influence from this director whether it's real or perceived and I want to tell you something: it is real."

According to Dotzler, the Iowa Workforce Development director asked the now-fired supervisor to tally up the decisions so she could see which judges had made more rulings in favor of businesses and which had made more decisions in favor of employees seeking unemployment benefits.

"So if you can deny benefits to workers that they are entitled to, the Unemployment Trust Fund is probably a little higher and employers and companies don't have to put as much into it," Dotzler said. "You know it's a clear bias toward working men and women in this state and it's time it's over with."



AUDIO of news conference, 20:00

The Workforce Development agency issued a written statement, saying a team of U.S. Labor Department investigators made a "routine monitoring visit" last August and found the agency was reducing its backlog of cases involving unemployment compensation disputes. The agency's director referred to "process improvements" within the unit which she said have led to "a better experience for our customers." That includes what Wahlert characterized as "clarified rules" but she did not directly address Dotzler's charge that she asked for tip sheets for businesses facing an unemployment compensation case or tallies on how the administrative law judges were deciding cases.

Common cleaners one of the biggest dangers for poisoning

Radio Iowa

With the arrival of spring on Thursday, many Iowans will leap into a house cleaning frenzy. Tammy Noble, a registered nurse and the education coordinator for the Iowa Poison Control Center, says you'll need to use caution with all of those powerful cleansers, especially if there are kids in the house. "What we see as a lot of exposures is the household cleaning chemicals, the things that are under the kitchen sink," Noble says.

"Usually, it's when the product is in use, when we find exposures happening to both the kids and the adults."

While the kitchen can be a danger zone for poisonings, she says bathrooms can be just as problematic with all of those personal hygiene products.

"The toothpaste, the shampoo, the lotion, the deodorant," Noble says. "We always get lots of calls about that and those are things that we use every day so it's hard to lock them up or put them up high so they're out of reach."

She says about half of the 50,000 calls a year that come into the Sioux City-based hotline involve children and accidental poisonings. "It's always surprising because you would think something might taste bad so they're not going to eat it but kids don't always have that same sense of taste that adults do," Noble says. "Just because something tastes bad doesn't mean they won't eat it. Kids will still swallow it. You wouldn't believe

the calls that we get.”

She suggests Iowans program the Iowa Poison Control Center hotline into their cell phones and have the number handy by landlines. The center is staffed 24-7 and the call is free to 800-222-1222.

White House push to speed health care sign-ups

Radio Iowa

The Obama Administration is engaged in a public relations effort to encourage “young invincibles” to sign up for health insurance by the end of this month. Valerie Jarrett, a senior advisor to President Obama, spoke with Radio Iowa this morning.

“How they earn the name ‘young invincibles’ is that they think nothing can ever happen to them,” Jarrett says. “But we all know — those of us who are a little older than the ‘invincibles’ that life can throw you a curve ball. You can get in an accident. You can get sick. Anything can happen.”

The latest figures indicate eight percent of the Iowans who’ve used the healthcare.gov website to get insurance are between the ages of 18 and 25. Expand the age grouping to Iowans between the ages of 18 and 34 and they still account for just 24 percent of sign-ups.

“You could sprain an ankle. My goodness, that takes you to the emergency room without insurance and you’re going to be out-of-pocket a great deal of money,” Jarrett said, “and so we want to make sure that everybody gets engaged in this.”

A March 31 deadline looms for uninsured Americans. Those who don’t get health care, will be fined. The healthcare.gov website was unable to handle traffic when it debuted in October, but Jarrett expressed confidence the site would be able to handle procrastinators who wait ‘til the very last minute.

“We have been, obviously, since our initial roll-out spending a lot of time and energy building capacity on the website so we’re confident about it,” Jarrett said.

The GOP’s national chairman said this week the 2014 elections will be a “tsunami” for Republicans because the Affordable Care Act is “total poison” for Democratic candidates. Democrats, meanwhile, worry this past week’s special election in a Florida congressional district could be harbinger of things to come. “ObamaCare” was the key issue in that race and the Democratic candidate lost.

Jarrett’s message to Democrats: “There’s nothing like hosting a town hall and invite people who now have health insurance coverage and let them tell their stories to each other, to the press. As we start to hear more and more of the stories about how peoples’ lives have literally been saved...those stories are the stories that are going to propel more people to sign up and why this is going to be such a very important safety net for Americans all across our country.”

Americans who have not obtained health insurance by March 31 face a fine of \$95 or one percent of their annual income.

Findings on Iowa probe of secret deals to be public

AP

An Iowa work group appointed to investigate secret settlements with former state employees will meet behind closed doors, according to Gov. Terry Branstad’s spokesman.

Spokesman Jimmy Centers said Tuesday that the meetings would be private but that the findings and any actions would be made public, the Des Moines Register reported.

Lt. Gov. Kim Reynolds announced formation of the work group Monday, following a Des Moines Register story on Sunday that said six former state employees whose jobs were eliminated were secretly paid a total of more than \$282,000 if they agreed to keep quiet about it. The agreements were signed over the past three years. Most of the former employees say they were fired for their ties to Democrats.

Reynolds said she and Branstad first learned of the payments and confidentiality agreements from the Register story. Branstad has not spoken publicly about the issue.

“First and foremost this administration has ran on transparency, open and honest government,” Reynolds said Monday. She called the confidentiality clauses “troubling.”

The state’s open meetings law says committees created by government entities or advisory bodies created by the governor must be public if they have some policy- or decision-making authority or if they make recommendations on public policy.

Branstad’s administration has previously said a work group is not a committee and therefore does not have to be public, according to the newspaper.

Kathleen Richardson, a member of the Iowa Public Information Board, said the group potentially will make recommendations within the next year to lawmakers on how the state’s open meetings law can be clarified.

She said they’re reviewing whether group meetings should be public.

The work group announced Monday consists of Matt Hinch, the governor’s chief of staff; Brenna Findley, the governor’s staff attorney; and David Roederer, the head of the Iowa Department of Management.

Barbara Petersen, director of the First Amendment Foundation, a Florida nonprofit group aimed at advancing open government, said Branstad should open the meetings to the public to remove suspicion.

“The deliberative process is what’s critical,” she said.

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Jimmy Centers

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Message: Morning Clips 3.21.14

Case Information:

Message Type: Exchange
 Message Direction: External, Outbound
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:57 PM
 Item ID: 40862400
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 Morning Clips 3.21.14

From: Centers, Jimmy [IGOV] Date: Friday, March 21, 2014 6:53 AM
 To: Centers, Jimmy [IGOV]
 Cc:

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Morning Clips 3.21.14

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Register Exclusive: A glimpse into a drug probe

DMR

A centralized network of traffickers working with one supplier funneled synthetic drugs into the Des Moines area, generating hundreds of thousands of dollars in revenue, authorities contend in search warrants filed in Polk County District Court.

More than 400 pages of search warrant documents provide a detailed look into how the Des Moines Police Department put together what it describes as its largest-ever investigation into the sale and distribution of synthetic drugs.

The result was the arrests in early March of seven convenience store clerks accused of selling synthetic marijuana. Charges are expected soon against store owners, who police said made hundreds of thousands of dollars in tax-free income off the synthetic drugs.

During the six-month investigation, law enforcement officials also encountered people who used the synthetic drugs. Paramedics were called to the home of one woman, who regularly smoked synthetic marijuana for more than a year, after she apparently suffered a heart attack in late January, the search warrants said.

A pipe and synthetic marijuana were found next to her lifeless body, the warrants said.

Also included in the search warrants are descriptions of undercover surveillance, financial data and information from federal authorities.

The warrants list anonymous tips that pointed authorities to the seven Des Moines area stores that were under investigation.

The warrants also summarize the conclusions investigators drew from more than 60 instances in which undercover officers or confidential informants tried to buy the drugs.

Controlled buys

Law enforcement and drug prevention officials have tried for four years to get synthetic drugs off the market by passing laws banning specific chemical compounds that mimic the effects of marijuana. Manufacturers have stayed one step ahead, tweaking formulas just enough to be legal.

In 2013, three Iowa deaths were linked to synthetic marijuana, officials said. Since July 1, Des Moines police received 53 reports relating to the drug, including the January death of the Des Moines woman, officials said.

The Des Moines police investigation represented a new tactic for law enforcement in the ongoing battle against synthetic marijuana, a drug authorities say is unpredictable and dangerous.

Rather than charging the sellers for distributing a controlled substance, police focused on proving the suspects were packaging, marketing and selling the products as a way to get high.

To establish that, undercover officers and their confidential informants attempted about 60 controlled buys at six stores; they were successful 45 times. Of those purchases, only about 15 were found to be a substance banned by Iowa law, the search warrants show.

But Des Moines Police Officer Brady Carney wrote in the search warrants that the undercover operations, which were all recorded, pointed to all the substances being sold purely as a drug.

According to information included in the warrants:

- Each store targeted kept the synthetic drugs behind the counter and out of sight. Store clerks were selective about to whom they sold the drugs.

"On occasion, they would refuse to sell me synthetic cannabinoids but would sell it to confidential informants," Carney wrote in the warrants.

"No reasonable, legitimate explanation exists for such selectivity if these synthetic cannabinoids are being sold as incense or potpourri as

opposed to controlled substances.”

- The synthetic drugs were sold in 3-ounce packets, a common weight associated with the purchase of marijuana. Each packet sold for \$15 to \$30, a price comparable to a similar quantity of marijuana in Des Moines. However, the price was far more than the \$3 the stores charged for other incense products, which were not kept behind the counter.

- Most clerks required proof of age before selling the packets, though there are no age limitations on buying incense or potpourri.

“Based on my training and experience, I have never encountered an individual utilizing synthetic cannabinoids as directed on the package,” Carney wrote.

On Aug. 31, a confidential informant walked into Nat Food Mart, 3804 Hubbell Ave., and talked to the clerk about “getting something to put in a wrap to smoke,” and slid the clerk \$20, according to the search warrant. The clerk handed the informant a pouch of Blue 7H, the search warrant said.

On Nov. 19, the same confidential informant went to Shop ‘N’ Save, 1829 Sixth Ave., and asked the clerk for a miniature cigar, commonly emptied of tobacco and used to wrap synthetic drugs. The confidential informant also asked for “whatever kind was better,” Carney wrote in a warrant. The employee told the informant to get a “\$25 bag,” police said. The informant asked the clerk if it was better than another brand of synthetic marijuana, and the clerk said yes and sold the informant a bag of synthetic drugs.

The network

Each of the stores under investigation in Des Moines operated in ways that mirrored a drug trafficking organization in northeast Iowa under investigation by local and federal authorities, according to the search warrants.

The organization is linked to a Pakistani national believed to be living in Des Moines, who has primary supply sources on the West Coast and Midwest, as well as an extensive distribution network of dozens of retail stores, authorities said in the search warrants. The man’s vehicle was spotted at several of the stores associated with synthetic drug sales in Des Moines, according to the search warrants.

The Des Moines Register is not identifying the man because he has not been charged in connection to the synthetic drug investigation.

But information Des Moines police received from officials in northeast Iowa indicate the man is involved in distributing large amounts of synthetic cannabinoids in several Iowa cities and has at least eight co-conspirators who assist in the sales, provide transportation and facilitate money laundering, according to the warrants. Agents estimated the organization distributes tens of thousands of packets of synthetic drugs each year.

The man receives the drugs from Los Angeles and agents have intercepted shipments, which appeared to have little effect on the operation, according to the warrants.

In 2006, the Iowa Division of Criminal Investigation opened an investigation into the man, who has felony convictions, for laundering money through Iowa casinos. That investigation has since expanded to include the FBI and Internal Revenue Service, according to the warrants.

In addition to sales of synthetic drugs at local convenience stores, at least two people told Des Moines police of individuals who bought the product and re-sold it to teenagers, according to the warrants.

“(The witness) stated there is currently a big problem with ‘K2.’ ... (He) stated some students have received 400-pack bags and then sell them at school,” Carney wrote in the warrants.

Tracking money

During the investigation, authorities located 13 bank accounts associated with the owners of three Shop ‘N’ Save stores and seven accounts for the two Nat’s Food Marts, according to the search warrants.

Employees of the bank that carried the accounts expressed concerns about the number of accounts the stores had and the amount of cash deposits, Carney wrote in the warrant.

Typically, accounts for stores similar to the ones investigated average 27 percent of their deposits in cash. The stores under investigation made 75 to 80 percent of their deposits in cash, according to the warrants.

The bank employees "stated the abnormally high percent of cash sales associated with these business accounts suggested income from somewhere other than traditional sales," Carney wrote in the warrant.

A subpoena also revealed checks worth hundreds of dollars issued from the accounts to "Prince," believed to be a California company that manufactures the drugs, according to the warrants. Officers also found multiple large transfers between accounts, some as large as \$15,000.

The store owners were likely bringing in hundreds of thousands of dollars in income from illegal drug sales, according to the warrants. A set of accounts associated with Shop 'N' Save stores had \$720,481 in them. Accounts for Nat's Food Marts had more than \$75,000.

And much of the income was apparently tax-free, according to the warrants.

When undercover officers and confidential informants bought the synthetic drugs, clerks rang up those products separately from others. The clerks charged a sales tax on other products purchased, but not on the packets of drugs, according to the warrants. The clerks also put the cash used to pay for the drugs in a separate box behind the counter.

When investigators executed the search warrants two weeks ago, they seized more than 1,300 packets of synthetic drugs, almost \$10,000 in cash and boxes of financial records.

Officials said they will be able to use those financial records to get an even better understanding of the drug trafficking organization.

The stores involved are open but operating under an emergency liquor license revocation.

Workforce director rebuts allegations in letter to Labor Department

DMR

A state government official accused of illegally applying political pressure in an effort to favor Iowa businesses in appeals over unemployment benefits issued a strong denial Thursday, while legislative leaders traded charges and counter-charges.

Teresa Wahlert, director of Iowa Workforce Development, wrote a letter Thursday to the U.S. Department of Labor that rebutted each of the allegations made against her by Sen. William Dotzler, D-Waterloo, who chairs a state economic development budget panel.

"I believe that you will easily determine" that the complaints and concerns cited are unfounded, she said.

Meanwhile, Dotzler held his ground in a speech on the Senate floor.

Wahlert, an appointee of Republican Gov. Terry Branstad, said there is no evidence she created a hostile work environment for administrative law judges, and she added that no documentation has been provided to show she interfered with the judges' independence. She said she did supervise staff, work flow and training as a cost-saving measure, but she did not review any of the judges' decisions before their release.

In addition, she denied an allegation that she required administrative law judges to create "tip sheets" to help businesses win cases involving workers' appeals of unemployment compensation. The department's website does provide tip sheets, but they are available to all claimants and employers on a multitude of topics, including preparation for a hearing, she said.

In his remarks to the Senate, Dotzler refused to retreat from allegations he made a day earlier that Wahlert has tried to pressure administrative law judges to rule against ex-workers making appeals to obtain jobless benefits. He contends her actions violate federal laws requiring fair and impartial administration of unemployment benefits.

Dotzler said he has met personally with more than eight administrative law judges and verified the allegations he has made against Wahlert. He has asked the U.S. Department of Labor to investigate the situation.

"... I know that Iowa Workforce Development is listening. ... I want to tell them that facts are a stubborn thing," he said. "My advice to them is when you are in a hole, stop digging because truth will come out."

He also said that "when the Department of Labor comes to Iowa, they are going to find out that things are not right in Iowa Workforce Development."

The Department of Labor has not responded to a request for comment by The Des Moines Register.

Iowa Senate Majority Leader Michael Gronstal, D-Council Bluffs, and Senate President Pam Jochum, D-Dubuque, both expressed support Thursday for Dotzler.

"I cannot condemn in more firm words the actions of the director to instruct administrative law judges to screw Iowans out of their benefits," Gronstal said. Even if it were merely the appearance of Wahlert "stacking the deck" against Iowans rightfully owed unemployment compensation benefits, it would be improper, he said, but he believes she took actual steps to prevent Iowans from securing those benefits. "What she did was wrong, and every Iowan knows it," Gronstal said.

However, Republicans have vastly different views of the accusations swirling around Wahlert.

House Speaker Craig Paulsen, R-Hiawatha, claimed the accusations are purely partisan, adding he has no doubt they are a product of Democrats' efforts to reclaim the governor's office in November's election.

"Everything they are doing is in this public accusatory form," Paulsen said. Normally lawmakers with public policy differences sit down and try to talk through an issue, but that isn't happening in this case, he said.

"All that I know is that they are tweeting and Facebooking and talking in hyperbole about these situations," Paulsen said.

Iowa Senate Minority Leader Bill Dix, R-Shell Rock, agreed with Paulsen, contending accusations against Wahlert smack of "Washington-style politics." He said the Iowa Legislature has a Government Oversight Committee to investigate such controversies.

Dotzler strongly objected to Republicans' claims that his complaints are partisan, saying nothing could be further from the truth. "I consider the independence of our judicial system to be not petty," Dotzler said.

Wahlert said the U.S. Department of Labor last week completed a routine monitoring visit to Iowa Workforce Development regarding its unemployment appeals process. The monitoring staff was very complimentary of the department's improvements and process changes, she said, adding that she does not expect any negative findings.

Hatch: Controversy shows pattern of bad leadership by Branstad

DMR

State Sen. Jack Hatch said Thursday that allegations that the Iowa Workforce Development director applied political pressure on administrative judges to favor businesses in jobless benefits appeals is another example of failed leadership in Republican Gov. Terry Branstad's administration.

Hatch is a Des Moines Democrat who is expected to be his party's nominee for governor against Branstad in the November election.

He also pointed to a Des Moines Register investigation that disclosed six former state employees were secretly paid settlements totaling nearly \$300,000. Most claimed they lost their jobs because of their Democratic ties.

In addition, Hatch cited the firing of an Iowa Division of Criminal Investigation supervisor last year shortly after he reported that a state vehicle driven by a trooper transporting Branstad and Lt. Gov. Kim Reynolds was speeding on U.S. Highway 20 in Hamilton County. State officials have denied any retaliation.

"This looks more like Chris Christie's New Jersey than Iowa's management of good politics and open politics," Hatch said, referring to New Jersey's governor while talking with reporters outside Branstad's Statehouse office. "It is a culture of secrecy that has emerged from his administration. Behind these doors of the governor's office is a world of secrets."

Hatch blasted Branstad for not publicly talking for the past week about either the Workforce Development controversy or the news reports about secret payments to former state workers. Branstad has been absent from the Statehouse while vacationing in Arizona this week, but Hatch noted that Branstad had no problems in the past talking with Iowa reporters via telephone when he made a trip to China.

Tommy Schultz, Branstad's campaign spokesman, issued a statement rebutting criticism of the governor.

"Voters across the state know that Governor Branstad and Lieutenant Governor Reynolds have worked tirelessly to put the priorities of the people of Iowa first with job creation, historic education reform, record tax cuts and transparent governance," he said. "We are confident that once the partisan shouting dies down and the facts come out, Iowans will see these allegations for the baseless, sophomoric and political claims that they are."

Business essentials: Midwest economy showing little growth

DMR

An economist says a survey of bankers in 10 Midwest and Plains states suggests the regional economy is experiencing slow to no growth.

The Rural Mainstreet Index rose slightly above growth neutral in March, to 50.1, compared with 48.4 in February.

The survey indexes range from 0 to 100, with 50 representing growth neutral. A score above 50 suggests growth in that factor in the months ahead.

Creighton University economist Ernie Goss oversees the survey, which includes Iowa bankers, and he says the region will need to see more increases in farm commodity prices to push the agriculture-based economy back into healthy growth territory.

IOWA'S TOP WORKPLACE

Only about a week remains to nominate an employer for the Register's annual award recognizing the best places to work.

Any organization — including businesses, nonprofits and governments — with at least 35 employees in Iowa is eligible to participate. And it's free. To nominate, go to [Des Moines Register.com/nominate](http://DesMoinesRegister.com/nominate) or call 515-598-7192. We will stop taking nominations after March 28.

Workplaces will be surveyed through April. We'll publish the results in September.

To read about our 2013 winners, go to DesMoinesRegister.com/TopWorkplaces.

House panel OKs speedway tax proposal

DMR

Lawmakers in the Iowa House have furthered a plan to extend a tax break for the Iowa Speedway at Newton.

The House Ways and Means Committee unanimously approved the measure Thursday. It is now eligible for floor debate.

The racetrack in Newton receives a state sales tax rebate that will expire Jan. 1, 2016.

The tax break has been contingent upon 25 percent of Iowa Speedway's ownership remaining in the state. The proposal would remove that requirement.

The speedway, which opened in 2006, was bought by NASCAR last year.

The plan also would extend the tax break by 10 years and would maintain a rebate limit of \$12.5 million.

Republican Rep. Thomas Sands, who chairs the committee, said the state has a lot to gain by continuing with the plan.

Iowa's general revenue for FY2015 estimated at \$7 billion

DMR

Revenue for the state's general fund for the upcoming fiscal year is estimated at \$6.983 billion, which is identical to an estimate made in December, a state revenue forecasting panel said Thursday.

The latest estimate by the State Revenue Estimating Conference gives the Iowa Legislature a green light to finish its 2014 session with spending targets slightly under \$7 billion, which were recently approved by House and Senate legislative leaders.

Sen. Robert Dvorsky, D-Coralville, chairman of the Iowa Senate Appropriations Committee, said the panel's estimate supports the Legislature's fiscally cautious approach — and Democrats' plans for some additional spending.

"There is no need to scale back plans to invest in middle-class families, job creation and education," Dvorsky said. "Senate Democrats will work with Governor Branstad and Republican legislators to continue the tuition freeze at our public universities and invest in our community colleges. These steps will help solve Iowa's skilled worker gap and sustain Iowa's overall economic growth."

Rep. Chuck Soderberg, R-Le Mars, chairman of the Iowa House Appropriations Committee, said legislators simply need to stick with their budget principles and have state government live within its means.

"This confirms that we are heading in the right direction when it comes to a fiscal year '15 budget," he said.

David Roederer, chairman of the State Revenue Estimating Conference, said he believes Iowa's economy is steady, but he wants to remain cautious.

"We are still concerned about commodity prices," including corn and soybeans, which have dropped from a year ago, said Roederer, who is also director of the Iowa Department of Management. While the livestock industry usually performs better because of lower feed prices when commodity prices dip, he said a virus that has struck the hog industry is causing worries.

David Underwood, a business consultant from Clear Lake who also serves on the panel, agreed with Roederer. He said that declining crop prices could ripple negatively through the state's economy and that some farmers might not survive. "I am sure that some of those people who make those big green tractors in Waterloo are going to feel that a little bit," Underwood said, referring to a Deere & Co. tractor factory.

The three-member panel estimated the state's general fund will have receipts of \$6.682 billion for the current state fiscal year, which ends June 30. The \$6.983 billion estimate is for fiscal year 2015, which starts July 1, 2014.

Legislators base their budget figures on the lower of two estimates — either the December figure or the March figure. But no change is required now since both figures are the same.

Holly Lyons, who also serves on the Revenue Estimating Conference, said most of Iowa's economic indicators remain positive, and nothing suggests a pessimistic economic forecast. But the nation's economy is advancing at a modest pace, and consumers and businesses remain cautious about spending money, she said.

Global uncertainty is also a concern, said Lyons, who is director of the Fiscal Services Division of the Legislative Services Agency.

Woman not guilty in voter fraud case

AP

KEOKUK, IA. — A former drug offender who believed her voting rights had been restored when she cast a ballot last year was acquitted of perjury Thursday, a public rebuke of Iowa's two-year investigation into voter fraud.

The 12-member jury took less than 40 minutes to reject the prosecution's argument that Kelli Jo Griffin intentionally lied on a voter registration form she filled out for a municipal election in the southeastern Iowa town of Montrose.

It was the first trial stemming from the state's voter fraud investigation championed by Republican Secretary of State Matt Schultz. And it highlighted Iowa's status as one of just four states in which ex-offenders have to apply to the governor to regain their voting rights, under a 2011 order that has created confusion.

Griffin, a 40-year-old mother of three young children and one stepdaughter, would have faced up to 15 years in prison if convicted, since she was charged as a habitual offender.

"I'm glad that I can go back to being a mother," she told reporters afterward.

Griffin had lost her voting rights following a 2008 felony conviction for delivery of less than 100 grams of cocaine. She testified that she believed her right to vote had been restored when she left probation last year, which had been the state's policy until it was rescinded three years ago by Republican Gov. Terry Branstad.

Lee County Attorney Michael Short had argued that Griffin deliberately left blank a question on the form that asked whether she was a convicted felon, and if so, whether her rights were restored.

"That's a knowing lie!" he shouted during closing arguments. He said she was trying to hide her past as a drug dealer and promote an image of a "stay-at-home mom who is just doing her thing."

Her attorney, Curt Dial, told jurors that theory was ridiculous. He said Griffin had nothing to gain by participating in an election in which 110 people voted in uncontested mayoral and council races, other than to show her curious stepdaughter how voting worked.

Griffin testified that she turned her life around after numerous struggles, including being molested as a child, having mental illness, suffering domestic abuse and being addicted to drugs. Now, she said, she's happily married and volunteers for causes such as battered women's shelters, child abuse prevention and education.

She would not risk her stable life in Montrose, where she moved in 2011 after remarrying, to intentionally vote illegally, Dial said.

"The jury didn't have much question at all," he told reporters. "It's the outcome I expected."

Short, a Democrat, defended his decision to pursue the case, which he called the first election-related crime he's prosecuted in 40 years. He said

both sides agreed on all elements of the crime except whether her false statement was made knowingly.

Griffin is among 26 people who have been charged with election-related crimes under a two-year investigation coordinated by Schultz, who ran for the office vowing to find and combat voter fraud.

Most of those charged are former felons or noncitizens accused of voting or registering illegally. Several have pleaded guilty to reduced charges, or had their charges dismissed. About 15 other cases remain pending, and more charges are possible after the Division of Criminal Investigation referred findings in 80 more cases to prosecutors last month.

Democrats and voting rights advocates have repeatedly attacked the \$280,000 investigation as a waste of money.

Schultz, who is leaving after one term as secretary of state to run for Congress, said the facts proved Griffin voted when she was ineligible, and "as a result of this case this individual will not cancel out the vote of anyone in the future."

Griffin said she would apply to Branstad to have her voting rights restored, and plans to vote regularly.

Board dismisses lawmaker's records request complaint

DMR

The city of Waterloo's nearly two-month lag in responding to a state representative's public records request was "harmless error," the Iowa Public Information Board decided Thursday when dismissing a complaint.

Rep. Dawn Pettengill, R-Mount Auburn, requested information about the city's pension system Nov. 20. She received a response Jan. 9. She filed a formal complaint in March, asking the board to remind the city of what a timely response is to such a request.

One Waterloo employee had been on maternity leave, the city observed five holidays after Pettengill's request and several employees had taken vacation, according to the complaint dismissal written by the Public Information Board's director, Keith Luchtel.

Luchtel noted that state law does not list a specific time frame for release of records, although it says a reasonable delay should not exceed 20 calendar days and ordinarily should not exceed 10 business days. The city acknowledged that its reasons weren't necessarily a reasonable delay, but said no attempt was made to avoid providing the records.

Pettengill, the state representative, said she was not surprised by the Public Information Board's ruling.

"When I filed the formal complaint, I asked for Waterloo to be reminded their information is our information and a timely response is not only expected, it's the law," Pettengill said. "To be clear though, I only asked for 16 numbers. If a city the size of Waterloo can't produce 16 numbers within 50 days, there is a big problem."

The Public Information Board's staff reminded the city of what is an appropriate response, which is what Pettengill had requested.

"My thought: If you're going to ignore somebody's request for records, are you going to do it to a public official?" said Margaret Johnson, deputy director of the information board.

The board adopted Luchtel's recommendation to dismiss the complaint without any no votes.

Three of the nine members were absent: Kathleen Richardson of Des Moines, Jo Martin of Spirit Lake and Andy McKean of Anamosa.

In another dismissed complaint, the board ruled that an email sent to an Audubon City Council member can be withheld from the public.

The complaint, from Jared Strong of the Daily Times Herald in Carroll, alleged that city officials improperly withheld an email sent to a council member in November.

But Luchtel wrote in his recommendation to the Public Information Board that if the communication is not required by law and is from a person outside of government, and if the government body could reasonably believe the person would be discouraged from communicating if it was made public, a government can legally withhold that information from the public.

The Public Information Board agreed with Luchtel's recommendation to dismiss the complaint.

Fate of local option sales tax bill uncertain

DMR

A bill that would make it easier for individual cities to vote on a local option sales tax faces an uncertain future after two days of subcommittee meetings on the proposed legislation ended without a vote.

"We're still trying to make sure it has all the elements that are needed," State Sen. Joe Bolkcom, D-Iowa City, said Thursday following a Ways and Means subcommittee meeting on the bill. Bolkcom is on the three-member panel and is chairman of the Senate Ways and Means committee, where the proposed legislation would head next if approved.

Senate File 2331 would allow cities to vote on whether to implement the penny sales tax on their own without gathering support from other local governments in the same county.

The Greater Des Moines Partnership, Waukee and West Des Moines have expressed support for the legislation.

The Iowa Retail Federation and the State Association of Counties are among those that have formally expressed opposition.

Under current Iowa law, cities that share borders are required to vote on the issue as one jurisdiction, which has made it a difficult ballot measure to pass in metropolitan areas like greater Des Moines and Johnson County.

City leaders from those areas have said a local option sales tax would provide an alternative revenue source that could result in lower property taxes.

Of Iowa's 946 cities, 802 collected local option sales tax revenue in 2013, according to the Iowa Department of Revenue. So did the unincorporated areas in 93 counties.

The legislation also calls for updating the formula used to distribute local option sales tax revenue. Currently, the Iowa Department of Revenue distributes the money collected in a certain county to cities and unincorporated areas within that county that have approved the tax.

Seventy-five percent of the distribution is based on population data from the most recent U.S. Census and 25 on a jurisdiction's property value within the county from 1982 to 1985.

Under the new legislation, the property values used would be updated to a three-year time period of July 1, 2010, to June 30, 2013, and they would be updated every three years.

An amendment to the proposed bill would limit that formula change to two counties, Dallas and Warren. West Des Moines has grown substantially in Dallas County in the past 20 years and would receive more tax revenue if the formula was updated there.

Six other cities in those counties already collect the penny tax, and Tom Cope, a lobbyist for West Des Moines, said another amendment would set a baseline revenue for them equal to whatever they collect when the bill is enacted.

"If West Des Moines and Waukee were to approve this tax, it's almost assuredly going to dump a lot more money into the pool," Cope said. "There's probably not going to be an issue with this, but we want to make sure nobody loses any money."

Bolkcom asked for more information on how much revenue those cities collect.

The bill must pass out of subcommittee and be voted on by the Ways and Means Committee before it can go before the full Senate for debate.

At a news conference earlier this week, Lt. Gov. Kim Reynolds declined to say whether Gov. Terry Branstad would sign the bill if it made its way to his desk.

Iowa gas tax hike not likely anymore

SCI

DES MOINES | Prospects of raising more revenue for Iowa's transportation infrastructure this year seemed to have dimmed. Iowa legislative leaders said Thursday there has been little movement toward forming the kind of broad, bipartisan support needed to raise motor fuel taxes.

A small group of representative from both parties have been working to build support for raising the gas tax and provide funding needed to address the state's critical infrastructure backlog, which the Iowa Department of Transportation pegs at \$215 million a year.

However, House Speaker Kraig Paulsen, R-Hiawatha, doesn't think the representatives' efforts have moved the dial.

"I don't see that anything has changed in that dialogue," he said. "There's still people working on it. It's still true that every caucus has supporters and every caucus has opponents, but I haven't seen anything that has changed in that conversation."

House Transportation Committee Chairman Josh Byrnes, R-Osage, has introduced a bill to raise the gas tax 10 cents a gallon over three years. However, he doesn't have enough votes to get the bill out of committee.

More recently, he has proposed a hybrid approach that would cut the state's per-gallon fuel tax but bump sales taxes on fuel wholesalers. Every 1 percent increase in the wholesale tax would bring in \$47 million compared to \$22 million raised by every 1-cent increase in the pump price of fuel, Byrnes said.

If the state had taken that approach in 1989, Byrnes said, Iowa would have collected \$3 billion more than it has in the past 25 years.

He's working with lawmakers to make the case for an increase. He believes Iowa roads and bridges are critical for economic development and job growth. Transportation infrastructure is an essential function of government, he said.

In the Senate, Majority Leader Mike Gronstal, D-Council Bluffs, personally supports a gas tax increase, but didn't seem optimistic about action this year.

"That issue has been around for decades and over the decades the roads have not gotten much better," he said.

With both Gronstal and Paulsen signaling the session is winding down, lawmakers' efforts are turning to approving a budget. Byrnes, however, will continue his efforts to build that critical mass.

"You never know, something could break just like that," he said, snapping his fingers.

Bill spurred by missing Merville man leads to changes, frustration

SCJ

DES MOINES | The case of a missing Merville, Iowa, man promises to change the way the law enforcement handles missing-person cases involving people who suffer from Alzheimer's and other forms of dementia.

It's a step in the right direction, said Joel Robinson, whose 84-year-old grandfather, Dale, has been missing since Aug. 3.

Robinson originally wanted a change in the law requiring the state to adopt a so-called Silver Alert program for seniors, similar to the Amber Alert system for missing children.

A bill making that change unanimously passed out of the Iowa Senate, but it was killed in the House Transportation Committee last week.

Then, Rep. Chuck Soderberg, R-Le Mars, met Monday with Robinson, Iowa Department of Public Safety Director Larry Noble and officials from the Department of Transportation to see what could be done short of passing legislation. Joel Robinson lives in Soderberg's House district.

The state already has a system — the Endangered Persons Advisory — that works like the proposed Silver Alert, but it's voluntary and, Soderberg said, not well known.

"They've agreed to change their checklist so when something like this happens, it's more likely it will get sent out," Soderberg said. "We've also set it up now so someone can call either their local law enforcement agency or call straight to the state to make a report. Under the old system, you would have to make a report to local law enforcement and they would call the state."

There's also going to be some money put in the department's budget to create an education awareness campaign about the statewide service, said Soderberg, who chairs the House Appropriations Committee.

Still, there's nothing that requires local or state law enforcement to activate a statewide alert. That led Sen. Bill Anderson, R-Pierson, who had authored the Silver Alert bill, to fire off a news release Tuesday. Robinson also lives in Anderson's Senate district.

"I am frustrated and disappointed the Silver Alert proposal did not pass out of committee in the House," Anderson said in his release. "The bill received unanimous bipartisan support in the Senate, and I never imagined it would meet this fate in the House, especially after fellow lawmakers listened to a constituent share their family tragedy."

Enter Rep. Josh Byrnes, R-Osage, the chairman of the House Transportation Committee, which is where the bill died.

Asked why the bill was never called up and then shown a copy of Anderson's news release, Byrnes shook his head, saying, "Good leadership follows legislation from start to finish," adding that Anderson never approached him about the bill, so he was unaware it was such a high priority.

"It is unfortunate that Sen. Anderson chose to complain and blame fellow legislators rather than sit down and work towards a solution like Rep. Soderberg did," Byrnes said in a follow-up email. "Sen. Anderson's comments to the media sound more like re-election rhetoric than true leadership on finding solutions."

Byrnes added that department officials preferred not having the mandate of a new law imposed.

"I don't know how this became personal," Anderson said in response.

Robinson, meanwhile, says he's appreciative of Anderson's efforts involving the bill and Soderberg's efforts to set up the meeting.

"I would like to see them evaluate this way for a year and see if it's making a difference," he said. "I just hope no family has to go through what we've been."

Dale Robinson was last seen driving a maroon truck when he disappeared about seven-and-a-half months ago. The last verified sighting was on Aug. 3, where surveillance footage showed him at the Argosy Casino on Sioux City's riverfront. Though not a gambler, Dale Robinson often would pick up his wife, Betty, from the riverboat.

Analysis: Studies offer conflicting information about traffic cameras

SCI

IOWA CITY | Plenty of studies about the effectiveness of traffic cameras supply verbal ammunition for both sides of controversial proposals to regulate the devices -- or ban them altogether.

Although much of the debate focuses on city governments' intent when using the devices or on fairness to motorists, studies focusing on the cameras' merits as a safety tool show that when they hurt, or help, depends on where and why they are used.

Studies of the devices show conflicting information, indicating the cameras can produce reliable revenue streams even though they are not effective at improving safety. However, when used at specific locations to address a specific safety problem, the devices produce good results, the studies show.

That merit has been overshadowed in recent weeks as political leaders' positions hardened. State Sen. Brad Zaun, R-Urbandale, announced plans for more legislative moves to ban the cameras outright. That would be a major escalation over a much milder bill introduced early in the session that would add restrictions and safeguards for motorists.

On the other side of the debate, Sioux City has gone to Woodbury County District Court to challenge the legality of new rules by the Department of Transportation that also restrict use of the cameras and require documentation that the cameras are needed to improve safety.

Sioux City officials have repeatedly said the devices were installed to make roads safer. Two Interstate 29 speed cameras captured 39,257 violations from July 2012 to June 2013. The 11 red-light cameras, at nine intersections, ticketed 12,256.

When the IDOT proposal was announced last year, Sioux City police Capt. Mel Williams said the decision should be left with local communities.

"I believe that cities and not necessarily the state of Iowa should be able to determine how safe they want their streets to be," he said.

The city has said that prior to the cameras, 38 percent of motorists were driving 11 mph or more above the speed limit in I-29. After two years of camera enforcement, less than 1 percent of motorists were driving 11 mph or more above the limit.

The city received \$1.6 million in revenue in 2012 during the first full year of operation. The cameras generated \$4.5 million in 2013. The possibility of losing the funding caused a funding gap in the most recent budget.

Cedar Rapids, Davenport, Fort Dodge, Muscatine and several Polk County jurisdictions also use cameras.

Studies show the devices help in some intersections and locations, but not in others. And although a 2012 Iowa State University report confirms that an additional second of yellow-light time probably would reduce wrecks by 50 percent, that reduction would last for a short while before motorists returned to their old habit of trying to beat the yellow, traffic safety experts argue.

"So increasing (it) may improve the safety for a while," said Steve Gent, director at the Iowa Department of Transportation Office of Traffic and Safety, "until drivers adapt, at which time the safety would go back to the pre-test levels."

A bill, [House File 2202](#), which would restrict use of the devices. It passed through a crucial legislative funnel period late last month and was referred to the House Transportation Committee on March 14. It would limit fines to \$75, require police officers to review the images of the violation before issuing tickets, require cities to post signs on the approach to where the traffic camera is in use and make annual statistical reports on the type and rate of accidents at the locations.

In February, new state rules -- the ones Sioux City is challenging in court -- started requiring counties using the devices to submit annual reports to the Department of Transportation that document their effectiveness. Police officials are currently compiling data.

Some studies on the devices conclude that automated red-light and speed cameras are increasing accidents at intersections.

In 2004, [researchers at North Carolina Agricultural and Technical State University in Greensboro, N.C.](#), studied 303 intersections over 57 months and concluded red-light cameras do not reduce crashes and are associated with increases in certain types of crashes and in crash severity. [A 2007 Virginia Research Council study](#) found that red-light cameras associated with more rear-end vehicle accidents. It said those cameras are connected to crashes because drivers attempt to abruptly stop at controlled intersections.

But the same study also found a decrease in running red-light crashes but a net increase in costs associated with crashes at traffic-camera intersections. The report recommended that the decision to install red-light cameras should be made on a case-by-case basis.

Gent said safety counter-measures other than automated cameras can be more effective and should be considered before the cameras.

"It's easy to pick the low cost and the quick implement ones," Gent said. "The automated cameras are not the safety measure you to go first. They are intrusive, controversial and expensive from a societal standpoint."

But Gent said cameras used in the right locations can improve intersections where crashes are common if nothing else is working.

Zaun said he's concerned about the lack of due process and the devices' accuracy.

"Ultimately I want these banned. This is a nonpartisan issue; there are Republicans and Democrats who are equally frustrated," Zaun said.

Digest: Iowa legislators seek bipartisan support for anti-bullying bill

[SCJ](#)

A roundup of legislative and Capitol news items of interest for Thursday.

ON THE FASTTRACK: [Legislation](#) to allow the new owner of the Iowa Speedway at Newton to continue receiving a state sales tax rebate and extending the potential \$12.5 million benefit until 2026 won unanimous approval from the House Ways and Means Committee Thursday. The sales tax rebate was approved by a previous Legislature, but limited the benefit to in-state owners. Ways and Means Chairman Tom Sands, R-Wapello, recommended extending the rebate to out-of-state owners because NASCAR has purchased the track the seven-eighths-mile track 30 miles east of Des Moines. "It's important to welcome new owners," Sands said, who will partner with Iowa, Newton and the surrounding area "to move it forward, make it an asset, providing both wealth and revenue for local governments." Rep. Dan Kelley, D-Newton, said the track has a \$50 million annual impact and has become a source of community pride. "Newton no longer is defined by our loss ... but as home of the Iowa Speedway," he said. A similar bill, SF 2341, is in the Senate Ways and Means Committee.

ANTI-BULLYING OUTCOME UNCLEAR: An Iowa House GOP leader was noncommittal Thursday as to the fate of a Senate-passed anti-bullying bill in her chamber. Democrats who control the Iowa Senate earlier this week passed a bill that establishes consistent reporting by schools, allows local educators to address bullying that occurs off campus or online, and creates a statewide grant program to encourage districts to promote safer schools. Senate Majority Leader Mike Gronstal, D-Council Bluffs, called it the toughest, most comprehensive anti-bullying legislation "that we ever passed on this subject." However, Senate GOP Leader Bill Dix of Shell Rock said it does not afford protections to all students, while House Majority Leader Linda Upmeyer, R-Garner, said she had not had a chance to review the Senate bill so she did not know what provisions could be stumbling blocks. She said she believes the opportunity exists to find bipartisan agreement on an issue that is one of Gov. Terry Branstad's 2014 priorities. "Will we be able to make everyone happy? Perhaps not, but I think we can get good support on this bill," Upmeyer said.

LEADERS HOPEFUL BROADBAND BILL WILL MAKE CONNECTION: House Speaker Kraig Paulsen, R-Hiawatha, told reporters Thursday that a bipartisan agreement would come together yet this session on incentives aimed at expanding access to broadband internet across Iowa. Paulsen said negotiators report "pretty good conversations" are taking place and they are getting closer to consensus on one of Gov. Terry Branstad's 2014 priorities. The governor identified property tax incentives for increasing access to high-speed internet in his Condition of the State in January while a Senate panel expanded them to include low-interest loans and income tax breaks along with property tax exemptions. House Democratic Leader Mark Smith of Marshalltown said the issue is complex and needs "to be done right" to be effective. "The trick is how do you figure out how the state can intervene and incent behavior without just incenting people to do something that they already were going to do?" added Senate Majority Leader Mike Gronstal, D-Council Bluffs. He said it was less clear whether negotiations were moving to consensus and he noted that time is running on that issue and others if breakthroughs don't develop soon with adjournment on the horizon. "If we can't get to consensus on them, they will be left behind," he said.

FUEL PRICES IN IOWA: Fuel prices in Iowa appear to be leveling off at least for now. The price of mid-grade unleaded gasoline blended with 10 percent ethanol averaged \$3.46 per gallon across Iowa on Tuesday, according to AAA. That was up a penny from last week's price and down eight cents a gallon from one year ago. The price of regular unleaded gasoline averaged \$3.56 a gallon, which was unchanged from last week. The national average on Tuesday was \$3.53 per gallon. Retail diesel fuel prices in Iowa dropped a penny on the Tuesday report with a statewide average of \$3.84 per gallon, down 10 cents from a year ago. For heating fuels, propane prices fell nine cents compared to last week's price with a statewide average of \$1.88 per gallon. Home heating oil fell five cents to a statewide average of \$3.47 per gallon, and natural gas prices in Iowa were down 19 cents from last week's report, ending the week at \$4.48 / MMBtu.

FARM PLANNING BOOK: Retired Iowa State University economist Dr. Neil Harl has issued the 18th edition of his Farm Estate and Business

Planning book. The 496-page soft-cover book is a guide for farmers and ranchers who want to make the most of the state and federal income and estate tax laws to assure the least expensive and most efficient transfer of their estates to their children and heirs. The book contains detailed advice on assuring worry-free retirement years, using wills, trusts, insurance and outside investments as estate planning tools, ways to save on estate settlement costs, and option for an approach to setting up a plan that will eliminate arguments and friction in the family. Harl, who is retired from the Iowa State University faculty after 40 years of service, holds a law degree from the University of Iowa and a bachelor's degree and Ph.D. in economics from Iowa State. New for the 18th Edition, the book is available in print and PDF files, readable on all digital devices. The book can be purchased at www.agrilawpress.com and Amazon.com.

QUOTE OF THE DAY: "Only art and library, and more recess." Rep. Pat Grassley, R-New Hartford, passing on education policy advice from his daughter, Reagan, to House Education Committee Chairman Ron Jorgensen, R-Sioux City.

Electronic monitoring useful for Eastern Iowa courts, but "not a magic bullet"

Gazette

In a rare move, a man facing a first-degree murder charge was allowed to return to his home in St. Paul, Minn., where he will await his trial.

A judge found that John Bloomfield's deteriorating health made placing him under house arrest necessary so he had access to health care and his attorney, who had difficulty visiting him at the Iowa Medical and Classification Center in Coralville.

"It's unusual," Sheriff Lonny Pulkrabek said of the decision, noting it's uncommon for someone facing a serious offense to be released from custody without posting bail. "But it's an unusual case."

Bloomfield won't be able to come and go as he pleases, however. The court has ordered that he only leave his home for medical and court appointments and to meet with his attorney.

All his movements will be tracked by a global positioning system device.

While Bloomfield's case may be rare, the electronic monitoring of offenders who are serving sentences or those who are on probation or parole is becoming increasingly common. According to the Iowa Department of Corrections, offenders on electronic monitoring has increased from 146 in fiscal year 2004 to 820 in fiscal year 2012.

On June 30, 2012, the last day of fiscal 2012, the Sixth Judicial District — which includes Johnson, Linn, Jones, Iowa, Benton and Tama counties — had 74 offenders on electronic monitoring.

While a majority of offenders on electronic monitoring, 83.7 percent in 2012, are tracked via a GPS device, the Department of Corrections uses other methods to track offenders. A radio frequency device, for example, consists of an ankle monitor and receiver connected to the offender's home telephone and allows officials to track when the offender comes and goes from his or her home.

Department of Corrections officials also can remotely monitor an offender's alcohol consumption with a bracelet that uses transdermal technology.

Electronic monitoring has been a tool at the Department of Correction's disposal since 1989, said Randy Cole, former executive officer of the Sixth Judicial District's sex offender program and current residential supervisor of the Hope House residential facility in Coralville.

"We took the offenders that were on the elevated risk continuum ... and used it as an intermediate sanction or intermediate treatment intervention," said Cole.

From a public safety standpoint, electronic monitoring helps law enforcement track the movement of offenders, particularly those convicted of violent offenses, substance abuse or sex offenses. In fiscal year 2012, sex offenders made up 83 percent of all offenders on electronic monitoring, according to the Department of Correction's 2013 report.

Legislation passed in 2005 places special sentences on sex offenders who have completed their incarceration, which can last from 10 years to life depending on the level of offense.

Monitored from a command center in Des Moines, offenders on GPS tracking can have individualized movement restrictions put in place — known as inclusion and exclusion zones. The Corrections Department can monitor if someone with a no-contact order isn't violating that order, or can tell if someone with a history of alcohol abuse has been frequenting a bar.

Cole said the electronic monitoring can be beneficial to the offender, as well. Knowing they are being tracked is a reminder to an offender of where they should and should not be.

It can lead to early intervention if an offender begins to relapse or show signs of problematic behavior, such as a sex offender frequenting strip clubs and adult stores. It also can provide an alibi in the face of accusations, Cole said.

"A number of these guys appreciate being on electronic monitoring," he said. "It's another instrument that helps account for where they're at and what they're doing."

For those serving sentences at county jails that have an electronic monitoring program, GPS tracking can help them maintain jobs or classes.

Use of electronic monitoring at the Johnson County Jail is restricted to those serving their sentence who are doing work release or serving an in-home sentence. The practice is not very wide spread in Johnson County.

Serving an in-home sentence is not very popular as the sentence is always tripled and the offender has to pay for the service, Pulkrabek said. The work release program generally only has 3 to 12 participants at any given time, said Sgt. John Good, who oversees the department's work release program.

"It's a pretty stringent type of monitoring," Good said. "It allows them to keep their job while in jail, which is a benefit to the community as well as us."

Inmates participating in the county's work release program still spend their nights at the jail, but are allowed to leave for work, generally no more than 44 hours a week. The inmate only can go to and from work and are subjected to a breath test and occasional drug monitoring when they return from their shift. All jail inmates are eligible, provided a judge signs off on the work release.

Deputies track inmates on a Google Earth-style map that can ping their location every three to seven minutes.

Inmates pay \$20 a day for the service, Good said.

"That pays for the monitoring system," he said. "We're able to allow them the benefit of going out to work. If they are doing a seven- to 14-day sentence, there's no reason they need to lose their job because they are doing that sentence."

Iowa City lawyer Dave Foster said electronic monitoring provides inmates with a valuable service.

"It really does make it possible for people to keep their jobs," he said. "Most people can get a week off work without a problem. Anything longer than that and they risk losing their jobs."

Foster said the GPS monitor also means less work for jail deputies, who used to have to physically go out and check on inmates on work release, thereby limiting the number of inmates who could benefit from the program. The flip side, however, is that defense attorneys previously could negotiate for reduced sentences in plea arrangements so their clients could keep their jobs.

With electronic monitoring, lawyers can no longer play that card, Foster said.

The Linn County Sheriff's Office does not use electronic monitoring, Sheriff Brian Gardner said. Gardner said electronic monitoring is normally done to address jail overcrowding, which is not currently an issue.

Electronic monitoring is not a flawless system, however, the Corrections Department's Cole noted.

"It's good in the sense of it definitely enhances our ability to do what we do," he said. "Like any other system, there are drawbacks. It's not foolproof and it isn't perfect."

For example, there is a lag time of a few minutes — at best — between the real-time movements of offenders and before it reaches monitoring officials. Weather can affect the signal, causing it to "drift" and show offenders in a different place from where they actually are, Cole said.

There also are dead zones where the signal is not picked up by satellites.

All these factors, along with wear and tear on the devices, can lead to false positives that indicate an offender might be violating conditions of release when that's not the case.

"The vendors are going to tell you it's a very, very small number," Cole said of the false positives. "I wish it was as good as it's reported to be."

Hard data on false positives was not available.

That also means in the case of an actual violation — such as an offender removing the monitor and trying to escape — law enforcement is going to find out at least a few minutes after the fact.

"We're going to be minutes behind that guy," Cole said. "if his real intent is to harm someone, we're going to be behind him."

Cole said GPS cannot replace the work of actual law enforcement work. He points to a report compiled for the 6th Judicial Districts legislative night in 2007 that showed GPS monitoring resulted in one arrest of a sex offender for monitoring violations in all of 2006.

On the other hand, Corrections Department High Risk Unit officers and local law enforcement made nine arrests during that same period for "technical not-sexual, and technical sexual violations, and possibly alleged new crime behavior" based on searches and residence checks.

"For the cost and the expense and manpower and resources involved for GPS, is it more beneficial than having more boots on the ground?" Cole said. "Most of us would tell you, no, it's not.

"It's a good tool. Like any other tool, it helps us do our jobs better. It's not a magic bullet."

Lawmakers accuse each other, Branstad of 'Washington-style politics'

Gazette

Legislative leaders and a gubernatorial candidate leveled charges of Washington-style politics and worse — New Jersey-style politics — in a series of news conferences at the Iowa Capitol Thursday.

The charges stemmed from revelations in the past week about secret settlements with former state employees, including hush money to keep them quiet about their terminations and a Democratic senator's charges that the administrative law judges were pressured to decide unemployment benefit cases in favor of employers.

"I cannot condemn in more firm words the actions of the director to instruct administrative law judges to screw Iowans out of their benefits," Senate Majority Leader Mike Gronstal, D-Council Bluffs, said at his weekly news conference, his voice rising.

Moments later, House Speaker Kraig Paulsen, R-Hiawatha, charged that Democrats are attempting to make political hay out of the accusations involving Gov. Terry Branstad and his Iowa Workforce Department Director Teresa Wahlert.

"As the session began, there was a lot of talk about 'We're not Washington,'" Paulsen said. "What I'm seeing right now from Senate Democrats is a lot of Washington, D.C.

"Don't be confused, I think this is all about the gubernatorial campaign," he continued. "Everything they are doing is in this public, accusatory forum instead of why don't they come and talk to one of us and say: 'Hey, we have this concern here. How do we fix it?'"

From there, the political rhetoric flowed to the Capitol rotunda where presumptive Democratic gubernatorial candidate Sen. Jack Hatch, Des Moines, lambasted Branstad for a "culture of secrets."

"Behind these doors is a world of secrets," he said while standing outside Branstad's office.

The Branstad administration has forced people out of their jobs, forced administrative law judges to rule improperly, fired a DCI agent for reporting the governor's vehicle was speeding and closed the Iowa Juvenile Home as part of a plan to privatize it, Hatch said.

He rejected the suggestion the revelations were part of Democrats' campaign strategy.

"If it were related to the gubernatorial campaign, I would be more involved," Hatch said.

Branstad campaign spokesman Tommy Schultz saw it differently.

"Liberal senators continue to show that they are out of touch with Iowa," he said in a statement to reporters. "We are confident that once the partisan shouting dies down and the facts come out, Iowans will see these allegations for the baseless, sophomoric and political claims that they are."

Hatch sees it as a continuing pattern of abuse.

"A pattern that I brought up last August when I said the governor was abusing his power, where he felt he was above the law, where he was

more interested in his legacy of being the longest-serving governor than in managing the state," Hatch said. "This is nothing new to me and it's a pattern that's emerging, not from my campaign, but from different areas of state government."

He criticized the governor for not responding to the charges. Branstad was available to reporters when he was on a state mission to China, so Hatch said he should be available while vacationing in Arizona.

"This administration and the way he is managing it is looking more and more like Chris Christie's New Jersey than Iowa's management of good politics and open politics," Hatch said

Grassley sidesteps Juvenile Home issue with South Tama students

WCFC

TAMA | U.S. Sen. Chuck Grassley, R-Iowa, is one of a few politically active Iowans without an opinion on the closure of the Iowa Juvenile Home in Toledo.

"I don't have any opinion on it, other than what I read in the newspaper, because I haven't talked to legislators about it," Grassley said. "If I were a (state) legislator, and had to dig into it deeper and had to make a decision to keep it open or not keep it open, maybe I'd have a different view."

The Iowa Juvenile Home facility was the subject of one of about a dozen questions posed to Grassley during a question-and-answer session with students at South Tama County High School in Tama.

Grassley said from what he has read about the juvenile home -- which was shuttered in January after reports of abuse first were publicized in the Des Moines Register last summer -- it seems like the best practices were not being used at the facility.

"If the newspapers have been accurate and kids were treated the way they were treated there -- and I don't know that they were, only what I read in the newspaper -- it seems to me that maybe the right approach wasn't taken," Grassley said.

No sooner had he answered, though, the senator backtracked and offered an old adage for lawmakers.

"Maybe it's one of these things I should've said to you upfront ... we senators have a tendency to talk about things we don't know anything about, and it'd be better to just say, 'Wait until the facts come out,' and then say something, but I've already answered your question," Grassley said.

He soon learned a little more about the subject from a student who approached him after the formal presentation.

"The girl here said that her mother worked there, and she said that the Des Moines Register stories were not accurate stories," Grassley said, adding that he's aware some state lawmakers from the area agree that it should not have been shuttered.

Part of Grassley's unfamiliarity is due to the fact that it's a state issue, and not a federal one. He also said he hasn't been contacted by area constituents about the issue.

Since the facility was state run, supporters of keeping it open have turned to their area lawmakers and Gov. Terry Branstad to try to reopen it.

Aside from the local issue, the students -- about 75 of them, comprised of all high school grade levels -- mostly asked about Grassley's day-to-day work and the education legislation known as No Child Left Behind.

Grassley said he expected another one-year extension of the current education legislation. He said when lawmakers extend it for a longer term, he hopes it includes more flexibility for states to determine how to meet its goals.

"I am a believer that since our country is so geographically vast, our population so heterogeneous that people more local have a chance to work these problems out better than we do in Washington," Grassley said.

Students also expressed interest in seeing less partisanship at the Capitol. Grassley acknowledged that both major parties are moving to their extreme ends, but he said partisanship isn't necessarily as bad as it looks from the outside.

He said media focuses on the areas where Congress is divided and where there's disagreement, rather than the issues that pass without controversy.

"People can work together if they want to work together; there just isn't enough of it, but it's not quite as bad as ... what you might think," Grassley said.

He pointed to his most recent vote on a bill that would reauthorize block grants to states for child care. The bill passed with only two "no" votes and little controversy.

Panel sees no change necessary in state tax revenue prediction (AUDIO)

Radio Iowa

A three-member panel of financial experts is sticking with its previous prediction of state tax revenue for the coming fiscal year — a decision that means legislators don't have to reduce the state budget plans they've drafted. Holly Lyons, director of the Legislative Services Agency, is one of the voting members of the state tax Revenue Estimating Conference.

"In Iowa, most economic indicators remain positive," Lyons said.

Iowa Department of Management director David Roederer said the group's decision is a sign Iowa's economy has been "steady" since the group last met in December.

"The economy is starting to move forward in the United States, but not at the pace that I think that anybody would feel real comfortable with," Roederer said.

 [AUDIO](#) of Revenue Estimating Conference March 20 meeting, 23:00

Roederer — who joked that he isn't a member of "the optimistic society" — pointed to warning signs in the state's agricultural sector, as corn prices are about 40 percent lower than they were a year ago. David Underwood, a retired business executive from Mason City, is another member of the state Revenue Estimating Conference and he cited concerns about falling corn and soybean prices as well as the virus that's hitting the state's swine industry.

"Where does that ripple stop? I'm sure that some of those people that make those big green tractors are going to feel that a little bit," Underwood said. "I would imagine that in the grocery store we're going to see higher prices which means less disposable income, which potentially means less sales tax collected by the state."

Representative Chuck Soderberg, a Republican from Le Mars who leads the House Appropriations Committee, said the group's decision to stick with the same tax prediction it issued in December incides the state's economy is moving, but moving slowly.

"This will...allow us to move forward with what we have planned for the last couple of months," Soderberg said.

Legislators appear poised to strike deals on key segments of the state budget for the fiscal year that begins July 1. There will have to be some adjustment, however, in the budget for bricks and mortar projects. State gambling taxes are used to finance those projects and gambling revenue is now projected to be less than predicted in December.

Montrose woman found not guilty in voter fraud trial

Radio Iowa

A convicted felon from eastern Iowa who voted in a city election has been found not guilty of perjury in Lee County. It's the first trial stemming from Iowa's two-year investigation into voter fraud. Kelli Jo Griffin voted in last fall's city election in Montrose despite have lost her right to cast a ballot over a drug crime.

The 40-year-old Griffin testified that she thought her voting rights were restored as soon as she completed a five-year probation sentence in early 2013. It took the jury just 30 minutes to reach a verdict of not guilty.

Griffin said she was not trying to deceive anyone. "Once a criminal, most people think that you're always a criminal and that you can't change," Griffin told reporters. "I believe people can change and I hope this will show people...that you can change your life around and you can become a better person."

The state accused Griffin of intentionally lying about being a felon on her voter registration form. If she'd had been convicted, Griffin would've faced up to five years in prison. Iowa is one of just four states to require ex-offenders to apply to the governor to regain their voting rights.

Iowa Secretary of State Matt Schultz, who's running for congress, has led an effort to combat voter fraud. In the past two years, that effort has resulted in 26 people being charged with election-related crimes. Critics contend Schultz has wasted taxpayer dollars on the investigations and the charges have mostly involved ex-felons who've been unaware of the policy that requires they apply to the governor.

Schultz issued the following statements in reaction to the verdict in Lee County: "The facts of this case are clear, someone voted who did not have the right to vote. The jury's decision does not change Iowa law, and as a result of this case this individual will not cancel out the vote of anyone in the future. Ensuring the integrity of our elections is important, and I will always fight for integrity."

Democrats accuse IWD director of trying to tilt cases in favor of businesses; Republicans accuse Democrats of "Washington-DC style" politics

Radio Iowa

Charges and counter-charges are flying around the statehouse following a Democratic senator's assertion that state employees who judge unemployment compensation disputes have been pressured by the agency's director to tip cases in favor of businesses. The legislature's top Democrat — Senate Majority Leader Mike Gronstal of Council Bluffs — today said the actions of Iowa Workforce Development director Teresa Wahlert were inappropriate.

"I cannot condemn in more firm words the actions of the director to instruct administrative law judges to screw Iowans out of their benefits," Gronstal told reporters during his weekly statehouse news conference.

A spokesman for Republican Governor Terry Branstad has called the allegations "Washington-DC style" politics and the legislature's top Republican — House Speaker Craig Paulsen of Hiawatha — is echoing those sentiments.

"I think this is all about the gubernatorial race," Paulsen said during his weekly news conference. "...Everything they're doing is in the public, accusatory forum instead of why don't they come and talk to one of us and say: 'Hey, we have this concern here. How do we fix it?'"

Senator Bill Dotzler, a Democrat from Waterloo who first raised concerns about the Iowa Workforce Development director on Wednesday, said during a speech in the senate this morning that he's engaging in "Waterloo style politics."

"Facts are stubborn things and my advice to them is when you're in a hole, stop digging because the truth will come out," Dotzler said. "I have met personally with more than eight administrative law judges...and when I asked them directly: 'Did director Wahlert ask for tip sheets that would help coach employers on winning similar cases (the answer) to the person was: 'Yes', 'Yes', 'Yes', 'Yes', 'Yes', 'Yes', 'Yes' and 'Yes'."

Speaker Paulsen suggested Dotzler and his fellow Democrats should have taken their concerns to Republicans in private first.

"They apparently identified an issue or something that offends them. Maybe it should offend us, too. I don't know because they haven't shared the information with us," Paulsen told reporters. "All I know is that they're out, you know, Tweeting and Facebooking and talking in hyperbole."

Jack Hatch, a state senator from Des Moines who is the only Democrat running for governor, held a news conference late this morning, to accuse Governor Branstad of creating a "culture of secrecy" in state government.

"And I, as a candidate for governor, see a pattern," Hatch said. "A pattern that I brought up last August when I said the governor was abusing his power, where he felt he was above the law, where he was more interested in his legacy of being the longest-serving governor than in managing the state, so this is nothing new to me and it's a pattern that's emerging, not from my campaign, but from different areas of state government." Hatch said Branstad needs to hold a news conference to answer questions in public like New Jersey Governor Chris Christie did after the revelation that Christie aides ordered a busy bridge closed as payback to a political foe. Branstad is on vacation in Arizona this week with his family.

"We are confident that once the partisan shouting dies down and the facts come out, Iowans will see these allegations for the baseless, sophomoric and political claims that they are," Tommy Schultz, communications director for the Branstad/Reynolds campaign, said in a written statement.

House won't "back down one inch" on ending time off for good behavior in prison for child kidnappers

Radio Iowa

The Iowa House and Senate have voted to toughen penalties for kidnapping a minor, but Senate Democrats and House Republicans cannot agree on whether those convicted of violent crimes or sexual abuse against a minor should be allowed to earn time off for good behavior in prison.

The debate was sparked by last year's high-profile case involving a man released early from prison who kidnapped two girls and killed 15-year-old Kathlynn Shepard before hanging himself. Representative Chip Baltimore, a Republican from Boone, has led the debate in the House. "I have talked to literally dozens and dozens and dozens of Iowans about what happened and about this bill," Baltimore said this week. "Not one of the public citizens that I have talked to have encouraged me to back down one inch."

The Republican-led House has twice voted to enhance the penalty AND do away with time off for good behavior for kidnappers convicted of preying on kids. The Democratically-led Senate has voted just to enhance the penalty for kidnapping kids, but not to get rid of time off for good behavior in prison. Representative Mary Wolfe, a Democrat from Clinton, backs the senate's approach, as she said research is needed to determine the impact of getting rid of time off for good behavior.

"There is no evidence to show us that that is a good idea, that it will make Iowa a safer place to live," Wolfe said. "It sounds good, but often the obvious fix isn't the best fix or even a fix at all."

The House voted on the issue this week and sent a bill back to the senate for consideration.

Iowans deserve the choice of treatment

Gazette

By Sen. Joe Bolkcom

Thousands of Iowans needlessly are suffering because Iowa laws keep them from using medicine available in other states

I've met many of them. They are all ages, from all walks of life, and have all sorts of political and religious beliefs. They — or their children — suffer daily from epilepsy, cancer, post-traumatic stress disorder, HIV, multiple sclerosis, spinal cord injuries and other serious conditions.

Medical cannabis could ease their suffering.

Iowa doctors can't prescribe this medicine and it is illegal for Iowans to possess medical cannabis. As a substitute, Iowans instead turn to some of the most powerful and addictive narcotic drugs known to medicine. Those drugs are legal, but often they have extremely negative side-effects and often don't work as well as medical cannabis.

It is cruel to deny someone the medicine they need.

I have heard many stories from Iowans who have left the state or are planning to leave to get the medicine they need. I have talked with two Iraq War veterans — one has left and another is leaving Iowa soon so he also can legally access the medicine that best manages his PTSD. Another Iowa family has split up their family so their daughter's epilepsy can be treated with medical cannabis in Colorado.

Twenty states already have medical cannabis programs and 14 more are considering legislation. What's wrong with Iowa?

In 2010, the Iowa Pharmacy Board concluded that cannabis has medical benefits and that the best way to help patients is to create a program modeled after New Mexico's respected medical cannabis initiative.

I've met with Republican and Democratic legislators in both the House and Senate. We are making progress. It helps that we can learn from the lessons learned from other states.

The legislation (SF 2215) we are working on sets out a strictly controlled program that specifies a set of debilitating conditions, requires a

doctor's prescription, and will be administered by a medical doctor at the Iowa Department of Public Health. The state would license non-profit dispensaries and a production facility. The licensing fees would cover the costs.

A majority of Iowans are ready to move forward. The roadblocks are fear and lack of information on the part of the Legislature and Gov. Terry Branstad. However, the recent efforts by patients and their families have been extraordinarily effective. The Legislature could approve medical cannabis as early as 2015 in the first legislative session after this fall's election.

It's great that the ice is cracking in the Iowa House and Senate, but the governor still is in the deep freeze. After years of using the "war on drugs" to score partisan politics, is he even capable of acknowledging the facts on this issue?

For the sake of Iowans seeking relief from serious medical conditions, I hope so. How much longer are Iowa voters like you and I going to make our friends and neighbors wait for the medicine they need?

Joe Bolkcom is a state senator from Iowa City. Comments: Joe.bolkcom@legis.iowa.gov

Dubuque Family Pushing for Medical Marijuana in Iowa

[KCRG](#)

DUBUQUE, Iowa - An Dubuque couple says medical marijuana could ease their eight months old's pain. That's why they're pushing Iowa lawmakers to legalize it in the state.

But, the medical marijuana bill didn't make it through this legislative session. Governor Terry Branstad has also warned legalizing medical marijuana could open up possible abuse.

Medical experts and patients have tried to convince lawmakers it can ease the side effects of other prescriptions and help in ways other drugs can't.

The Bedtka family has spent the past week at a Dubuque hospital.

Making it their infant daughter's 14th hospital stay in less than year. They say they're getting desperate for a way to control her chronic seizures.

Standing bedside, in a hospital is how Tim and Verona Bedtka have been spending the past 8 months of their lives.

Verona said, "I know she's here but, in her brain she's not here. "

Doctors diagnosed their 8 month old daughter, Aby with Infantile Spasms. A chronic seizure disorder in small children.

"I see her have a seizure 5 or 6 times per day. "

Following doctor's instructions, they've tried several medications. Even a specialized diet. But so far, nothing has worked.

A few Google searches led the frustrated couple to information about Cannabis Oil. A form of medical marijuana. They found a video showing how the oil helped stop the seizures for a little boy in Colorado.

"He's holding his head up. He's holding his toys. He's smiling. And just seeing that breaks my heart because I know my daughter could have that too, " said Verona.

But for now, that's something little Aby can't have. Her father believes that all has to do with misconceptions.

Tim said, "On a moral basis, I think Marijuana, recreational smoking, I think that's wrong. But I think there's medical purposes for it. "

The parents are writing a letter to Governor Branstad. They're urging him to reconsider.

They say they're even considering moving to Colorado, where the oil is legal.

"I don't care. I will love her. And I will fight for her no matter what. Whatever I have to do, " said Verona.

On Thursday, Doctor's transferred Aby to the Mayo Clinic in Rochester, Minnesota for more testing.

Family and friends are hosting a benefit for the Bedtka Family at Courtside Bar on May 31st from 2-8 p.m. Donations are being accepted at Dupaco Community Credit Union under the name "Prayers for Aby".

Hatch Calls Out His Opponent

[WOI](#)

We're still about eight months away from the Governor's election, but the race is already getting ugly.

Governor Branstad's Democratic opponent, State Senator Jack Hatch, made a campaign issue out of two recent controversies within the Governor's administration.

One has to do with payouts made to people who've left the Branstad Administration. The second: allegations of trying to influence judges within Iowa Workforce Development.

Hatch called on Branstad to be more transparent.

Branstad's office sent this statement in response:

"Liberal Senators continue to show that they are out of touch with Iowa. Voters across the state know that Governor Branstad and Lieutenant Governor Reynolds have worked tirelessly to put the priorities of the people of Iowa first with job creation, historic education reform, record tax cuts and transparent governance. We are confident that once the partisan shouting dies down and the facts come out, Iowans will see these allegations for the baseless, sophomoric and political claims that they are."

Lawmakers call on vacationing governor to respond

KCCI

DES MOINES, Iowa —Lawmakers continue raising questions for Gov. Terry Branstad's administration about accusations that fired state employees were paid secret settlements.

The most vocal critic on Thursday was Sen. Jack Hatch who is running against Branstad in the upcoming governor's race.

"He needs to respond quickly and early or he's hiding something," said Hatch.

Republican leaders wouldn't go so far as to criticize the response of the governor's office that included forming a closed committee to investigate the accusations, but they do have opinions about the settlements.

"Well, I'm always going to default to open government is better government. That having been said, he clearly has the right to research things under his purview or go ask questions and get an answer, I guess," said House Speaker Craig Paulsen.

Branstad has been on vacation in Arizona since the accusations first surfaced.

"How difficult would it be for him to have a conference call with reporters, as he did when he was over in China?" said Hatch.

Republicans said that impatience is just another political game that is designed for press coverage.

"Clearly, the Democrats have decided to move in the direction of Washington-style politics," said state Sen. Bill Dix.

Hatch said the same thing about Republicans, but is most concerned with the governor.

"We shouldn't be talking to legislators. We should be talking to the governor," said Hatch.

Over the past few days, several lawmakers have requested documents related to the settlements. The ones we heard from Thursday said they are still waiting for a response from executive branch on the requests.

'Pressured' Judges

WHO Radio

State Senator not backing down from his demands for the resignation of the head of Iowa Workforce Development.

Waterloo Democrat William Dotzler sending a message to that agency as it counters his claims of "undue pressure" and "a hostile work environment" for Administrative Law Judges. He says, "When you're in a hole, STOP DIGGING!"

Senator Dotzler also has a bone to pick with the administration's spokesman. He claims Jimmy Centers' criticism of his actions as indulging in "D-C style politics" is off the mark.

UNEMPLOYMENT CONTROVERSY: Director Accused Of Pressuring Judges

WHOTV

An administrative judge is quitting and politicians are calling for an investigation after reports that the head of Iowa Workforce Development is pressuring unemployment compensation judges to side with employers over employees.

State Senate Majority Leader Mike Gronstal (D) didn't pull any punches after hearing about the allegations "I cannot condemn in more firm words the actions of the director to instruct administrative law judges to screw Iowans out of their benefits." Gronstal said.

Bonny Hendricksmuier has been one of those administrative judges for the past 23-years. But she's quitting because of what she calls a hostile work environment caused by the director. "I can not deal with this." Judge Hendricksmuier says, "Every week or so it's a new set of rules. It's a new e-mail. You see a certain from on your e-mail, you get sick to your stomach. 'What's going to happen now?'"

Director Teresa Walhert, who was appointed to the position by Governor Branstad, is accused of trying to steer judges decisions. She is also accused of requiring judges to give employers tips on how to avoid unemployment benefits cases. "Certainly I have classified all of these tip sheets that she has asked for judges to do to be providing free legal advice for employers." Judge Hendricksmuier says.

Former Chief Administrative Judge Joe Walsh used to oversee the judges, until he was laid off and replaced by Walhert. "The main aspect of her

management style is she uses a lot of fear. She tries to make people scared of her and that's how she gets them to do things." Walsh says, "A political appointee should not be managing judges. That is a fundamental problem with the organizational structure..with the way it's set up. And until they do that I don't see any way to fix it."

A spokesman for Governor Branstad did not return our calls for a comment, but his re-election campaign did release a statement saying "We are confident that once the partisan shouting dies down and the facts come out, Iowans will see these allegations for the baseless, sophomoric and political claims that they are."

The judges also say they're over-worked, and one, who asked not to have his name aired, says often more work is piled on as punishment making it difficult to make the best decisions.

Judge Hendricksmuier agrees, sometimes it can be too much, and that's why she is stepping down "With 30 hearings a week, sometimes it's a matter of sheer exhaustion. There have been times, as I say we have to type all our decisions, and I have after the end of the day after seven or eight hearings am sitting there with my hands on the keyboard and my mind a complete blank even though I should know very well what to write. It's just sheer exhaustion." she says.

A spokeswoman with Iowa Workforce Development did not return our call for comment.

UNEMPLOYMENT CLAIMS: Director 'Screws Iowans Out Of Benefits'

WHOTV

A Senate democrat says a state director who is supposed to help the unemployed is instead, hurting them.

Some lawmakers say it's a scandal within the state government. Now democrats are urging an investigation.

Democratic Senator Bill Dotzler of Waterloo is making some big allegations against Iowa Workforce Development director Teresa Wahlert.

Dotzler says Wahlert pressured state employees who judge unemployment compensation disputes to tip cases in favor of businesses.

Fellow democrat, Mike Gronstal, says he "cannot condemn in more firm words the actions of the director to instruct administrative law judges to screw Iowans out of their benefits."

Senator Dozler first raised concerns about the director on Wednesday. He is asking the US Department of Labor to investigate the matter because the administrative law judges are federally funded positions.

Dotzler says he has spoken to several judges who Wahler says helped prepare businesses to win their unemployment cases.

House Speaker Craig Paulsen and Senate Minority Leader Bill Dix separately described the allegations as "Washington D.C. style politics" and questioned the timing as gubernatorial campaigning gets underway.

Sen. Dix added, "We have a legislative oversight committee. It's in the code of Iowa and it is charged with the responsibility of looking into matters such as this."

A Branstad/Reynolds campaign staffer said in a release that the allegations are "baseless, sophomoric and political."

No date has been set for a legislative oversight committee hearing on the matter.

Lawmakers call on vacationing governor to respond

KCCI

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Messenger editorial: This is Sunshine Week across America

Messenger News

Democracy functions best when the public has access to detailed information about what government officials do and why they do it.

Iowa and most other states have what are called "sunshine" laws. They require most public business to be conducted in meetings open to the public. There are also statutory requirements that most records are to be available for scrutiny by the press and any other interested party.

This week has been designated Sunshine Week. It is a national initiative to promote a dialogue about the importance of open government and

freedom of information. Participants include news media, civic groups, libraries, nonprofits, schools and others interested in the public's right to know.

So what happens when business is done outside the rules or records that should be open are kept secret?

Statutory mechanisms exist to ensure that if governmental bodies don't live by the rules they can be called to account.

In 2012, the Legislature approved and Gov. Terry Branstad signed into law an overhaul of Iowa's open meetings and records law. The goal was to guarantee greater access by the public to information about government proceedings and decisions.

The Iowa Public Information Board was created. It oversees the enforcement of open meetings and open records laws. Board members and staff evaluate claims that violations of these laws have taken place and initiate corrective action as needed.

It is important to the preservation of democratic government that the exceptions to doing business in the open should be few and carefully justified.

By serving as an investigative focal point for complaints that can be easily accessed by the public this new board is an important step forward. The best guarantee of openness, however, is for voters to support candidates for office who have a strong personal commitment to governmental openness. The Messenger urges citizens to pay close attention to the views those who seek their votes hold on this important matter.

When government officials find it inconvenient to do business and keep records in an open manner, we all have good reason to be alarmed. Only people with questionable motives have anything to fear from public scrutiny. That's why strong sunshine laws are absolutely vital.

Gazette op-ed by Sen. Bolkcom: Iowans deserve the choice of treatment

The Gazette

By Sen. Joe Bolkcom

Thousands of Iowans needlessly are suffering because Iowa laws keep them from using medicine available in other states

I've met many of them. They are all ages, from all walks of life, and have all sorts of political and religious beliefs. They — or their children — suffer daily from epilepsy, cancer, post-traumatic stress disorder, HIV, multiple sclerosis, spinal cord injuries and other serious conditions. Medical cannabis could ease their suffering.

Iowa doctors can't prescribe this medicine and it is illegal for Iowans to possess medical cannabis. As a substitute, Iowans instead turn to some of the most powerful and addictive narcotic drugs known to medicine. Those drugs are legal, but often they have extremely negative side-effects and often don't work as well as medical cannabis.

It is cruel to deny someone the medicine they need.

I have heard many stories from Iowans who have left the state or are planning to leave to get the medicine they need. I have talked with two Iraq War veterans — one has left and another is leaving Iowa soon so he also can legally access the medicine that best manages his PTSD.

Another Iowa family has split up their family so their daughter's epilepsy can be treated with medical cannabis in Colorado.

Twenty states already have medical cannabis programs and 14 more are considering legislation. What's wrong with Iowa?

In 2010, the Iowa Pharmacy Board concluded that cannabis has medical benefits and that the best way to help patients is to create a program modeled after New Mexico's respected medical cannabis initiative.

I've met with Republican and Democratic legislators in both the House and Senate. We are making progress. It helps that we can learn from the lessons learned from other states.

The legislation (SF 2215) we are working on sets out a strictly controlled program that specifies a set of debilitating conditions, requires a doctor's prescription, and will be administered by a medical doctor at the Iowa Department of Public Health. The state would license non-profit dispensaries and a production facility. The licensing fees would cover the costs.

A majority of Iowans are ready to move forward. The roadblocks are fear and lack of information on the part of the Legislature and Gov. Terry Branstad. However, the recent efforts by patients and their families have been extraordinarily effective. The Legislature could approve medical cannabis as early as 2015 in the first legislative session after this fall's election.

It's great that the ice is cracking in the Iowa House and Senate, but the governor still is in the deep freeze. After years of using the "war on drugs" to score partisan politics, is he even capable of acknowledging the facts on this issue?

For the sake of Iowans seeking relief from serious medical conditions, I hope so. How much longer are Iowa voters like you and I going to make our friends and neighbors wait for the medicine they need?

The Register's Editorial: Jury rightly decides a mistake is not a crime

DMR

Kelli Jo Griffin has a criminal record, but she got her life back on track and wanted to become engaged in her community by voting in a local election. For that act, the state of Iowa accused Griffin of a criminal act that could have put her in prison for up to 15 years.

That would have been a personal travesty and a cruel injustice.

Fortunately, a Lee County District Court jury acquitted her Thursday on charges she intentionally violated state law by registering and voting even though as a convicted felon she had lost that right.

Griffin's criminal prosecution is a result of Iowa Secretary of State Matt Schultz's campaign to go after non-citizens and persons with felony records who have registered or voted in Iowa elections. Griffin's case, the first to go to trial, clearly illustrates why Schultz's campaign is so terribly misguided.

Griffin was convicted in 2008 of delivery of cocaine, which under the Iowa Constitution means she lost her right to vote and to hold public office. Griffin testified, however, that she was told by her attorney that her voting rights would be automatically restored once she completed probation.

That would have been true under an executive order issued by former Gov. Tom Vilsack, but Gov. Terry Branstad rescinded that order in 2011. Griffin's probation officer testified that she did not inform Griffin of the change.

So, when she registered to vote in the Montrose City Council election, Griffin left blank questions about whether she was a convicted felon or had her voting rights restored by the governor. She did that, she testified, because she misunderstood her voting rights status.

Griffin is not eligible to vote, but it's easy to see how she would be confused, given the bad or incomplete advice received from her lawyer and her probation officer.

Yet, Lee County Attorney Michael Short insisted to the jury that Griffin willfully lied on the registration form because she wanted to be seen as a

"normal citizen" rather than as a convicted drug dealer.

That assertion is rich with irony: Griffin did, in fact, want to put her criminal record behind her and to be seen as a normal citizen. But she did not fill out the form incorrectly with criminal intent.

She testified that her desire to vote was motivated by a desire to participate in her community. After a history of physical abuse and drug addiction, she is now remarried, raising three young children and volunteering in her community. She was motivated to vote in part to set an example for her stepdaughter by participating in the local election.

When asked at trial why she wanted to vote, Griffin testified, "That's where I live."

This case serves as a classic example of why it is so wrong to want to make criminals of people who make a mistake in filling out a form because they want to exercise the right to vote. It is particularly egregious in the case of people with criminal records who are trying to get their lives back on track by becoming engaged citizens in their communities.

This criminal prosecution of a voter in Lee County is the first case to go to trial. It should never have gone that far, and we can only hope there will be no more like it.

--

Jimmy Centers

Communications Director, Office Governor Terry E. Branstad and Lt. Gov. Kim Reynolds

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Message: Morning Clips 3.24.14

Case Information:

Message Type: Exchange
 Message Direction: External, Outbound
 Case: IWD Senator Petersen Request - Version 3
 Capture Date: 7/10/2014 1:32:57 PM
 Item ID: 40862426
 Policy Action: Not Specified

Mark History:

No reviewing has been done

Policies:

No Policies attached

 Morning Clips 3.24.14

From: Centers, Jimmy [IGOV] Date: Monday, March 24, 2014 6:24 AM
 To: Centers, Jimmy [IGOV]
 Cc:

Morning Clips 3.24.14

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West Des Moines appears poised to land another data center

DMR

A data center project is zeroing in on West Des Moines, furthering a trend that is bringing billions of technology investment dollars to Iowa.

The West Des Moines City Council on Monday is expected to approve an application headed to the Iowa Economic Development Authority asking for state assistance for the proposed development, dubbed "Project Alluvion."

The unnamed company plans an investment that would add at least \$255 million to the city tax base, according to city documents. The project would also create 84 jobs.

Support from the council for the application gives the company a green light to ask for tax and other incentives from the state. Those incentives have been handed out in recent years by the tens of millions of dollars to data center sites in West Des Moines, Altoona and Council Bluffs.

DEVELOPMENT: Learn more about Des Moines-area projects

City officials will reveal little about the sensitive details surrounding Project Alluvion -- much like the Facebook and Microsoft projects that also operated under code names before being unveiled.

"If the project comes to fruition and if we're able to get it done, I think we're very excited about it," City Councilman John Mickelson said Friday, declining to share the name of the company or proposed location.

"It will add to our property tax base in West Des Moines and it will add some new jobs and it will open up infrastructure in a new part of town."

The project would be built in four phases and carry a minimum taxable valuation of \$255 million, according to information released Friday. That amount does not indicate the final costs for the project.

By comparison, Microsoft's data center site in West Des Moines was given a taxable valuation just under \$146 million in 2013, according to the Dallas County Assessor's office. That site, now in its third phase of construction, brings Microsoft's total investment to about \$864 million.

The city plans to provide up to \$18 million in tax increment financing to help Project Alluvion pay for infrastructure improvements and development costs, according to city documents. The company is asking for completion of several streets, water and sewer extensions, relocation of power lines, construction of fiber optics and an economic development grant.

Those local incentives are required for the state's economic development agency to consider giving out state money to aid the project. For example, the city offered a five-year tax rebate valued at more than \$6 million for Microsoft's third expansion.

Once approved by the city, Project Alluvion can go before the Iowa Economic Development Authority to seek state incentives. The authority's next meeting is Friday.

City documents say Project Alluvion is seeking state incentives under the High Quality Jobs Program, which provides state money to projects that create a certain number of jobs.

Debi Durham, the authority's director, said Friday neither she nor the authority could comment on a potential project.

"We can't talk about any project that we may or may not be working on at this point," Durham said.

The proposed data center would continue to infuse a significant investment in West Des Moines, which already touts a major data center project with Microsoft.

Microsoft first came to Iowa in 2008, with initial plans to bring an almost \$500 million data center to West Des Moines. The Redmond, Wash.-based company had to pare back those plans because of the economic downturn.

With the uptick in the economy, however, Microsoft has begun to expand the facility, once in 2011 with an additional \$84.8 million and again last year with a planned \$679.1 million expansion. Those two expansions and the pared-back initial investment bring the company's total

investment to \$864 million.

Iowa has become a hot bed for data centers in recent years.

Google came to the state in 2007, bringing a multimillion-dollar data center to Council Bluffs. At last count, the Mountain View, Calif.-based company is planning to invest about \$1.5 billion at the 1,000-acre site.

Facebook arrived in Altoona last year, and construction is underway on a \$300 million data center facility. The site is expected to expand, with a value of more than \$1 billion.

That investment, however, has come with a price tag for the state and local communities.

In prior years, the state has approved more than \$18 million in tax incentives for Google's data center, \$18 million for Facebook and more than \$20.7 million for Microsoft.

John Boyd Jr., the principal at the Boyd Co., said Iowa's tax incentive structure is a major reason the nation's top technology companies have moved to the state. Based in New Jersey, the Boyd Co. is a consultant and site-selection firm for data centers and other types of projects.

Boyd also said the state's low risk for natural disasters and "low profile" — meaning there are large swaths of land available and room to expand — also are attractive characteristics.

Access to a fiber optic network is also a necessity for data centers.

With these resources in mind, West Des Moines recently established a Grand Technology Gateway in the city. The corridor is expected to stimulate development along an L-shaped loop, east-west along Grand Avenue near Microsoft and Des Moines Area Community College West, and ultimately north-south on 105th Street when the road is extended to serve a new Interstate Highway 80 interchange near Alice's Road.

Boyd said many of his data center clients "don't like to be pioneers," meaning they will locate in a state that already has data centers.

It is not unusual for the developers behind a major project to operate under a codename while company, local and state officials iron out the details. For instance, Microsoft operated under the codename "Project Mountain" for the third phase of its West Des Moines data center, and Facebook used the code names "Project Catapult" and "Siculus" for its Altoona site.

Public records recently provided to The Des Moines Register show elected city officials in West Des Moines have been anticipating Project Alluvion.

"I am looking forward to all of us serving together in 2014! Bring on Project Alluvion!!!" Mayor Steve Gaer wrote to council members in a group email Jan. 15.

Burglary follows DHS impersonation

DMR

A woman posing as a Department of Human Services employee lured a Des Moines family out of their home and burglarized the house, officials said.

The victim said a woman knocked on the door of her south Des Moines home on Wednesday.

The victim's 13-year-old daughter answered the door and the woman said she was with DHS and asked for someone by name, police said.

The victim's sister, who owns the house, shares a last name with the person the woman asked for, authorities said.

The teen told the woman she didn't know that person and the woman asked for her mother's phone number, which the teen provided, Des Moines police said.

On Thursday, the woman called the victim and said DHS had a report of a young child being left in the care of a drug user. The woman told the victim to meet her at a McDonald's that evening and to bring her children, police reports show.

The victim and her children went to McDonald's, but no one arrived to meet them.

When they returned home, they realized the house had been burglarized.

Electronics worth \$500 were taken, along with makeup and costume jewelry.

No arrests have been reported.

Amy Lorentzen McCoy, the spokeswoman for DHS, said Iowans can call their local DHS offices to confirm meetings and should request identification from anyone claiming to be with DHS.

"This alleged incident is unfortunate, and we hope police will locate the person or persons responsible," she said. "DHS social workers would not generally ask a family to meet them away from their home regarding an allegation of child abuse."

Branstad says he didn't know of secret settlements

DMR

Gov. Terry Branstad said Friday that he wasn't aware of secret settlements approved by his administration until reading an investigation in Sunday's Des Moines Register.

Branstad generally declined to comment about the controversy surrounding his administration's nearly \$300,000 in payments to six former employees, most of whom alleged they were fired because of their ties to Democratic initiatives.

"I have to review the facts before I give you any statements, OK?" Branstad said at the Des Moines airport after returning from vacation in Arizona. "I've been on vacation. ... I will, on Monday, spend the afternoon researching and getting the information."

He continued: "I don't think it would be right or fair for me to respond before I get all the facts."

SECRET SETTLEMENTS: Get the story so far at DesMoinesRegister.com/watchdog

The settlements were shuffled through state agencies, avoiding the typical process of being approved by and made public through the Iowa Appeal Board.

The former state employees were also asked to sign confidentiality clauses to prohibit them from speaking about the agreements, the Register revealed. One of the recipients said the state offered, and she accepted, \$5,000 more to sign an agreement with the secrecy clause.

Lt. Gov. Kim Reynolds on Monday told reporters that she didn't believe the governor was aware of the matter until reading the Register.

The Register made multiple attempts to interview the governor's immediate staff about the settlements and specifically noted the confidential settlements in emails sent five days prior to publication. The requests were rejected by spokesman Jimmy Centers, who told a reporter that the governor doesn't micromanage his staff.

Reynolds called the confidential payments "troubling" and said the Branstad administration has put together a work group to review the situation. The administration said the findings of that work group will be made public but their meetings are not open to the public.

Several Iowa Democrats have criticized the secret settlements and the private meetings.

Branstad said he expects to hold a news conference about the matter Monday.

'Hybrid' gas tax plan to be presented

DMR

Grass-roots groups seeking more spending on crumbling roads and bridges plan a lobbying blitz at the Iowa Legislature this week in a late-session bid to win approval for a newly developed hybrid plan to raise state gasoline taxes.

They face an uphill battle amid stiff opposition from groups like tea party activists and Iowans for Tax Relief. But with spring arriving and the ground thawing, potholes in urban areas will become even more evident, and some rural roads will become impassable, putting a bigger spotlight on the problem, said David Scott, president of the Iowa Good Roads Association, a coalition of farm, business and government groups.

"I think people are realizing they have to do something," Scott said.

The new hybrid tax plan would reduce Iowa's gasoline tax to 16 cents a gallon and impose a new 5 percent wholesale tax on motor fuels, key lawmakers said. The current tax rate is 21 cents per gallon for regular gasoline and 19 cents for ethanol-blended fuel.

It's estimated the new plan would generate an additional \$230 million annually and would have about the same impact at the retail gas pump as a flat increase of 10 cents per gallon.

Earlier discussion in the session had focused on raising the gas tax by 10 cents over a three-year period.

The wholesale tax would also provide a form of economic indexing that wouldn't require lawmakers to repeatedly consider future increases to the gas tax, said Rep. Josh Byrnes, R-Osage, chairman of the Iowa House Transportation Committee. The last time the state's gas tax was increased was 1989.

"I would say if anything passes, it is going to be the hybrid tax plan," Byrnes said. "It is not going to be the long-term flat tax. This is more of a long-term fix."

The 2014 legislative session is expected to adjourn in April. With time running out on the session, proponents of additional revenue for Iowa's 114,000-mile road system believe they have to act quickly to line up votes. Scott points out that Federal Highway Administration data show that Iowa ranks 38th nationally in overall road conditions. One in five of the state's bridges is structurally deficient. The average age of Iowa's deficient bridges is 69 years old.

The latest Des Moines Register Iowa Poll shows 58 percent of Iowa adults surveyed oppose raising the gas tax, while 40 percent support it, although support has been growing. A state report says an additional \$215 million annually is needed to fix the most critical needs on city, county and state roads in Iowa.

Members of the Associated General Contractors of Iowa and the Iowa Corn Growers Association will be among Iowans descending on the Iowa Statehouse Wednesday to encourage individual lawmakers to support the hybrid tax proposal, said Scott Newhard, executive vice president of the contractors' organization.

"I think you are going to see a considerable number of grass-roots groups in town talking about the implications of the hybrid approach," Newhard said. "This is a new idea, and any time you can get legislators to take a fresh look at things, I think it's good."

But it's questionable whether road lobbyists can lock up enough votes to win approval of the hybrid plan. While Senate Majority Leader Michael Gronstal, D-Council Bluffs, has expressed interest in generating additional money for roads, he has balked at bringing the issue up for a vote unless there is bipartisan cooperation from Senate Republicans.

Sen. Tim Kapucian, R-Keystone, said he's not sure what the vote count is among Senate Republicans.

"That is a good question," he said. "I ask myself that every day. All I can say is that it is split right now."

House Speaker Kraig Paulsen, R-Hiawatha, said House members also remained divided over the gas tax issue.

"It is still true that every caucus has supporters and every caucus has opponents," he said.

Sen. Tod Bowman, D-Maquoketa, chairman of the Iowa Senate Transportation Committee, said he's hoping Gov. Terry Branstad, a Republican, will provide leadership on the issue. Branstad has repeatedly expressed interest in exploring options to find more money to upgrade Iowa's roads, but he hasn't endorsed the hybrid gas tax increase.

Regardless, the gas tax issue will remain alive until either a bill passes or the 2014 session ends, Bowman said. That's because tax bills aren't subject to House and Senate deadlines and can be brought up at the discretion of legislative leaders.

Last year, lawmakers in Maryland, Massachusetts, Pennsylvania, Vermont, Virginia, Wyoming and the District of Columbia acted to increase overall state gas taxes, according to the National Conference of State Legislatures. All but Wyoming moved toward a tax that tracks with the economy to some degree, either by tying the rate to inflation or basing it on the price of fuel.

That marked the first time in four years that any state had raised the fuel tax.

Iowa tax credit awards down 9.3 percent in FY2013

DMR

The state awarded \$278.5 million in tax credits during the 2013 fiscal year, down 9.3 percent from the year before, according to a new revenue report.

In December, the Iowa Department of Revenue said tax credit awards had declined 7 percent.

The revenue department also released estimates for how much the state will have to spend on tax credits during the current fiscal year, which ends June 30.

The department estimates that Iowa will have to pay a maximum of \$436.9 million for fiscal 2014, and \$487.9 million in fiscal 2015. Those numbers are considered the state's "contingent liabilities." However, the department expects claims on the awards will be less.

The department expects the state will pay about \$337.9 million in fiscal 2014, and \$366.8 million for fiscal 2015.

State tax credit awards hit a high in fiscal 2007 when the state had a record of \$342 million in credits awarded. The department cites tax credit caps implemented in 2009 and 2010 as the reason for the decline.

Ruling clears Bisignano to run for Senate seat

DMR

A state elections panel unanimously ruled Friday that a second-offense conviction for drunken driving does not disqualify former state Sen. Tony Bisignano from competing as a candidate for the Iowa Senate.

The three-member committee voted 3-0 against former state Rep. Ned Chiodo, who had contended that Bisignano's January conviction made him ineligible to hold public office. Chiodo and Bisignano are running in a Democratic primary June 3 for a Des Moines seat being vacated by Jack Hatch, who is running for governor. Iowa Assistant Attorney General Nathan Blake is also running in the primary.

Gary Dickey, Chiodo's attorney, said the ruling will be appealed in Polk County District Court. He said he would request an expedited consideration of the case to allow a fast-track consideration by the Iowa Supreme Court.

Joseph Glazebrook, Bisignano's lawyer, said he was pleased by the panel's findings.

"This is the type of decision that should be made by the voters and not by a legal technicality," Glazebrook said. "If it is appealed, we are ready to do what we need to do to defend Mr. Bisignano's ability to run for office."

Chiodo's complaint focused on a provision in the Iowa Constitution that says persons convicted of an "infamous crime" lose citizenship rights, including the right to vote and hold public office.

Bisignano has been convicted three times of operating a motor vehicle while intoxicated, most recently in January. Because of a lapse in time between convictions, Bisignano's latest conviction was punished as his second offense, Dickey said. However, second-offense Operating While Intoxicated is an aggravated misdemeanor with a maximum punishment of two years in prison that can include imprisonment in a state penitentiary, he said.

Under long-established case law from the Iowa Supreme Court, Dickey said, an infamous crime is any offense punishable by imprisonment in a penitentiary.

The elections panel included Attorney General Tom Miller, Secretary of State Matt Schultz and State Auditor Mary Mosiman.

Miller pointed out that the Iowa Legislature passed a law in 1994 that equates infamous crimes to felonies, but Bisignano had been convicted of an aggravated misdemeanor, which is a lesser offense. Miller said Dickey's interpretation could disqualify an estimated 35,000 to 50,000 people from voting.

"If there has to be a tiebreaker, it is that the court would be inclined to protect the right to vote for tens of thousands of Iowans," Miller said.

Bisignano issued a statement Friday criticizing Chiodo for a "win-at-all-costs" strategy that put the voting rights of thousands of Iowans at risk.

Bisignano, 61, who is Polk County's human resources director, had said he was confident the challenge would not succeed because a 2012 legal opinion from the Iowa attorney general's office concluded that second-offense operating while intoxicated was not an infamous crime.

Bisignano served in the Iowa Senate from 1987 to 1997 and was its president pro tem. He also served six years in the Iowa House. But he resigned amid scandal, which included having a loaded shotgun during an altercation with a woman with whom he had an affair.

He has vowed to give up alcohol, and his comeback campaign has been endorsed by key labor unions.

The Register's Editorial: NASCAR is betting on Newton and the Legislature should, too

DMR

For people who follow auto racing -- and their numbers are legion -- the news that NASCAR had purchased the Iowa Speedway track in Newton was a Really Big Deal.

Based in Daytona Beach, Fla., NASCAR (or National Association for Stock Car Auto Racing) is a closely held family operation that sanctions stock car races across the country. A sister company, International Speedway Corp., owns 13 tracks around the nation, but the Des Moines track is one of only three owned by NASCAR itself.

That's a reassuring sign that the Newton racetrack is in the competent hands of a premier racing organization with deep pockets. The Iowa Speedway opened in 2006 to great fanfare and hope for pumping new economic energy into Newton after the loss of Maytag Corp. Shortly after that, the racing industry as a whole was hit by the economic downturn, and the Newton track has struggled.

It's important that NASCAR get the Newton track on solid business footing because the state has made an investment in the facility through a 5 percent rebate on sales taxes collected at the track. The Iowa Speedway has collected \$3.5 million through that rebate, which was capped at \$12.5 million when the Legislature approved the original deal with the previous owners, and it is set to expire in 2016.

The Legislature is being asked to renew the deal with the new owners and to extend it for an additional 10 years. That would provide another \$9 million to the track over the next 12 years. Jimmy Small, Iowa Speedway's new president, said in a meeting with Des Moines Register editors and writers this week that getting to that point will require tripling the track's business. But he's confident that with new amenities and entertainment to improve the fan experience, that can be achieved.

The Legislature appears ready to approve the deal, which it should. Lawmakers should also approve a separate proposal to grant a similar sales tax rebate worth \$2 million to the Knoxville Raceway for improvements at that venerable Iowa dirt track. These deals mean the state temporarily forfeits sales tax revenue, but it's estimated these two tracks contributed nearly \$100 million to the central Iowa economy last year. The lost state tax revenue would be more than offset if the Newton and Knoxville tracks succeed in the long run.

Democrats see openings in congressional departures

SCJ

Democrats know they perform poorly in midterm elections. Just ask President Barack Obama.

"We get clobbered -- either because we don't think it's important or we've become so discouraged about what's happening in Washington that we think it's not worth our while," Obama told big-money donors at a Florida fundraiser late Thursday.

"We're going to have to get over that," he said. "This is a top priority."

If Democrats are to have any hope of mitigating the damage, they must capitalize on Republican retirements in a half-dozen swing districts, including Iowa. The party has cleared a path for its preferred candidates, while the GOP faces some messy primaries that underscore the divide between conservatives and the establishment.

No one is suggesting that Democrats can net the 17 seats needed to capture control of the House from the Republicans, not against the harsh political headwinds of traditional losses for the president's party in midterms, an unpopular health care law and the drag of Obama's low approval ratings.

The Democrats' loss in a competitive special election in Florida last week only added to the party's woes. Republicans were gleeful.

"I think we're in for a tsunami-type election in 2014," Republican National Committee Chairman Reince Priebus proclaimed this week.

The question in November is whether the government shutdown will still resonate with voters or be a distant memory, overtaken by dissatisfaction with Obama and frustration with the health care law.

The numbers are daunting. In the November 2010 midterms, Republicans delivered what Obama called a "shellacking," netting 63 seats in the House while gaining six in the Senate. In March of that year, the president's approval rating was 53 percent before sliding to 47 percent in November, according to Associated Press-GfK polling.

Surveys this month put Obama in the low 40s.

"Polls numbers are not where we would want them to be, but Republican congressional poll numbers are at an historic low and a fraction of where the president is. So everything is relative," said Rep. Steve Israel, D-N.Y., chairman of the Democratic Congressional Campaign Committee.

Republicans hold a 233-199 advantage in the House, with three vacancies.

Democrats are upbeat about their chances in Iowa's 3rd Congressional District, where Republican Rep. Tom Latham, a close confidante of House Speaker John Boehner, R-Ohio, made the surprise announcement that he would retire after 10 terms. Obama won the district by 4 percentage points in 2012.

Latham, whose district previously included Sioux City before boundaries were changed, passed on running for the U.S. Senate seat being vacated by Tom Harkin. U.S. Rep. Bruce Braley, D-Waterloo, is running for that position, leaving his Congressional seat open.

With the Latham seat, Democrats have rallied around former state Sen. Staci Appel. Republicans face a crowded primary of six candidates, including Iowa Secretary of State Matt Schultz, state Sen. Brad Zaun and David Young, who has worked as Sen. Charles Grassley's chief of staff.

If no candidate gets 35 percent on June 3, the decision on the nominee kicks to a convention, where the party's far right has a greater say.

Appel will be battling not only the eventual GOP nominee but Iowa's seemingly shatterproof glass ceiling. Two states — Mississippi and Iowa — have never elected a woman to Congress or the governor's mansion.

Concerning the rest of the seats in play, House Minority Leader Nancy Pelosi, D-Calif., insisted on Thursday that the 4-year-old health care law would be a political winner for the party in the fall. Republicans, who point to higher premiums and canceled policies, are certain it will cost Democrats House seats and possibly the Senate.

In addition to Harkin's position, Nebraska and South Dakota both have open U.S. Senate seats.

The recipe for Republicans, says J. Hogan Gidley, a senior political adviser for ad maker BrabenderCox, is to focus on "a pinch of the economy, a dash of jobs and a heaping spoonful of Obamacare."

Iowa lawmaker sees bipartisan movement in support of medical marijuana

The Gazette

"It is going to be one of the issues in the gubernatorial race"

The chief legislative proponent of legalized medical marijuana has conceded his bill is dead for this legislative session, but said it is gaining bipartisan support and will be an issue in this year's Iowa gubernatorial and legislative races.

"When 81 percent of Iowans want us to put a program in place to help suffering Iowans, people are going to have to have a position," Sen. Joe Bolkcom, D-Iowa City, said Friday. "I think there is movement in the Legislature in a bipartisan way. I'm optimistic that will grow."

However, lawmakers can do only so much, he said during taping of Iowa Press that will air at 7:30 tonight on Iowa Public Television.

"We're going to need a governor willing to enact a law that ends the suffering for so many people," Bolkcom said. "It is going to be one of the issues in the gubernatorial race."

Good policy and good law take time, said Steve Lukan, the governor's director of the Office of Drug Control Policy said and urged a go-slow approach to allowing people to use medicinal marijuana to treat a variety of program from chronic pain, to epilepsy to combat-related Post-Traumatic Stress Disorder.

"Everybody, I think, wants to help people who are in desperate need," Lukan said. "But when legislators are crafting policy — and I'm a former legislator and I know how hard this can be — you don't want to pass laws that actually end up allowing harm to happen in the name of doing good. So good laws take time, good laws take a lot of research and thorough review."

Steve Gaer is all for that, but as the father of child who suffers from seizures, he'd like access to medicinal marijuana while Lukan is waiting for the research and reviews.

Without access to medical marijuana, the mayor of West Des Moines said, he and his wife are in the position of either not being able to use a medicine they believe will help their daughter "or we have to leave the communities we've grown up in, our family, our friends, our churches, our health care providers, our respite care providers and go to a strange state to get help for our child and then we can't bring them back to visit their grandparents, their nieces, their nephews, their family members."

"It is a horrible situation," Gaer said.

He also rejected Lukan's caution that until the long-term effects of medical marijuana are known it should not be made available.

"They don't know how these legal drugs interact with each other," Gaer said.

His daughter, Margaret, is on four seizure medications and two others to counteract their bad side effects.

"This child is five years old mentally. She's 24 years old physically because of the medications they allowed to put her on," Gaer said. "We're in a position of either she's going to be mentally challenged or she's going to pass away. What kind of a choice is that?"

For anything to happen, Bolkcom said, it will take bipartisan support and he believes that's happening. This week, 10 senators – five Republicans and five Democrats – asked for an interim committee to study the issue and make legislative recommendations.

"So I actually feel like we have made progress," Bolkcom said, adding that he's not surprised by the bipartisan support because "party affiliation has no meaning when people have chronic, debilitating conditions like multiple sclerosis or Dravet Syndrome or a spinal cord injury that somebody doesn't get better from."

While he called Gov. Terry Branstad "uninformed" on the issue, Bolkcom said "more members of the legislature are slowly learning more about it and they're hearing from their constituents that this is a real issue they'd like addressed."

The governor approaches the issues "with a great deal of caution and really wants to make sure we are ensuring a secure, safe, sound health care system for all Iowans," Lukan said. "Everybody I think wants to help people who are in desperate need ... wants to move down the path of helping others. The governor certainly has compassion and wants to do that as well. There's some real policy issues that I think we need to be thoughtful about."

Iowa Press can be seen at 7:30 p.m. Friday and at noon Sunday on IPTV, at 8:30 a.m. Saturday on IPTV World, and at www.iptv.org.

Comments: (319 398-8375; james.lynch@sourcemedia.net)

FYI:

Former and current Iowans will speak at the Capitol in Des Moines about how medical cannabis helped them at 10:30 a.m. Monday in Room 24. Speakers scheduled include former Cedar Rapids City Councilman Don Karr, Waterloo native Rachael Selmeski, mother of a child benefiting from medical cannabis, and Marine Corps veteran Logan Edwards from Davenport.

FYI:

Kevin Sabet, director of the Drug Policy Institute at the University of Florida and co-founder with former U.S. Rep. Patrick Kennedy of Project SAM — Smart Approaches to Marijuana, will lead "An Honest Conversation about Marijuana" in Cedar Rapids and Anamosa April 1. Sabet, who worked on drug control policy in the Bush, Clinton and Obama administrations, will lead a discussion of a "smart" approach to marijuana that neither legalizes, nor demonizes, it, including policies that decrease marijuana use while promoting research on medical marijuana.

High unemployment still haunting military veterans

The Gazette

Unemployment among U.S. military veterans eased last year, government data showed on Thursday, but remained far higher than the national average rate for the civilian population.

The unemployment rate among veterans who had joined the military after September 11, 2001, averaged 9.0 percent last year, down from 9.9 percent in 2012, the Labor Department said. That was about 1.6 percentage points above the rate for the civilian population.

Joblessness among this group is set to worsen as the war in Afghanistan winds down. Pentagon's proposed budget calls for the U.S. Army to shrink to around 450,000 from a war-time high of 570,000.

The Obama administration and the U.S. Congress have pushed forward an array of measures, including tax credits for companies employing veterans of the Iraq and Afghanistan wars.

"There is still much work to be done for our nation's youngest veterans," said James Jones, co-chair at the non-profit Call of Duty Endowment in Arlington, Virginia.

"These brave young men and women bring tremendous value to the workplace and it is the job of executives and hiring managers alike to promote their worth and eradicate the still-evident discrepancy in employment rates."

Call of Duty Endowment helps veterans find careers by supporting groups that prepare them for the job market.

Research by Federal Reserve Bank of Chicago economists last year found that veterans deployed overseas for prolonged periods struggled to find work because of the traumas of war, as well as training that did not readily translate into the civilian world.

Among 9/11 military veterans, women suffered the most from high joblessness, with an unemployment rate of 9.6 percent in 2013. That compared to 12.5 percent in 2012. Unemployed female veterans were concentrated in the 18-34 age group last year.

The unemployment rate for men was 8.8 percent, down from 9.5 percent the previous year. Unemployment was high for men in the 18-24 age group, with the rate at 24.3 percent.

For men aged 25 to 34, the unemployment rate was 9.2 percent. For male veterans 35 and older, the unemployment rate was below 6.5 percent last year.

Waterloo Courier editorial: Transparency is key in review of 'secret settlements'

Courier

We are at the end of Sunshine Week, a time when we in the media stress the importance of open government -- as well as the dangers of excessive and unnecessary government secrecy.

On cue, a situation has bubbled up this week that could underscore our Sunshine Week concerns

Last Sunday, The Des Moines Register published accounts of six former state employees who said they were fired for political reasons, given secret payments by the state and asked to sign confidentiality agreements to keep the settlements out of public view.

The report claimed that more than \$280,000 was paid out in the settlements.

What Iowa citizens are entitled to now is a clear path to the truth.

Sen. Janet Petersen, D-Des Moines, is chairwoman of the Iowa Senate's Oversight Committee. She has written a letter to Gov. Terry Branstad requesting "public documents related to secret settlement agreements with former state employees."

Branstad has been vacationing in Arizona with his family this week, but on Monday, Lt. Gov. Kim Reynolds told reporters she and Branstad were unaware of the secret agreements and payments.

Also, in response to Petersen's letter, Branstad spokesman Jimmy Centers issued a statement saying:

"A comprehensive review is underway to ensure the administration is adhering to the governor and Lt. governor's goal of efficient, effective and transparent government. Upon completion of the review, the findings and any actions will be made public."

Whether the knowledge of secret agreements went up to the governor is still in question. That hasn't stopped the situation from becoming a political football. Sen. Jack Hatch, a Des Moines Democrat seeking to challenge Branstad in the November general election quickly issued a statement, which included the following:

"If he doesn't know what happened, then it shows gross incompetence, reckless mismanagement, and a bureaucracy run amok that we have never seen before in this state," Hatch said in the statement.

Well, we're not sure about that. The expensive state scandals involving the Central Iowa Employment and Training Consortium, as well as the state's film credits fiasco, are still easily recalled.

That said, any documents affiliated with this situation should now be produced, so we can get to the bottom of the matter.

What some people are calling "hush money," others may be referring to as "severance pay," a common practice in government and business when making personnel changes in the name of efficiency.

The most we can ask for is an open and bipartisan investigation. Iowa citizens are entitled to know where tax-generated revenue is directed and why. Who benefits politically should not enter into the process.

The Register's Editorial: Lawmakers need to act on secret agreements

DMR

The Iowa Legislature has made clear that state and local governments may not make secret settlements in legal disputes. Yet, some state agencies continue to negotiate agreements that explicitly prohibit public disclosure of settlement details.

Six examples of this practice that are clearly contrary to state law and legislative intent were reported by Des Moines Register reporter Jason Clayworth last Sunday. The six cases involved former state employees who had appealed their terminations to a state employment board, but the cases were settled before formal rulings. The state offered the workers financial inducements to keep terms of the settlements secret and then exploited a legal loophole that assured the settlements would not become public knowledge.

In response to the Register's story, members of the Legislature and Gov. Terry Branstad's administration quickly denounced the practice as contrary to the state's policy of openness and transparency. Rather than talk about transparency, however, they should make some simple changes in state law that would prevent this practice once and for all.

RELATED: Gov. Branstad says he didn't know of secret settlements

The six settlements the state tried to keep secret cost taxpayers nearly \$300,000, but more is at stake than the money: The cases involved state employees whose jobs had been reclassified to eliminate job protections. The Branstad administration has shifted nearly 300 state workers to "at-will" employment status, meaning they have less legal standing to fight termination.

Critics say Branstad wanted to eliminate his political opponents in state government. He denies that, but the extraordinary steps the state has taken to hush up these terminations suggest the critics may have a valid concern.

To see how the state has sought to keep settlements secret, consider the example of Gary Forshee, who was laid off from his job in the Iowa Department of Administrative Services in 2011. In exchange for agreeing to drop his appeal, the department paid Forshee \$54,097, but the deal included a provision that the "circumstances and terms related to and contained in this agreement shall be confidential."

RELATED: Secret settlements will be looked into during closed-door meetings

Similar language was used in settlements reached with others who appealed their terminations, and some told Clayworth they were offered additional cash as an inducement to keep quiet. Two of the six refused to go along with the secrecy provision. It is hard to say how many other employment-termination disputes have been quietly resolved in this way.

These confidentiality agreements are clearly contrary to state law. Indeed, the Legislature just three years ago revised the state's open-records law to require that "When a government body reaches a final, binding, written settlement agreement that resolves a legal dispute claiming monetary damages, equitable relief, or a violation of a rule or statute" a written summary of the settlement including any payments must be prepared upon request. That summary is a public record.

State agencies can avoid this disclosure requirement, however, as long as the public is kept in the dark. If the public is unaware of such settlements, no one knows to ask to see them. Which explains why the agencies offer inducements to aggrieved parties to keep quiet about any deal they accept. Indeed, the six cases were publicly disclosed only because the Register asked for the agreements.

OBRADOVICH: Branstad didn't know about the settlements?

The six cases would have become public knowledge had the state agencies followed the ordinary process of getting the settlement payouts approved by the State Appeal Board, which meets in public and reports all such payments from the state's general fund. But the law allows agencies to avoid going through the Appeal Board by paying settlements from internal departmental funds, which is what happened in these cases.

There is a simple way to prevent this from happening in the future. The Legislature should explicitly forbid confidentiality provisions in all settlement agreements; all settlements should be approved by the State Appeal Board regardless of the source of the money; and details of every settlement should be posted online easily accessible to the public.

State officials from the governor's office to the Legislature expressed outrage at these secret settlements. Unless their outrage is hollow, they should enact legislation before the current session ends to make sure this does not happen again.

THE REGISTER'S INVESTIGATION: Iowa made secret payouts to former state employees

Obradovich: State agency's advice would help Branstad

DMR

Gov. Terry Branstad's relationship with state employees is like that of a conjoined twin who can't stand his counterpart — but can't do anything without him.

Branstad and state workers, particularly those covered by collective bargaining agreements, have a long and tumultuous history. It was 22 years ago, for example, that the Iowa Supreme Court had to force Branstad to pay for worker salary increases that had been required by arbitration.

The Republican governor and state workers did manage to get away from each other for a few years, but they wound up back together when Branstad was elected in 2010. Even before he took office, he was already furious that a new contract had been signed that gave state employees a generous raise.

So it should come as no surprise that most of the controversy and conflicts that Branstad has presided over during his current term have revolved at least in part around the supervision and treatment of state employees.

For example, a court ruling said he overstepped his authority to close Iowa Workforce Development offices that help the unemployed find jobs. The state worker's compensation commissioner is suing Branstad, claiming the governor tried to force him out of his job. A Division of Criminal Investigation agent claimed he was fired inappropriately after reporting a speeding vehicle that turned out to be the governor's trooper-driven car. Instead of cleaning up chronic problems at the Iowa Juvenile Home, Branstad closed it, eliminating 90 state jobs.

Some of that conflict is the natural result of Branstad's goal to rein in the growth of state government. That benefits taxpayers but runs against the interests of employee unions and those who gain from bigger state budgets. Other issues seem rooted in political or ideological disputes or a blurring of the lines between political patronage and merit employment.

Last week's contretemps were no exception. The week started with The Des Moines Register's report that merit-based employees were fired and then offered extra settlement money to keep quiet. It's strange, given Branstad's top goal of creating jobs, that his appointees work so hard to fire people.

Mid-week, a state senator alleged that the head of Workforce Development meddled in unemployment cases. Among Sen. Bill Dotzler's claims was that Workforce Development Director Teresa Wahlert required administrative law judges to prepare tip sheets for employers on how to win unemployment compensation cases. Since these judges preside over the cases, Dotzler argued, it's inappropriate for them to coach one side.

Wahlert denied playing favorites. In a letter to the U.S. Department of Labor, she said tip sheets on the agency's website are available to anyone.

Considering the legal bills that Branstad is racking up defending his actions, it's a wonder any business would take his administration's tips on how to deal with employees. Actually, Workforce Development's online advice memo, "Outline of Selected Issues in Unemployment Insurance Adjudication," ought to be required reading for managers across Iowa. That includes those in state government.

The state's tips underscore an important fact: The best way for an employer to win an unemployment case isn't about what happens in a courtroom. It's all about following the law and treating employees appropriately in the workplace.

Here's a tip for Branstad: If he wants the state to help employers, he should first set a good example of efficient, fair and legal management. As long as he's governor, he and state workers are stuck with each other, and Iowans will be better off if they can work together. Branstad seems like the powerful one, but he needs state employees far more than they need him.

A.J. Spiker: it's time to legalize medical marijuana

DMR

Today the Republican Party stands at a crossroads. Not one of taxes or war or school choice or the issues that get far more media coverage, but a crossroads of moral conscience.

For most of us, medical marijuana isn't a matter of life and death. For most of us, this issue doesn't concern us, doesn't affect us and most likely never will. And that's the problem. The Republican Party has allowed the focus to be placed on freedom as an ideal instead of freedom as an

asset.

As we portray ourselves as the party that desires to give people more freedom, more autonomy, and more say in their lives, we're faced with the need to reconcile that the way we've defined freedom when it comes to doctors and patients has not been one of consistency. Today both major parties continue to shun any attempt to seriously consider the medical uses that marijuana may serve. And hitting close to home for myself as chairman of the Republican Party of Iowa, even today a good portion of Republican leadership statewide and nationwide has refused to acknowledge the problem.

Recent Iowa Poll: 59 percent of Iowans favor legalizing medical marijuana

Quite simply, it's time to allow doctors and patients to use medical marijuana if they determine it is the best course of treatment.

Not too long ago, I didn't fully understand the issue of medical marijuana. Someone having a beer was fine. Smoking a cigar sounded like a treat. And for those having emotional problems? A handful of pills prescribed by their doctor was acceptable. But marijuana given to patients suffering or even dying of cancer? That was off limits.

There is no wrong in admitting we've made a mistake. The wrong exists in knowing we've made a mistake and refusing to admit it.

Today I ask Republicans in Iowa and across the country to ask themselves to reconsider the facts before them and give more weight to the voices of doctors and patients than of political gurus and pollsters.

If an individual is suffering with cancer and medical marijuana is the only thing that can prevent the person from a constant day after day of headaches, nausea and vomiting, how can we in good conscience not do everything in our power to help them? Beyond that, how can we in good conscience put up barriers, have them labeled or called names, and perhaps even allow them to be fined or jailed?

In good conscience, we cannot. And the leadership of the Republican Party should not either.

Drugs are a tremendously dangerous force to deal with. They have the potential to damage and destroy lives. I've never encouraged anyone to take them, and you won't see me start. I've never smoked marijuana, and when my kids are old enough to understand, I'll urge them to never, too.

But just as I've never smoked marijuana, I've never gone to medical school either. I have no knowledge to tell a doctor or a cancer patient which treatments they should use and which should be forbidden.

Perhaps marijuana really does have no positive use. Perhaps the patients who claim it helps them are all wrong. But I don't think so. Perhaps there's another side to the story. Perhaps the opposite is true. Perhaps the doctors and medical professionals who have acknowledged a value for medical marijuana know something that I don't. Maybe the person trying to survive cancer knows how their body feels better than I ever can.

Perhaps when they tell us in legislative hearings that marijuana eases their pain, we should listen. Perhaps when they beg us with tears in their eyes to help them deal with their suffering and not turn them into criminals, we shouldn't brush them off. Perhaps Grandma really does need help, and perhaps those in positions of authority are the only ones who can provide it.

The Republican Party promotes itself, above all, as a party of freedom. A party created to end slavery. A party that championed the right of women to vote. A party that seeks to cut taxes and allows people to live and work without government intrusion.

We talk about the true evils of health care run by bureaucrats and lobbyists. We make a big deal of the fact millions have lost their coverage and millions more still may. We champion the notion that the doctor/patient relationship is one of the most personal and sacred rights of all humans. And we've got nothing to apologize for. We're right.

We base entire political campaigns on the idea that true freedom is being able to control your own life, especially the doctor you see and the treatment you receive. We ask in one breath, "Who is the government to tell us which doctor we can use?" But in the next breath we push for laws to tell a patient we've never met, with a disease we can't even imagine, which treatment they can have and which they cannot. But that's not the ideal our Republican Party should stand for.

Freedom isn't perfect. But by allowing freedom to thrive, we allow doctors and patients to make the decisions that may literally determine their life and death, as opposed to politicians who are worried about the next election.

I believe it is time for Republicans to take the initiative and make it clear we believe freedom must be upheld. Freedom must be the driving