

# The Iowa County

# The Leadership Issue



May 2017

2017 ISAC Annual Conference  
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# The Iowa County

May 2017 \* Volume 46, Number 5

The Iowa County: The official magazine of the  
Iowa State Association of Counties  
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<b>Annual Conference Alert!</b> Kelsey Sebern	4
<b>LEADERSHIP</b>	
<b>Leadership and Authority</b> Bill Peterson	5
<b>Adaptive Leadership</b> Jill Hufnagel	6
<b>Performance Reviews</b> Kathy Forst	7
<b>Leadership and Risk</b> Teresa Schwab	8-10
<b>Leadership and Volunteerism</b> AmeriCorps	11-12
<b>Reviews and Open Meetings</b> Kristi Harshbarger	13
<b>Leadership and HIPAA</b> Beth Manley	14
<b>Employment</b>	15
<b>Miscellaneous</b>	16-17
<b>Calendar of Events</b>	18



ISAC members are elected and appointed county officials from all 99 counties. *The Iowa County* (ISSN 0892-3795, USPS 0002-150) is published monthly by the Iowa State Association of Counties, 5500 Westown Parkway, Suite 190, West Des Moines, IA 50266. Periodicals postage paid at Des Moines, IA 50318. POSTMASTER: Send address changes to [rbennett@iowacounties.org](mailto:rbennett@iowacounties.org). Subscriptions: \$25 per year.

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To promote effective and responsible county government for the people of Iowa.

#### ISAC's Vision:

To be the principal, authoritative source of representation, information and services for and about county government in Iowa.

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# ISAC Meetings



**August 23-25, 2017**

**Veterans' Memorial Community Choice Credit Union, Des Moines**

Registration will open at 8:30 am on Wednesday, June 14 for the ISAC Annual Conference. This is a conference you won't want to miss!

Check out the agenda online that features the following and much more!

- Amazing Keynote Speaker Alex Sheen
- County Night at the Ball Park
- Expanded exhibit hall and improved layout
- Educational Seminars - Customer service and ethics
- Reformatted General Sessions
- Community Services Wellness Walk
- Lots of affiliate programming
- Overall casual and fun style

Don't forget that you must register for the conference on ISAC's website prior to registering for a hotel at ISAC's conference hotels - Des Moines Marriott Downtown, Renaissance Savery, Holiday Inn Downtown, and Embassy Suites. We have been working to ensure that our registration website is ready for all of you to register that morning. Changes have been made to the site and testing has been completed with high marks. We look forward to helping to answer any questions and working through any issues that arise. Please always contact us!



**Kelsey Sebern**

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This conference has traditionally been known as the ISAC Fall School of Instruction. The dates have been moved from November to August, and the conference has been given a new name. Programming remains similar, and affiliates will have the same amount of affiliate time on the agenda.

We can't wait to see you there!





## Leadership and Authority – Do you know the difference?

Recently in *The Iowa County magazine* we have been trying to develop a theme for many of the monthly issues and focus articles around that theme. This month we focus on ideas around leadership. While preparing to provide an overview of this month's topic, I went to my favorite web browser and began searching for information related to the topic of leadership. I wanted to see if I could find a simple approach to becoming a leader. I was overwhelmed! There were seven steps to take to become a leader, five ways to train yourself to become a leader, 20 ways to become a better leader, 10 steps to... This obviously was not going to be as easy as I thought. There are apparently a lot of ideas about what a leader is and how to become one. So, how are you going to sift through all these seven-, five-, 20-, or 10-step approaches to see which one can help you become a leader?

In the article by Jill Hufnagel on the next page you are introduced to some of the key concepts related to the adaptive leadership framework. The adaptive leadership framework is utilized in the National Association of Counties (NACo) County Leadership Institute (NCLI) training. ISAC has been able to assist several county officials from Iowa in attending the Institute, and Jill relayed the comments by some of them who have attended the weeklong training event hosted by NACo each June. I was fortunate to attend the NCLI in June of 2013, and I rank it as one of the most rewarding and challenging activities I have undertaken.

The CLI coursework was based on a book called "The Practice of Adaptive Leadership" by Ronald A. Heifetz, Marty Linsky & Alexander Grashow. Our course leader Jeff Lawrence of the Cambridge Leadership Associates also did a great job of helping us take the leadership framework suggested in the book and work toward putting the key components into practice. While a challenging book to get through, I would still recommend it. The framework is based on the philosophy that leaders aren't born – but acquire this skill with practice.

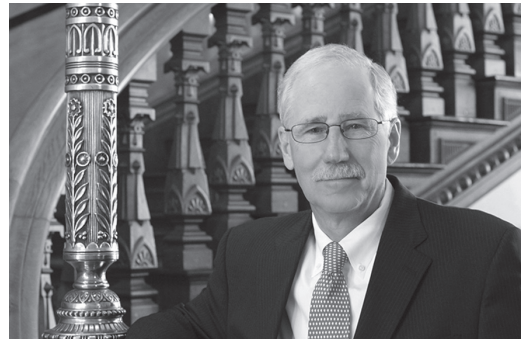
A couple of concepts that have stuck with me the past four years are important to mention. First, it is important to distinguish between being a leader and being an authority figure (decision-maker). The point being that just because you have the final decision-making authority doesn't mean you are a leader, and it is important for us to know when to be a leader and when to be a decision-maker. Problems that are more technical in nature and that have known solutions are conducive to being resolved by decision makers quickly. Adaptive problems, those that may require personal, systemic or organizational changes to find a solution, will likely not be resolved quickly because there is not a ready-made solution. In that case, a process or framework in seeking resolution may be helpful to you.

Second, when faced with an adaptive leadership challenge or problem it is important to understand this involves two core processes – diagnosis and action. Each of these components can be broken in two: diagnosis of the system and of your role in it; and action by the system and yourself to resolve the challenge or problem. Too often, we are anxious to jump in and take action and fail to take the time to properly diagnose the challenge or problem. Action clearly gives us the sense that we are accomplishing something but if we have failed to properly diagnose the problem, it is unlikely we will achieve the outcome we desire.

A third interesting concept that goes along with helping us assess the problems facing our organizations is incorporated in the concept called "getting on the balcony above the dance floor." This idea suggests that for us to really understand what is happening in the system, we have to create some distance between us and the action on the "dance floor." Maybe another way to put it is that sometimes we need to sit back and observe what is going on – rather than being in the thick of the action. This will give us a perspective on not just our immediate point of view but understand the other important participants are in the system.

The adaptive leadership framework may not be right for every problem or challenge you encounter. But, I believe the framework can be very useful in working on problems that may be faced by local government officials. Many of the problems your communities face don't have readily identifiable solutions, and there are conflicting views in the community on how to solve the problem. If you are an elected official, citizens have an expectation that you know how to solve these community problems. They expect you to provide leadership on resolving these issues. What do you do then? Are you ready to lead a process for tackling these problems? How will you measure whether the problem is successfully resolved? When the solution to the community problem requires change or adaptation within the community, using this adaptive framework can help you understand how to work toward that solution.

We all know that having the right tools to get the job done is important. Sometimes, the right tools can be acquired by attending training and educational programs that help you develop the tools that you need. If ISAC can be of assistance in helping you find adaptive leadership training or other skills training, please don't hesitate to contact me at [bpeterson@iowacounties.org](mailto:bpeterson@iowacounties.org).



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# Leadership

## Adaptive Leadership: An Overview

*Developed by Ron Heifetz, Marty Linsky and their colleagues at Harvard's Kennedy School of Government, adaptive leadership is a resource for thinking strategically about seemingly intractable challenges. The framework has been built over the last 30 years while working with groups of participants from across sectors and around the world.*

**Jill Hufnagel**

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Imagine having a mental model to make sense of the most daunting challenges you face in civic life. A model that helps you predict and understand the attitudes and behaviors of those across the table from you, as well as your own reactions and strategies. Adaptive leadership provides individuals and organizations with a shared leadership language and a set of tools for making progress on what matters: the health of communities, education that grows minds and job skills, efficient use of taxpayer dollars. Want to have a sense of the ideas at the heart of adaptive thinking and action?

### Core principles of adaptive leadership:

- **Strategic adaptation is vital to survive and thrive.**

While change is incremental in time and monumental over time, every system is in constant adaptation. And yet most adaptation happens unconsciously. This framework puts adaptation in the foreground, helping organizations identify the 5-10% of their legacy work and behavior that is expendable to create space for innovation. The catch: **adaptation is always contested terrain**. What one group points to as vestigial, another sees as vital.

- **Distinguish technical problems from adaptive challenges.**

**Technical problems**—repairing a flat tire or performing bypass surgery—are those that require expertise and for which there are successful known protocols. Both the problem and solution are clear. **Adaptive challenges**—changing a community's eating habits or creating sound immigration policy—have markedly different characteristics. Here the problem definition and the solution metrics are open to multiple interpretations; no sure-fire protocol exists; to make progress, the people with the problem will have to refashion their priorities, values, and behaviors. **The single biggest waste of time and resources is treating an adaptive challenge as though it were technical.**

- **Uncouple leadership from authority.**

**Authority** is a role or position in an organization or hierarchy. With that authority comes a contractual expectation: to provide protection, order, and direction to those authorizing you. When the work is technical, authority is an excellent resource for execution. However, when the work is adaptive, organizations need a strategy for engaging people across the system they aim to change. **Leadership** is an act or behavior which anyone may step into, at any time, from anywhere in an organization. **The work of leadership is mobilizing people to make progress on a shared adaptive challenge.** Those with authority may or may not step into the work of leadership, and the work of leadership is everyone's to claim.

- **Develop systemic diagnostic muscle.**

**The pressure to leap to action is constant. To make progress on an adaptive challenge requires keen diagnosis:** the ability to get up on the balcony to see more of the system and in turn to understand the "politics"—what happens when the rules aren't clear—at work in that system. Faction mapping is a tool that provides a visual from the balcony, distinguishing stakeholders—where people sit organizationally—from factions—what people are willing to fight for. This more nuanced understanding of the groups of people who catalyze when an adaptive issue is surfaced helps illuminate loyalties, predict behavior, and think strategically about coalition building and potential pathways forward.

For more than a dozen years, NACo has led the way in bringing adaptive leadership to elected officials keen to develop their own leadership strategy and to amp up their local impact, with their custom-built adaptive leadership program, NCLI. This June, NCLI will again convene in the nation's capital. This annual gathering provides an immersive experience for a cohort of officials from across the country, ready to build both leadership muscle and a powerful circle of partners thanks to the deep relationships forged during this residential program.

A Linn County Supervisor when she attended NCLI, Linda Langston (2004 alum) shared the impact of learning the adaptive leadership framework alongside others facing similar challenges in their own civic work: "Beyond the great relationships, I learned to let myself take help from others. I understood that I did not need to have all the answers or provide all the direction and often the success of an effort or project can come from many different people contributing to a solution. Being in CLI I made great, life-long friends from around the country who also remind me how to be self-aware!"

Osceola County Supervisor Jayson Vande Hoef (2016 alum) underscores that element of sharpened self-awareness: "Our learned, or default, leadership and problem solving styles often serve us well. But intentionally challenging ourselves often generates greater results. A willingness to listen for and seek out that which doesn't come naturally has helped me become a better public servant."

Continues on page 7.



# Leadership

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When it comes to the subject of annual performance reviews – don't you just HATE them?! They take too much time, employees don't like or appreciate them, and they always seem to roll around at the WORST possible time -- when we are busier than ever.

**Kathy Forst**

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In reality, however, the whole subject of performance reviews has received a “bum rap” in today's business world. When done properly, the performance review can serve as a springboard for setting employees off with renewed motivation and inspiration for meeting performance goals.

One of the secrets to holding painless, effective performance reviews with employees is employing the right leadership tools throughout the year to set leaders AND employees up for success – this includes deploying performance management tools that include establishing and communicating performance expectations and monitoring employee performance throughout the year – while empowering employees and enabling them to take responsibility for their own performance. It's a “win-win” for everyone!

But that's not all it takes, because the performance appraisal process itself is crucial to effective performance management. Many organizations have “broken” appraisal processes – this is apparent when you review written performance reviews that are filled with vague and unsubstantiated comments (like) “Jeff has a bad attitude” or “Jean isn't a team player.” What do these comments mean? In order to see improvement in employees' behaviors, leaders need to provide examples that help the employee see HOW they can improve their performance.

In the next module in our leadership development training series, the ISAC Leadership Institute, we will be addressing this subject in an effort to help you make the most of the employee appraisal process. Specifically, we'll be covering:

- Developing and communicating clear, understandable performance expectations for/to employees;
- Assessing employee performance on an ongoing basis throughout the year in an effort to “ward off” performance issues from becoming performance problems;
- Motivating employees to meet job performance expectations; and
- Preparing for and delivering effective performance reviews.

These topics will be covered through discussion, group activities, videos and interactive exercises that will allow participants to walk away with “hands on” tools and information they can use in their day-to-day work environments. Register to day for these statewide trainings. CEUs are being offered by certain affiliates.

- May 11 - Des Moines Area Community College, Des Moines
- May 24 - Iowa Central Community College, Storm Lake
- May 25 - Indian Hills Community College, Ottumwa
- May 31 - Kirkwood Community College, Cedar Rapids
- June 7 - North Iowa Area Community College, Mason City
- June 8 - Iowa Western Community College, Atlantic

# Leadership

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Continued from page 6.

2005 NCLI alum Melvyn J. Houser was beginning his second term as a Pottawattamie County Supervisor when he went through the program. More than a decade later, what does he continue to hold top of mind? “If you want to make any big changes, first gather your partners and stakeholders. They probably have better ideas on how to get things done.”

Through the immersive experience of NCLI, participants engage in the work of growing themselves and seeing more of the system they're working to impact. Having an orienting model in the midst of the disorientation of public life has been a go-to resource for the hundreds of county officials who have learned and lived the adaptive framework. Want to learn more? Contact NACo or [jhufnagel@cambridge-leadership.com](mailto:jhufnagel@cambridge-leadership.com).

# Leadership

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## **The Intersection of Leadership and Risk**

Recently I was listening to Good Life Project podcast by Jonathan Fields. The topic was on taking social risks, and in his podcast, he recounted a story about a time he took a social risk and the positive impact that it had on his life.

## **Teresa Schwab, LMSW**

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During his story, he mentioned the natural orientation of certain people to take social risks. As a leadership coach, trainer and consultant, I've had many conversations with people over the years about challenges they experience in their work, civic and personal lives. I have often been in the position to challenge people to the edge of their comfort zone in the spirit of developing their leadership effectiveness. I have often been surprised by risks, even seemingly small risks, that people seemed unwilling to consider. Anything that feels like risk is often tossed aside as a "waste of breath".

It is easy to assume that some people are oriented more toward risk aversion, that they would rather live with the current situation or complain about it rather than step up or step in to do something differently. In reality, the issue appears to be much more complex than simply whether one is naturally oriented to risk taking.

While social risk is mostly an internal battle played out with mostly internal consequences (in Jonathan's case, should he push against his natural orientation of introversion to sit with a group of strangers while on a backpacking trip in Australia), exercising leadership often requires much bigger risks, with internal and external battles played out with both personal and public consequences.

My curiosity on this topic has been piqued many times over the years, but as I listened to the podcast, it prompted me to dig deeper. I began to interview people that had taken risks to get a deeper understanding and perspective. This process created a whole new dialogue about an uncomfortable truth of leadership that typically people don't speak about openly.

## **Leading in Ambiguity and Complexity**

We no longer live in a world where our technical expertise or skills are enough to see us through. The world context is always changing, there is a political shift occurring in our country, state and local politics are becoming ever more complicated. Our individual and collective ability to address challenges is now more than ever reliant on our ability to collaborate and to create and navigate relationships across multiple groups representing multiple interests.

When the challenge is confusing, when the path forward is unclear, when there are multiple and competing ideas for moving forward, it takes someone to stand up and do something different. Anyone can do that regardless of their title or authority. While anyone can exercise leadership, it can seem more difficult without the protection of authority.

Standing up can feel lonely, isolating and terribly scary. That's why many don't do it and when they do, there is often a very compelling reason to do so. Through my dialogue with others, a message I heard clearly is that leadership, true leadership, *requires* risk. As one person stated, "You can't take risk out of leadership—there will always be risk. It is unavoidable."

## **Types and Examples of Risk**

When I first started talking to people more specifically about leadership and risk, my first move was simply to put out a general call to those in my social network. After responses started coming in and I had the opportunity to talk with people, I realized how salient this topic is to our times.

I asked people to identify an example of a risk they had taken, and we explored it through that lens. Before digging into their stories, I asked people to rank their risk on a scale of 1-10 (1 being low, to 10 being very high). I got responses on the scale anywhere from a 4-5, all the way to 10. From these stories, and from those I've heard over the years, I would like to share with you some of the major lessons and advice.

First, some examples of leadership risk taking across the continuum of low to high. While not an exhaustive list, this offers an idea of the kinds of things people exercising leadership have done to make progress on very important issues. Things like confronting an individual about an interpersonal conflict, challenging a supervisor or manager on his/her idea, challenging a team to think through trade-offs of a potentially dangerous direction, slowing down a process by asking hard questions, exposing the "real" issue that no one else will address, challenging a board member or an elected official, showing up at an open meeting representing a group traditionally viewed as the "outsider", running for office against a heavily entrenched individual, representing an issue or position held in disfavor by a large majority of the population, or exposing deceit by a very important and well-respected government official.

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# Leadership

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## **Caring about Something Deeply Matters More than Someone's Personal Orientation to Risk Taking**

Remember back to the podcast at the beginning of this article where Fields described a natural orientation to social risk taking. When it comes to leadership and risk, personality seems to be less a factor than believing in something deeply. In all cases, the people I talked with demonstrated what they described as a “very strong moral compass”, and the point at which risk became the best option was the moment that fear for the future weighed more heavily than the maintenance of the status quo.

The people I interviewed ranged in age, gender and personality (boldly outspoken to quietly reserved), but what they did have in common was a commitment to a deeply held belief.

## **When Risk Becomes the Only Option**

Themes related to disappointment and courage emerged from those I interviewed. Ron Heifetz and Marty Linksy, authors of the book *Leadership on the Line* say that, “leadership is about disappointing your own people at a rate they can absorb”. The people I spoke with learned a lot about disappointing others. This may be one reason we don't talk about this topic much—with risk comes disappointment, an inevitable entanglement that is nearly impossible to prevent.

The reality of disappointing others, especially your own people, can be gut-wrenching. Almost all people I talked with had disappointed someone, and in some cases, their own supporters turned on them viscerally by refusing to talk with them, making negative comments about them privately and publicly, and in many cases, the fallout was quite personal. For them, this was a devastating development in the rubble of risk taking.

Courage to take a risk came from many places. The first being the individual's deeply held belief or value, and the anger, fear and worry of its being violated. Standing on her personal mission, one person told me that she looked herself in the mirror and said, “If I don't do something now, the consequences are too great for me to live with.”

To further summon courage, each person I spoke with had a process of weighing risk, and for many this included taking the opportunity to talk with one or many trusted advisor(s). Some people took active steps to mitigate the level of risk ahead of taking it, and some people took steps to leverage it. (In one case, ensuring there were media representatives in the room so that the situation was widely reported.)

Courage was also bolstered by the emergence of unlikely supporters and allies. Despite suffering through disappointing others, many people also experienced support from places that they didn't expect, like old friends, colleagues, and members of the public with shared values. Interestingly enough, everyone I spoke with said the risk they took was worth it. For some, the impact was immediate or fairly immediate. For others, it took longer to see the results. In all instances, there was the perception of a positive outcome.

The kinds of outcomes included better relationships, increased interest in opening dialogue where it didn't exist before, increased government transparency, positive policy changes, shining a light on decision making, and breaking barriers for others.

## **Advice from Those That Have Been There**

Following are some specific tips from those that have taken risks in the name of leadership:

- When you're doing what is right don't let worry or fear get in your way.
- When taking very large risks mitigate them when and where you can.
- Plan. Don't go into risk blindly. Talk to key players when possible.
- Cultivate a network of key advisors and consult with them.
- Know your audience. Know what is important to them, speak to them in their language and connect to their values.
- Don't blindside others. When feasible, prepare people for what's coming.
- Prepare people for collateral damage, especially your own people.
- If you've decided to take the risk, leverage it when appropriate.
- Take care of yourself.
- Develop and cultivate relationships early and often.
- Engage a trained leadership coach, someone who is completely in your corner who will both support and challenge you and will help you uncover any blind spots.
- Assess your level of anxiety. Don't let your anxiety inflate the real level of risk.
- If terror and anxiety are present for you, work on it with a qualified professional.
- Be awareness of numbness. Don't isolate yourself. Develop an inner circle of friends and supporters who will be there no matter what. (This is especially important for individuals whose work requires repeated exposure to risk.)

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# Leadership

Continued from page 9.

## Leading Outside of Your Comfort Zone

Most of us avoid risk when possible. Lots of things tell us that we should play it safe. We've established however that true leadership requires risk. What hasn't been said explicitly is that every time you take a risk and lead outside of your comfort zone, it makes you stronger.

Despite there being great personal fallout and consequences, no one I spoke with regretted their decision to speak up or act. One particular person I spoke with (someone who rated their risk at an "8" on the 1-10 scale, and someone who suffered great personal and professional consequences related to their action) said to me, "I couldn't sleep the night before I knew it was all coming to a head, but I never once considered backing out. And after all that I went through, I have zero regrets. I knew my personal reputation was at stake, but there was so much on the line for the future. I had no choice. I took the role I had because I believed in what we were trying to accomplish. I knew that if I wasn't willing to take the risk to advance that belief, then it was time for me to step aside."

Risk is inevitable, *and* it's messy and painful, *and* it contributes to a more just, equitable and transparent society from which we all benefit.

Footnote: To those that contributed to this article, *thank you*. While the world may never know of your contributions and sacrifices, be confident in the fact that your actions made a positive impact. To those of you that would like to share your story, or who want to explore this further, please feel free to contact me.

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## Leadership and Volunteerism

AmeriCorps is a program of the Corporation for National and Community Service, an independent federal agency whose mission is to improve lives, strengthen communities, and foster civic engagement through service and volunteering. AmeriCorps is made up of three main programs: AmeriCorps State and National, AmeriCorps VISTA, and AmeriCorps NCCC (National Civilian Community Corps).

## AmeriCorps

[www.VolunteerIowa.org](http://www.VolunteerIowa.org)

AmeriCorps is simply Americans from all ages and backgrounds dedicating their time and skills to getting things done. More than 80,000 Americans join AmeriCorps each year and all of them are tackling local challenges in different ways. AmeriCorps members help families attain affordable homes. They mentor students so they will stay in school. AmeriCorps members also help communities recover from disasters – and so much more. Being a part of AmeriCorps is a way to serve your country, and make Americans safer, stronger and healthier, and to strengthen our communities.

Across the state of Iowa this year, 886,887 hours were served by members at 293 unique sites; 1,500 members are currently serving, 33,958 volunteers have been mobilized, and \$2.6 million in resources have been leveraged. Cities, counties and communities come together to identify and tackle tough challenges with the help of AmeriCorps. Here are a few stories that illustrate how community leaders work alongside AmeriCorps members to get things done.

## Iowa Reading Corps

In partnership with local United Ways, Volunteer Iowa, and school districts across the state, the Iowa Reading Corps AmeriCorps program launched in the fall of 2013.

Research shows that after third grade, students start reading to learn rather than learning to read. Iowa Reading Corps is working in partnership with schools to maximize opportunities for communities to access evidence-based reading initiatives that support the tremendous work of educators in our state.

With an overarching goal of ensuring that more Iowa students are on track to read at grade level by the end of the 3rd grade, Iowa Reading Corps is replicating a successful, evidence-based model first launched in Minnesota in 2003. When the program began in Iowa, 29% of K-3rd grade students were reading below grade level.

The Iowa Reading Corps program places AmeriCorps members, trained as Elementary Literacy Tutors, at sites across Iowa to implement prescribed literacy interventions for students who are just below proficiency in reading. Each day, members meet individually with students to conduct 20-minute tutoring sessions that focus on building students' skills in phonics, phonemic awareness, and fluency. The tutoring sessions follow a Response to Intervention (RtI) model based on current educational research and best practices. This highly-valued one-on-one intervention time supports the tremendous instructional activities of educators in each school district. During the summer months, Iowa Reading Corps members partner with local United Ways to provide literacy programming for summer feeding programs, participate in summer tutoring programs, and/or coordinate children's summer reading programs at local libraries.

With an overarching goal of ensuring that more Iowa students are on track to read at grade level by the end of the 3rd grade, Iowa Reading Corps has enrolled over 3,000 students. To date, 71% have successfully exited the program and are currently reading at grade level.



How did this happen? United Ways from across the state of Iowa invested community resources in the future of Iowa's children by providing funding in support of the AmeriCorps grant which placed 10 members in local school districts during the 2013 school year. Currently, 70+ AmeriCorps members annually serve in nearly 60 schools throughout Iowa. Support for Reading Corps comes from all sectors of the community including United Ways, schools, PTOs and local funds. It was, and still is, about communities coming together to tackle a challenge that was growing year-after-year. It's about leadership. It's about the future.

"When I applied for the Iowa Reading Corps opportunity, I was looking for a job that was of service for others. As a nurse, I naturally was in search for

Continues on next page.

# Leadership

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Continued from page 11.

something to give me as much purpose as I could also give back to others. My identity is providing service to others, and I knew in my heart I wanted to continue providing service to others. So, as I started my training for the AmeriCorps opportunity. I was not prepared for how much I would gain a new purpose personally and professionally. I also gained a new perspective on teaching. I have gained new insight to the importance of the service that the teachers and the team provide to help children be successful for the future.”

“I am so blessed by the opportunity to deliver such a great and needed service to children. I am amazed at the learning that has taken place with each of my children on caseload.” – Jennifer Flake, Newton Community School District Iowa Reading Corps member

## **Cedar Rapids Public Library**

The biggest benefit of the AmeriCorps VISTA member at the Cedar Rapids Public Library has been the added ability to adapt and respond quickly to changing needs and programs in the community. The primary goal of the library’s AmeriCorps VISTA Literacy Programs Coordinator is to increase the library’s ability to provide literacy resources and programming to youth in poverty.

In the summer of 2015, AmeriCorps VISTA member Monica de Melo Dreasher started a partnership with Horizons, A Family Service Alliance. Horizons brought free summer meals to children at a local mobile home park. Monica coordinated her visit to the site and brought with her books, children’s learning tablets, crafts, and activities. That summer, she distributed over 385 books to 290 youth. Of the youth attending the program, 88% were not registered for any reading programs and 81% were not able to attend any other library programming.

The following May, the library learned that Horizons was no longer going to provide meals at private sites during the summer. Library staff knew that the draw of a free lunch was the primary factor in attendance numbers; that was the purpose of the partnership – bring library materials to places youth in poverty were already receiving other services. With only weeks before the start of the library’s summer reading program, AmeriCorps VISTA member Hannah Buettner reached out to Kids on Course University, which provides free summer school for struggling readers. Ninety percent of their students qualify for free/reduced lunch. In July and August of 2016, AmeriCorps VISTA members and community volunteers supported over 417 students in reading over 304,600 minutes.

For the summer of 2017, AmeriCorps VISTA member Kaity Lindgren has proactively strengthened the partnership with Kids on Course University. The program has been redesigned to focus on bringing all Kids on Course University students to the downtown library for an experiential tour, library card sign-up, free book selection, and STEM activities. Over the course of the summer, 900 Kids on Course students will visit the library, get a library card, and participate in the library’s summer reading program by reading over 600 minutes each.



For over 60 years, the Cedar Rapids Public Library has offered a summer reading program to help combat the summer learning slide. Over the past three years, with the support of AmeriCorps VISTA members, the library has been able to strategically reach out into communities experiencing poverty, coordinate efforts with partners serving these communities, and bring library resources to them in the way they find most impactful. As the needs change, the AmeriCorps VISTA members have made it possible for the library to quickly develop new ways to fulfill its mission as advocates for literacy and lifelong learning, and focus on serving struggling readers experiencing poverty.

“One student I met through the Summer Meals program was Alexis. Alexis tearfully confided in me that she was afraid to start school because she knew she wasn’t able to read or write as well as her teacher would expect her to. This news broke my heart, but it also showed me early on the value of this program. Watching Alexis’ confidence in her literacy skills grow was by far my favorite part of my work that summer.” – Hannah Buettner, AmeriCorps VISTA Member 2016

To learn more about AmeriCorps programs in Iowa, please visit [www.VolunteerIowa.org](http://www.VolunteerIowa.org) or call 1.800.308.5987.



## Performance Reviews: Should They Be Conducted in Open Session?

This question occasionally comes up and like all good attorneys, my answer is “it depends,” so read on to find out the details.

The first questions you have to answer are: 1) Is a governmental body conducting the performance review; and 2) is it a meeting? These two questions really go hand-in-hand, so that if your answer to question number one is “yes,” then it is likely your answer to question number two will also be “yes.”

Iowa Code §21.2(1) defines “governmental body” very broadly and thus it is likely that most boards and commissions of the county fit within the definition of governmental body. But in order to be a governmental body, it must be some type of multi-member board or commission. So if it is an individual, such as the treasurer or auditor, that is conducting the performance review, then that individual would not be considered a governmental body. No governmental body involved? Then you don’t fall under Chapter 21 and you don’t have to worry about if it is a meeting that has to be open to the public.



**Kristi Harshbarger**

General Counsel

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If it is a governmental body that is conducting the performance review, then you are likely also dealing with a meeting as that is defined under Iowa Code §21.2(2) – “a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this Chapter.”

If you have a governmental body that is conducting a meeting, then that meeting must be open unless one of the instances in Iowa Code §21.5 that allows a meeting to be closed applies. There are two exemptions that could apply: 1) “[t]o review or discuss records which are required or authorized by state or federal law to be kept confidential” or; 2) “[t]o evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.”

In order to use the first exemption, you must be reviewing or discussing a record that can be kept confidential under the law. Iowa Code §22.7(11) allows records to be kept confidential that are “personal information in confidential personnel records of government bodies.” Some general information, such as salary and dates of employment, are specifically excluded from this exemption and are public records. The Iowa Supreme Court has ruled that information related to performance of an employee are part of the confidential personnel records. *Des Moines Independent Community School Dist. Public Records v. Des Moines Register & Tribune Co.*, 487 N.W.2d 666 (Iowa 1992). Thus, if a governmental body is reviewing and discussing a performance review of an employee, that record can be kept confidential and the meeting discussing that record can be closed. It is important to note, however, that this exemption is narrow and the answer can easily change given the particular facts and circumstances of a situation. Therefore, it is always important to consult your county attorney and consider your county’s specific policies, procedures and historical practices.

If you are dealing with discussion of a personnel matter that is not specifically related to personal information in confidential personnel records, then a meeting of a governmental body on the subject may be closed if it “[t]o evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.” The key here is that the individual employee must be the one to request the closed session – it cannot be closed simply upon the determination of the governmental body.

Finally, whenever a meeting of a governmental body is closed, certain steps must still be followed. The meeting can be closed only by an affirmative vote of 2/3 of the members of the governmental body or all of the members at the meeting. See Iowa Code §21.5(1). The vote of each member on closing the session must be made publicly and recorded in the minutes. See Iowa Code §21.5(2). Do not discuss anything during the closed session that does not relate directly to the reason for the meeting’s closure. *Id.* Final action on anything discussed in the closed session must be taken in open session. See Iowa Code §21.5(3). A member of the governmental body cannot be excluded from the closed session, unless a member has a conflict of interest. See Iowa Code §21.5(4). Detailed minutes of the closed session must still be kept. See Iowa Code §21.5(5).

In conclusion, even if you can choose to close a meeting, you are not required to and there may be various reasons that a governing body would choose to keep a session open to the public. See Iowa Code §21.5(6). Always consult with your county attorney and consider having procedures and practices for personnel reviews that result in consistent actions.

# Leadership

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## Leadership and Compliance

Leadership and compliance with the Health Insurance Portability and Accountability Act (HIPAA) go hand-in-hand. It takes strong leaders to make a HIPAA compliance program successful. There are various parts to a HIPAA compliance program. A great deal of emphasis is put on implementing policies and procedures and conducting a risk analysis. While these two parts of a compliance program are very important, one of the hardest things to do is create an environment of compliance and hold others in the organization accountable for noncompliance. There are many things that can attribute to a successful compliance program. Two important aspects are having dedicated members on the compliance committee and having the support of leaders of the organization.



**Beth Manley**  
Compliance Officer  
[bmanley@iowacounties.org](mailto:bmanley@iowacounties.org)

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## Characteristics of Compliance Committee Members

A successful compliance program often starts with a dedicated compliance committee. A compliance committee should be comprised of individuals that understand the compliance requirements and are also in the position to enforce policies and procedures. The Office for Civil Rights (OCR) stated in one of their guidance publications that the individuals on a compliance committee should have the requisite seniority and comprehensive experience within their respective departments to implement any necessary changes in the company's policies and procedures.

What are some common characteristics of compliance committee members? Leadership skills are of course important because the compliance committee will be setting the tone for overall organization compliance. According to the Office of Inspector General, there are some common characteristics to look for in compliance committee members. Compliance committee members should demonstrate high integrity, good judgment, assertiveness, and an approachable demeanor, while eliciting the respect and trust of employees of the covered entity and having significant professional experience working with various departments within the organization.

## Support of Leadership

HIPAA compliance can't be achieved with only the support of a few number of individuals, such as the compliance committee. HIPAA compliance is a culture and it takes an entire organization to be compliant. The most effective way to promote organization wide compliance is to have members of the leadership team involved and active in the compliance process.

Compliance requires policies and procedures, secure IT systems, trained and educated staff, enforcement of the policies and procedures, and numerous other things. Above all, leadership needs to be aware of the compliance requirements and promote overall compliance. Leadership is what drives compliance. Employees follow the direction and actions of their managers and other members of the leadership team. If leaders are aware of the compliance requirements and hold others accountable, employees are more likely to follow suit.

## Importance of Leadership in HIPAA Compliance

Leadership within an organization should want to be involved in the compliance process. Being non-compliant with the HIPAA Rules can be expensive. For example, Memorial Healthcare Systems paid a \$5.5 million settlement for not properly controlling access to protected health information (PHI). Between April 2011 and April 2012, login credentials of a former employee were used to impermissibly access the PHI of 80,000 individuals without being detected because of the lack of proper audit controls. The reported breach involved the PHI of 115,143 individuals that had been accessed by its employees and were inappropriately disclosed to affiliated office staff. Here, the failure was not due to lack of policies and procedures in place. The breach was a result of the covered entity failing to regularly review records of information systems activity containing PHI, as required by HIPAA, and the breach could have been easily prevented or caught sooner.

Another example would be Presence Health in Illinois. Presence Health settled potential violations of the Breach Notification Rule by paying \$475,000 at the end of 2016. This was the first settlement for the untimely reporting of a breach of unsecured PHI. Investigations began when there was an untimely notification of a breach involving 836 individuals. That investigation lead OCR to find numerous other untimely written breach notifications for breaches affecting fewer than 500 individuals. Noncompliance with the breach notification rule could be prevented if more individuals within the organization were involved in the HIPAA compliance process.

These are two examples where noncompliance could have been prevented. Noncompliance in these examples were both due to failure to comply with an organization's policies and procedures. These organizations were compliant with the HIPAA Rule because they had the proper policies and procedures in place but the policies and procedures were not being followed. This is where it becomes helpful for leaders to be involved in the process to make sure policies and procedures are being following and to encourage an environment of compliance.

## ISAC HIPAA Program

ISAC offers a HIPAA Program to its members that includes many benefits, such as annual trainings and up to five hours of consultation on HIPAA questions. HIPAA can be difficult to understand, especially when it comes to its application to different offices within a county and the HIPAA Program can help answer your questions. There is a yearly fee to be a part of the ISAC HIPAA Program and returning members receive a discounted price. The new year of the program starts on July 1, 2017. Please contact me if you have any questions or want to join the Program. I'd be happy to talk with you about the Program or any other questions you may have.

## Employment

The Cedar County Board of Health is seeking to employ a Director for the Public Health Department. The Public Health Department has approximately 15 employees and consists of home health and public health programs. Responsibilities of the director are the overall management of the department including quality assurance and performance improvement, fiscal budgeting and compliance, leadership, planning and organization, compliance and enforcement of federal, state, and local laws and regulations, and achievement of the department's vision, mission, program objectives and strategic plan. Bachelor degree in Nursing or other related health profession preferred. Master degree in public health or nursing encouraged. Two years of Home Health and/or Public Health management recommended. Excellent benefits and retirement provided. Pre-employment physical required. Applications and position description available at [www.cedarcounty.org](http://www.cedarcounty.org) or at the Cedar County Public Health office, Room B-1, Cedar County Courthouse, Tipton, IA 52772. Telephone: 563.886.2226. Accepting applications now, position open late summer. Applications should be submitted to the attention of Erica Christian, Office Manager, or to [echristian@cedarcounty.org](mailto:echristian@cedarcounty.org). Resumes will be accepted until the position is filled.

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# Miscellaneous

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## Employee, independent contractor or volunteer?

As a public sector employer your constituents expect you to provide the best service while being fiscally responsible. Independent contractors and volunteers can be great resources if used properly, but misidentifying an employee as an independent contractor or volunteer can be a costly mistake. Misclassification can result in back-pay of regular and overtime wages, back taxes, and assessment of penalties and fines.

## Lisa Mart

*Lisa Mart SPHR, SHRM-SCP is the human resources specialist with IMWCA. As a certified HR specialist, Lisa provides members assistance with human resources to help them manage their workers' compensation exposures. IMWCA is endorsed and administered by the Iowa League of Cities and is an endorsed program of ISAC.*  
[www.imwca.org](http://www.imwca.org)

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The primary laws and entities that govern classification of employees, independent contractors and volunteers include the Department of Labor (DOL) Fair Labor Standards Act (FLSA), Department of Revenue (DOR), and the Volunteer Protection Act of 1997.

An employee is a person who is “suffered” or “permitted to work” as defined by the DOL. They are hired for a wage to perform work and there is an employer/employee relationship. They work solely for the benefit of the company. The employer provides direction and oversight for the employee’s activities and hours worked. The employer is responsible for providing the employee tools and equipment as well as worker’s compensation insurance, unemployment insurance and social security contributions. The employer may also offer other benefits including health insurance, pension options and paid time off.

An independent contractor is a person, business or corporation that provides goods or services to other businesses. A contract dictates the goods or services to be provided and the fee agreed upon. The activities of the independent contractor must be spelled out in the scope of work and acknowledged by both parties. The government organization utilizing the independent contractor does not provide direction and oversight to the contractor or its employees, nor does it provide any benefits, equipment or supplies. It is the responsibility of the independent contractor to provide proof of workers’ compensation and liability insurance. A common document to provide this proof is a Certificate of Insurance (COI) that comes from the contractor’s insurance provider(s). The COI should include the contractor’s insurance provider, policy types, policy period, coverage amounts and list your organization as an Additional Named Insured.

If individuals feel they are misclassified they are able to report concerns to both Iowa Workforce Development and DOR. Both entities have employees that have the ability to investigate, issue correct employee classification, mandate back taxes, and potentially issue fines on employers with misclassifications. It is important to recognize that these entities will presume that the individual is an employee unless they meet certain criteria. The DOL uses an “economic realities” test. Areas that are looked at include:

- How essential is the work provided?
- Does the workers management skill affect his/her profit and loss?
- What is the workers investment versus the employer’s investment?
- Does the worker have independent judgment skills?
- Is the work provided on permanent or temporary basis?
- What does the employer control?

DOL provides a fact ([www.dol.gov/whd/regs/compliance/whdfs13.htm](http://www.dol.gov/whd/regs/compliance/whdfs13.htm)) sheet that goes into more detail regarding the six areas testing. Certain job classifications have a higher misclassification rate, including construction, home care, trucking, technology and janitorial.

A volunteer is a person who performs services for a nonprofit organization or government entity. There is no monetary compensation, other than reimbursement of expenses or a nominal stipend. Volunteers usually dedicate less time than employees or contractors. An important note: employees cannot volunteer in the same capacity as they are employed, i.e. a full-time park ranger cannot volunteer for the same county where they are employed in the same role. Volunteers who are paid a stipend greater than \$500 lose protection under the Volunteer Protection Act. According to the DOL, volunteer pay cannot exceed 20% of what a permanent employee would be paid for the same services.

If a misclassified independent contractor or volunteer gets hurt while ‘working,’ you may be responsible for their injury/illness as it pertains to workers’ compensation. Be aware; if an independent contractor is rightfully classified, you are still not totally out of the woods if they are injured while working for you. True, they won’t receive workers’ compensation benefits from you, but they also don’t have the lawsuits limitations as provided by workers’ compensation. The independent contractor has the ability to sue for damages of any amount.

Unfortunately, identifying an employee, independent contractor or volunteer isn’t as clear and concise as initially thought. If you are currently using independent contractors or volunteers it is a good idea to audit them for potential misclassification. As with any employment related topic, when in doubt, it is always wise to check with an employment law attorney.

# Miscellaneous

The IPERS Investment Board met on March 24 to review the latest Economic Assumptions Review, a study completed by Cavanaugh Macdonald Consulting to analyze economic and demographic data for the fund. This study was important because it provided historical and current data that estimates future income for, and benefits paid by, the IPERS fund.

## Wayne Walter

Winneshiek County Treasurer  
[wwalter@co.winneshiek.ia.us](mailto:wwalter@co.winneshiek.ia.us)

This review by Cavanaugh Macdonald came at a time when many IPERS members are concerned about a study by the Iowa Public Retirement Systems Committee. This study is happening at the same time as other public retirement plans throughout America are also being reviewed. The goal is to find out what has caused the average public pension plan in America to go from a fully funded status in 2001 to an average funded status in 2016 of only 73%.

It is a fact that between 2001 and 2014, we, members of IPERS, did not pay into the plan at the "Actuarial Required Rate." The IPERS contribution rate did not change from 1979 to 2006. In 2010, legislation finally granted IPERS the authority to set the contribution rate as actuarially determined, although it limited the increase to 1.0 percentage point per year. Since FY 2014, our contribution rates have been set slightly above the actuarial rate in order to eliminate the existing unfunded liability that accrued during those years when the system was underfunded.

That brings us to 2017 and the new Economics Assumptions Review I referred to in the opening paragraph. This study revealed that the expected rate of return on our IPERS trust fund has been estimated at 50 basis points above the real expected rate of return. In light of this new estimate, the IPERS Investment Board adopted a new estimated rate of return on our fund balance. This new rate of 7%, is .5% below the previous discount rate of 7.5%.

A result of this change is an immediate impact on the IPERS unfunded liability. Sixty to 70% of IPERS benefits are paid from income derived from our investments, and lowering the expected rate of return by .5% adds approximately 1.4 billion to IPERS' unfunded liability.

Since the goal of the IPERS Investment Board is to return the fund to a fully funded status, the board also adopted a new contribution rate. This new rate will be effective July 1, 2018, and for regular members will be 15.88%. This is designed to fully fund our plan within the next 20-year period. Once fully funded status is reached, we will return the contribution rate to the actuarial rate necessary to fund the system.

IPERS has promised retirement benefits to our members. Working together, we will deliver those benefits.

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# 2017 Calendar

## May 2017

- 11 ISAC Leadership Institute  
(Des Moines Area Community College, Des Moines)
- 11-12 CSN 3.0 Training  
(Council Bluffs)
- 15-16 CSN 3.0 Training  
(Ankeny)
- 16-19 Treasurers Summer School  
(Hotel Julien, Dubuque)
- 20-23 ITAG Conference  
(Sheraton, West Des Moines)
- 22-23 CSN 3.0 Training  
(Mason City)
- 24 ISAC Leadership Institute  
(Iowa Central Community College, Storm Lake)
- 25 ISAC Leadership Institute  
(Indian Hills Community College, Ottumwa)
- 24-25 CSN 3.0 Training  
(Cedar Rapids)
- 31 ISAC Leadership Institute  
(Kirkwood Community College, Cedar Rapids)

## June 2017

- 1-2 CSN 3.0 Training  
(Storm Lake)
- 7 ISAC Leadership Institute  
(North Iowa Area Community College, Mason City)
- 8 ISAC Leadership Institute  
(Iowa Western Community College, Atlantic)
- 12-14 ISACA Conference  
(Isle Casino and Hotel, Waterloo)
- 15 ISAC Board of Directors Meeting  
(ISAC Office)
- 21-23 Records Summer Conference  
(Okoboji)

## July 2017

- 21-24 NACo Annual Conference  
(Columbus, Ohio)

## August 2017

- 2 ISAC Scholarship Golf Fundraiser  
(Toad Valley Golf Course, Pleasant Hill)
- 22 ISAC LPC Retreat  
(Veterans Memorial Community Choice Credit Union Convention Center, Des Moines)
- 23-25 ISAC Annual Conference  
(Veterans Memorial Community Choice Credit Union Convention Center, Des Moines)

## September 2017

- 14 ISAC LPC Meeting  
(ISAC Office)
- 17-20 ISSDA Jail School  
(Holiday Inn Airport, Des Moines)
- 27-29 ISAC Board of Directors Retreat  
(Humboldt County)

## November 2017

- 16-17 ISAC Board of Directors Meeting  
(ISAC Office)

## December 2017

- 3-6 ISSDA Winter School  
(Holiday Inn Airport, Des Moines)

If you have any questions about the meetings listed above or would like to add an affiliate meeting to the ISAC calendar, please contact Kelsey Sebern at [ksebern@iowacounties.org](mailto:ksebern@iowacounties.org).

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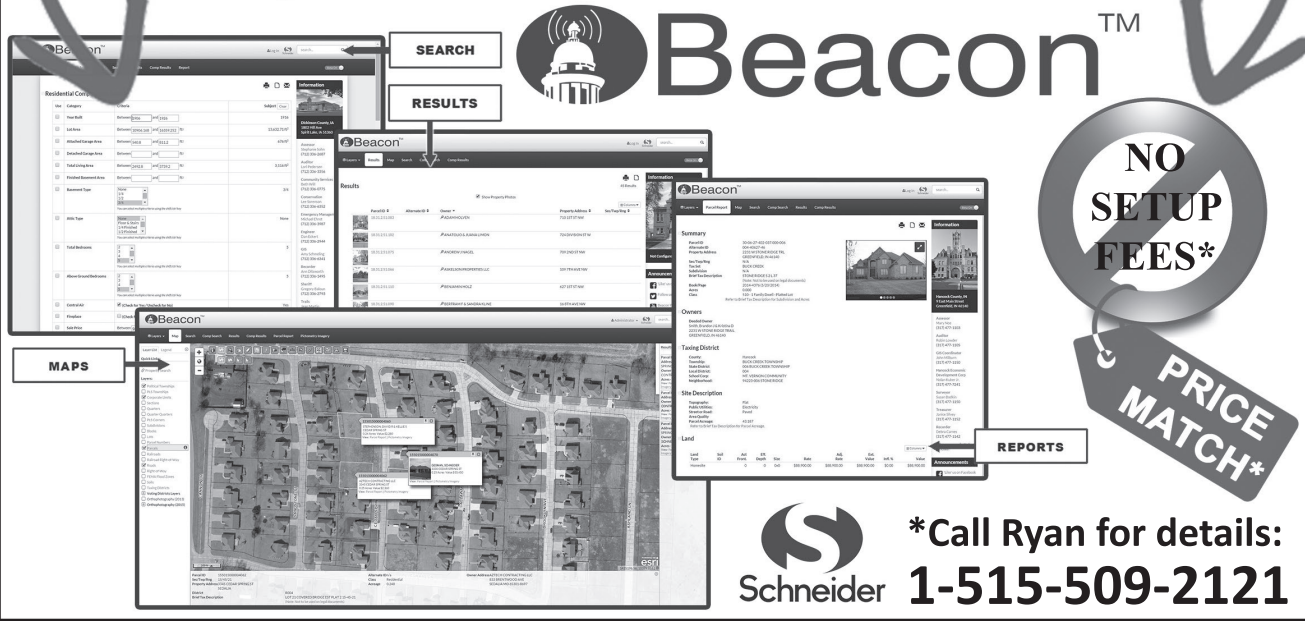
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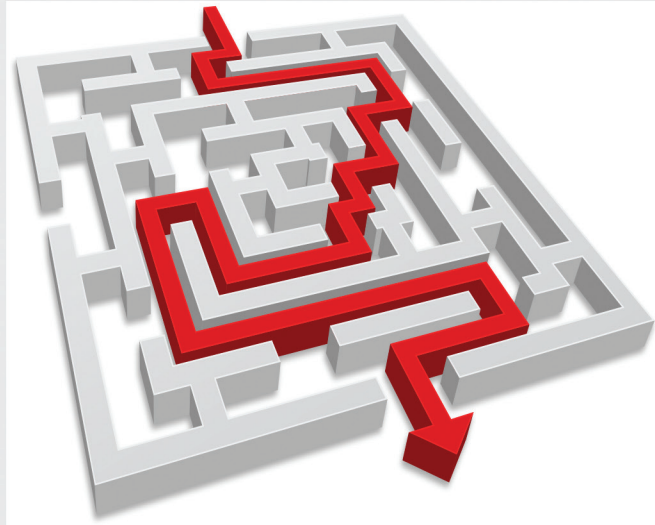




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