

August 21, 2014

TO: Government Oversight Committee  
FROM: IVH Commandant Jodi Tymeson  
RE: RESPONSE TO QUESTIONS RECEIVED ON AUGUST 7, 2014

**\*Please see attachment: Iowa Commission of Veterans Affairs Code of Conduct and Work Rules**

**To my knowledge, the State of Iowa does not keep a 'blacklist'. For the purposes of my responses to this document, I am interpreting 'blacklist' to be referring to the disqualification process as outlined in DAS Administrative Rule 11-54.2(6).**

1. Do you know how many former Iowa Veterans Home employees were added to the blacklist over the last four years?

**According to DAS-HRE, as of June 25, 2014 there are 57 active exclusions dating back to 2010 for former employees of the Iowa Veterans Home.**

2. Do you know why workers at the Iowa Veterans Home were fired and blacklisted since 2011 at rate 400% greater than average?

**During the timeframe of Commandant Worley's tenure (August 2, 2010-October 2, 2013) there were 53 separations from IVH that lead to a former employee being held in exclusion status:**

- absence related (32)
- miscellaneous work-rule violations (8)
- mistreatment/neglect of residents (6)
- violated the violence free workplace policy (4)
- charged with aggravated domestic assault and willful injury (1)
- no longer met position requirements (license related) (1)
- record check revealed could no longer work at IVH (1)

**Since Commandant Tymeson began her duties on October 2, 2013, there have been 15 terminations:**

- abuse – neglect or theft from a resident (4)
- inappropriate interaction (1 with resident/ 2 with peer) (3)
- violation of the EO/AA policy (2)
- absence related (progressive discipline) (3)
- medication error (progressive discipline) (2)
- providing false information (1)

3. What have you done to investigate criteria for IVH submitting employee names to DAS to be put on the blacklist?

**IVH reports all employee terminations to DAS-HRE.**

4. Prior to this March, how would a name from IVH end up on this list? Take me through the process. **DAS is responsible for the management of the disqualification process in accordance with DAS Administrative Rule 11-54.2(6). As the hiring authority, we are responsible for coding the terminations appropriately and providing the documentation to DAS; they then apply the rule as appropriate.**

5. Prior to this March, how were IVH employees notified they are on the Blacklist?

**DAS is responsible for the management of the disqualification process in accordance with DAS Administrative Rule 11-54.2(6), including communication with former employees regarding their status in alignment with this rule.**

6. Prior to this March, was there an appeal process put in place for removing names?

**DAS is responsible for the management of the disqualification process in accordance with DAS Administrative Rule 11-54.2(6), including the related appeal processes outlined in the rule.**

7. Between March and today – how has this process changed? What recommendations do you have for changes?

**IVH follows DAS-HRE policies and procedures, and I am not aware of recent changes.**

8. How many IVH names have been removed from the list for good cause?

**I don't have this information.**

9. Whom did you have communication with about reviewing the black list policy and procedures? Anyone from the Governor's office or DOM?

**I did not communicate with anyone in the Governor's Office or DOM, as this is a DAS responsibility. IVH follows the DAS-HRE policies and procedures.**

10. What criteria was developed to have a name removed from the list?

**DAS is responsible for the management of the disqualification process in accordance with DAS Administrative Rule 11-54.2(6).**

11. Did you personally review all the names and details on this list? **No.**

If not, are you planning on doing that? **No.**

12. What changes have you made, if any, to IVH policies regarding submitting names to the DAS blacklist?

**DAS is responsible for the management of the disqualification process in accordance with DAS Administrative Rule 11-54.2(6)**

13. Have you met with any former IVH employees to discuss their status on the black list?

**After the Marshalltown newspaper printed the names of former employees, I received one call which I referred to DAS. I also talked to another former employee who stated he was on the list, but he did not request any action from me.**

14. Have you done a review of job classification changes at IVH?

**Our senior leadership team is constantly evaluating the structure of our organization. With that, we look at the appropriateness of state job classifications and whether a position should be full-time, part-time, or temporary. We have been working to correctly align our divisions and bureaus. With each position vacancy, a full review is completed as well to determine whether the position should be refilled as previously utilized or whether there is a need for change. All potential reclassification changes would involve review by DAS-HRE.**

15. How many people have had their jobs reclassified under your tenure at IVH? (At-will back to Merit?) Why did you decide to change those job classifications back?

**As a result of a restructure done within the Nursing Division at the Iowa Veteran's Home, the reporting relationship for twelve Nurse Supervisors changed from reporting to a Division Administrator to reporting to an NSD. Based on this change, the Nurse Supervisors were no longer in a confidential relationship with a director, chief deputy administrative officer, a division administrator, or a similar position and not on the management team of a director, chief deputy administrative officer, a division administrator, or a similar position. Given this structure change, these twelve individuals no longer met the Merit System exception under Iowa Code Chapter 8A.412(16) and therefore became merit covered.**

16. After reviewing your testimony from the June 9<sup>th</sup> Senate Oversight meeting, is there anything you want to clarify?

a. What are you doing moving forward with federal matching funds?

**We are continuing to prepare our submission for a federal grant to build a new 60-bed CLC (Community Living Center). This will complete our nursing care buildings transition to single rooms with private showers.**

- b. Are you returning the Legislature's \$6 million appropriation that wasn't used for the specific purpose it was appropriated?

**If these matching funds are returned, IVH will not be able to continue converting the living spaces for residents to single rooms with private showers. The 2008 master plan included this aspect, as "Phase 4" in that master plan was for a 60-bed CLC.**

- c. Is there anything you want to inform the committee about the significant changes in your master plan?

**We will continue moving forward to convert all rooms to single rooms with private showers, as this makes a big difference in the quality of life for our residents.**