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The Iowa County

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Human Resources Issue

Employment Law FAQ Kristi Harshbarger, Beth Manley, Elijah Turnow	4-5
Employee Speech and Social Media Use Emily Kolbe, Katherine Beenken	6-7
County Safety Coordination Willene White	8-9
IMWCA HR Services Jessica Vogel, Lisa Mart	10-1
County HR Budgeting as an Investment Eric Van Lancker	12
Local Government Compliance Dr. Kandace L. Fisher-McLean, Richard Sternadori	13
Calendar of Events	18



ISAC's Mission:

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

ISAC's Vision:

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

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** The views and opinions expressed in articles authored by anyone other than ISAC staff are those of the authors and do not necessarily reflect the official policy or position of ISAC.

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Employment Law FAQ

Like almost every other aspect of life, being an employer/manager has been upended by the pandemic. In March and April 2020, we put together a list of frequently asked questions related to employment law issues surrounding the pandemic. Now that we are in July of 2021, the rules are again changing as we thankfully, and hopefully, start figuring out what everyone means when they talk about this idea of "new normal." Two topics that are coming up repeatedly relate to open meetings and vaccinations. There may be many more questions on these and other post-pandemic questions. We at ISAC, as always, are here to assist you. Please do not hesitate to reach out with your questions. Additionally, you should work with your county attorney on these questions before setting policies.

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Open Meetings

- Q: When does the current ability to conduct virtual meetings end?
- A: Per Governor Reynolds' executive order on May 27, 2021, the Public Health Emergency Proclamation is extended until June 26, 2021. Under Section 67 of this Proclamation, the Governor suspended Iowa Code §§21.8, 26.12, and 414.12.
 - These sections are suspended to the extent to which they would prevent a governmental body from holding the meeting electronically.
 - These sections are also suspended to the extent to which they prevent a governmental body from limiting the number of people present at an in-person meeting, so long as a telephone/electronic method of participating is provided.
- Q: When the Proclamation expires, under what circumstances can meetings be conducted virtually?
- A: When these provisions of the Proclamation end, meetings may still be held electronically, provided it is impractical or impossible to hold the meeting in-person, per lowa Code §21.8. In such cases, the governmental body must still:
 - Provide public access to the meeting to the extent possible.
 - Provide notice at least 24 hours in advance (unless it is impossible or impractical to do so).
 - Record the minutes of the meeting, including a statement of why it was impossible or impractical to hold the meeting in-person.
- Q: Can some members of a board participate electronically while still having an in-person meeting?
- A: Yes. The code is not explicit on this issue, likely because before a year ago this would have been essentially a non-issue. However, the relevant sections of the Iowa Code appear to permit electronic participation by some members of a board while a majority (quorum) still participate in person.
 - "Meetings" are defined by Iowa Code § 21.2 as a gathering of a majority of the members of a government body either in-person or by electronic means where official duties are being conducted.
 - So, if a majority of board members are participating in-person, that is likely just an in-person meeting with some members joining electronically. There is nothing in the code that prohibits this.
 - If more than a quorum of the board is not on-site, then it becomes less clear if that is an electronic meeting. The key may be that the public have a physical location to listen to the meeting, but any time you are going to have a majority of the members of the board meet electronically, you should talk to your county attorney.
- Q: If some members are away from the meeting site, does that make an in-person meeting impossible or impractical or is a higher threshold required to meet that standard?
- A: Neither Iowa Code §21.2 nor §21.8 define what makes an in-person meeting impossible or impractical. But given the language in §21.8, which permits an electronic meeting "only in circumstances where such a meeting in-person is impossible or impractical," it appears that more than voluntary non-appearance is required to trigger the permissibility of an electronic meeting.

Vaccinations

- Q: Can employers ask employees if they have been vaccinated against COVID-19?
- A: Yes, an employer is allowed to ask employees if they have been vaccinated against COVID-19. However, documentation or other confirmation of COVID-19 vaccination status is considered confidential medical information according to the ADA and should be stored separately from the employee's personnel files.
- Q: Can an employer ask employees for proof they have been vaccinated against COVID-19?
- A: Yes, employers can ask for proof employees have been vaccinated against COVID-19, such as a copy of their COVID-19 vaccination card. The EEOC has stated that requesting proof of receipt of a COVID-19 vaccination is not a disability-related inquiry under the ADA. However, follow-up questions about why someone has not been vaccinated may be considered a disability-related inquiry and be subject to ADA standards. To avoid disability-related inquiries, an employer could ask employees not to provide any medical information when providing proof of vaccination.

Documentation or other confirmation of COVID-19 vaccination status is considered confidential medical information according to the ADA and should be stored separately from the employee's personnel files.

- Q: Does the Health Insurance Portability and Accountability Act (HIPAA) prevent employees from telling their employer if they have been vaccinated against COVID-19?
- A: No, HIPAA does not prevent an employee from answering an employer's question about whether they have been vaccinated against COVID-19. HIPAA only prevents covered entities (health care provider, health plan, health care clearinghouse) and business associates of covered entities from disclosing someone's COVID-19 vaccination status.
- Q: Can employers require employees to receive a COVID-19 vaccine?
- A: The answer to this question is not clear at the time of writing. Nothing under federal law explicitly prevents employers from mandating employees to receive vaccinations as long as employers are not discriminatory against employees who cannot receive a vaccination due to a disability or a sincerely held religious belief, practice, or observance (ADA, Title VII, Iowa Civil Rights Act). There is also pending litigation questioning whether an employer can mandate employees receive a COVID-19 vaccine since it is currently available only under Emergency Use Authorization and has not received approval from the U.S. Food and Drug Administration.
- Q: Can counties require visitors on county property to provide their vaccination information?
- A: No. The lowa Legislature passed HF 889 on this topic. The bill makes a business or governmental entity that requires "a customer, patron, client, patient, or other person who is invited onto the premises of the business or governmental entity to furnish proof of having received a vaccination for COVID-19" ineligible to receive grants or contracts funded by state revenue.

Resources:

- https://www.ahlerslaw.com/client-alerts/covid-19-vaccinations
- https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws

Hot Topics in Human Resources:

Employee Speech and Use of Social Media

It's an all-too-familiar scenario: an employee gets home from work, logs onto Facebook, and weighs in with their thoughts on the latest controversial issue at the office. Perhaps a colleague or community member sees the post, agrees or disagrees, and shares it with their own network. Depending on the issue, the employee's comments might spread quickly among the workplace or reverberate out into the wider community. Eventually, the post makes its way back to the public employer who is then left to deal with the fallout. In serious situations, this could mean termination of employment. Before taking any kind of disciplinary action for employee off-duty speech, public employers

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must consider whether that individual was engaged in speech protected by the Constitution.

The First Amendment is frequently invoked as a protection for someone's right to speak their mind. The term "free speech" is often a source of confusion and misunderstanding. These First Amendment issues can be thorny for public employers, implicating the constitutional rights of employees and the employer's need to have some control over its workplace. Understanding the legal terrain is crucial to navigating constitutional protections in the workplace, especially if discipline or termination is being considered.

The First Amendment provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.¹

Public employees do not lose their constitutional right to free speech simply because they work for the government. Still, the First Amendment has limits. Not all speech is protected. Public employees can be disciplined for certain speech, even when it is made on personal social media accounts.

The First Amendment protects a public employee's speech when the employee speaks "as a citizen on a matter of public concern." If the speech is not on a matter of public concern, the First Amendment will not shield the employee from the consequences of their words. The speech must also be outside the employee's job duties, because employers may exert some control over employees during the workday.

Whether the speech is coming from a "citizen on a matter of public concern" is determined by the content, form, and context of the speech.³ Courts will look at whether a public employee engaged in the speech as a private citizen "with the goal of informing the public that the government was not properly discharging its duties," versus speech that concerns internal policies, personal disputes, or other private grievances.⁴ For example, an employee's complaints about their boss, co-workers, or their general working conditions are not "matters of public concern." However, comments about public finances, tax rates, or public safety would generally be protected. The following examples show the distinction between speech on a matter of public concern, which may be protected by the First Amendment, and speech that is not necessarily protected:

- A teacher's complaints about her position and not being hired for a full-time role were found to be merely personal grievances, and therefore not subject to First Amendment protection.⁵
- A university professor who criticized other faculty members by email was found not to be speaking as a citizen on a
 matter of public concern because his concerns were only about the impact to him personally, not about any impact on
 the public. Therefore, the First Amendment did not protect his conduct.⁶
- An employee who lodged complaints about his pay, and the pay of other employees, was found to be speaking in his role as an employee and not on a matter of public concern.⁷
- 1 U.S. Const. amend. 1.
- 2 Garcetti v. Ceballos, 547 U.S. 410, 418 (2006).
- 3 Connick v. Myers, 461 U.S. 138, 148 (1983); McGee v. Pub. Water Supply, Dist. #2, 471 F.3d 918, 920 (8th Cir. 2006).
- 4 De Llano v. Berglund, 282 F.3d 1031, 1036 (8th Cir. 2002) (internal quotation and citation omitted).
- 5 Wingate v. Gage Cty. Sch. Dist., No. 34, 528 F.3d 1074, 1081 (8th Cir. 2008)
- 6 Keating v. University of South Dakota, 386 F. Supp. 2d 1096, 1107 (D. South Dakota 2005).
- 7 Koehn v. Indian Hills Community College, No. Civ. 4-02-10273, 2003 WL 21976025 at *5 (S.D. Iowa 2003).

A teacher's letter to a newspaper about a proposed tax increase that criticized the board of education for its handling
of past proposals was speech on a matter of public concern and, therefore, protected by the First Amendment.⁸

If an employee's statements focus on a matter of public concern, then that speech has a level of First Amendment protection. However, an employee can still be disciplined for the speech if the employer can show the speech had an adverse impact on the employer's operations and that impact outweighs the employee's interest in being able to comment on a matter of public concern. Courts use a legal test, called the Pickering balancing test, to make these determinations. The more significant the disruption to the employer's organization that has occurred, the stronger the likelihood a Court would find the speech is not protected by the First Amendment. For example, a firefighter's email to a reporter containing allegations about staffing issues, policy violations, safety concerns, and policy grievances caused a significant disruption to the fire department and justified adverse employment action.

"Speech" is a challenging concept to begin with, and social media makes these issues more complicated. Generally, employees are not speaking in their official roles on social media. They are usually using their own private Facebook, Twitter, Instagram, or other accounts to post and comment about a wide variety of matters, some of which might relate to their employment. Regardless of whether those personal social media accounts contain some type of disclaimer about "speaking as a private citizen," a more thorough analysis is recommended when considering whether a public employer has any recourse when an employee is using social media in a matter that is concerning to the employer.

The very nature of social media makes it ripe for employment issues. It's easy to connect with a wide audience, and easy for people to share content, even if the speaker might not have intended a comment for wide distribution. These circumstances can quickly spin into serious situations and may impact county business directly or indirectly. Even as innocuous an act as "liking" a Facebook post can be grounds for an adverse employment action in certain circumstances. For example, in 2014 a county in lowa was found justified in terminating the employment of an individual who "liked" a post on Facebook regarding an officer-involved shooting of her relative. The offending post insinuated that a law enforcement cover-up occurred and given the employee's job and proximity to county law enforcement, the potential for disruption to the county was great enough to justify the employee's firing. Employees may not realize that their personal social media use can still have serious implications for their employment.

An important step that public employers can take to try to limit social media missteps and controversies is to educate employees on the nature and ramifications of their social media use. Although employees have a First Amendment right that includes the use of social media, social media guidelines and rules can help highlight potential pitfalls for employees and clarify expectations in the workplace. Even something as simple as setting an expectation that employees be courteous and professional on social media can help establish a baseline for positive online conduct.

Although social media is an ever-evolving medium, when an employee engages in social media "speech," the same analysis applies as to any other free speech claim. First, consider whether the employee was acting as an employee or as a private citizen on a matter of public concern. If the employee was commenting on a matter of public concern, the question then becomes whether there has been, or will be, a disruption to the employer's operation. If so, it will be important to consider whether the employee's interest in the speech outweighs the detrimental impact to the employer.

Unfortunately, there is no black and white line to draw on these questions. Each situation will be unique and involve competing interests. Should you encounter issues that implicate an employee's First Amendment rights, particularly when it involves social media, please consult with your County Attorney, ISAC legal staff, or private counsel to assist with analyzing the issues that may arise.

Follow us at https://www.linkedin.com/company/ahlers-cooney-pc.

⁸ Pickering v. Bd. of Ed. of Tp. High Sch. Dist. 205, Will Cty., Ill., 391 U.S. 563 (1968).

⁹ Belk v. City of Eldon, 228 F.3d 872, 881 (8th Cir.2000) (quoting Pickering, 391 U.S. at 568).

See Anzaldua v. N.E. Ambul. and Fire Protec. Dist., 793 F.3d 822, 833 (8th Cir. 2015) (applying the Pickering balancing test).

¹¹ Anzaldua v. N.E. Ambul. and Fire Protec. Dist., 793 F.3d 822, 835 (8th Cir. 2015)

¹² Vincent v. Story County, Iowa, 4:12-CV-00157-RAW, 2014 WL 10007079, at *16 (S.D. Iowa Jan. 14, 2014).

Everyone goes home safe at the end of the Day!

This has become the "unofficial" motto of IMWCA. ICAP (Iowa Communities Assurance Pool) and IMWCA (Iowa Municipalities Workers' Compensation Association) both place great emphasis on safety, risk improvement, and loss control to achieve this goal to prevent claims and injuries.

Willene White

County Risk Management Services, Inc. (CRMS) Representative sternadorir@missouri.edu

"Workplace injuries and illnesses are costly in both financial and human terms. Coordinating safety pays dividends in many ways, including at the

end of the day everyone goes home safely, the same way they started the day," states a resource guide for safety coordinators from IMWCA.

A search on Google for the term "Safety" lists more than 2.9 billion hits. In plain terms, safety is "the state of being safe" or free from harm or danger.

Risk management or risk improvement is a process of identifying risks to avoid or minimize claims/accidents.

Loss control is a risk management technique that seeks to reduce the possibility that a loss will occur and/or to reduce the severity of losses that do occur.

A good loss control program should help counties, or any policy holder, reduce claims. By working together, ICAP and IMWCA strive to assist your county in reducing losses through safety, loss control, and risk management information and services. One of the best ways to accomplish an effective plan is through a safety committee and specifically, a safety coordinator. A safety coordinator can help counties identify, manage, and provide training opportunities via resources available through ICAP and IMWCA. The safety coordinator may also be responsible for implementing policies and procedures as well as overseeing the county employees' safety at work.

County governments in Iowa have responsibility for a wide range of activities and operations: from road maintenance to property tax collection to health systems to conservation to public safety; the county employees' health, safety, and welfare is paramount. A safety coordinator is vital to fulfilling this function.

In lowa, some counties employ a full-time coordinator, others add these responsibilities to roles already established in the organization. Some counties hire a third-party to provide these services. Some county supervisors take on this role. No matter how your county structures the safety coordinator position, it is imperative that someone oversee safety! A lax safety/loss control program translates to a higher number of claims, loss of productivity, and higher claim dollar costs.

lowa utilizes experience rating to adjust the cost of workers' compensation to conform to the characteristics of an individual county. Experience rating is accomplished by applying a factor to the manual premium. The factor is promulgated by a comparison of actual losses to expected loss for the three most recent expired policies. (To minimize the effect on the premium of unusually large losses, maximum limitations are applied.) For example, the 2021 experience modification number is found by "plugging" the losses from the policy years from 2017-18, 2018-19, and 2019-20 into a formula. (This is a very simplistic explanation. For a specific and detailed review of your specific county, please contact your local agent and/or CRMS representative.)

The bottom line is, the greater the number of claims and claim dollars paid, the higher the experience modification. The higher the experience modification, the higher the premium for your workers' compensation coverage.

My dad was a Navy veteran, and among other lessons I learned at a young age (besides the proper way to swab a deck!) was, you can only spend a dollar once. If you spend more dollars on your premium, you have less to spend on other services. IM-WCA and ICAP safety and risk improvement advisers are at your service to work in conjunction with your safety coordinator and/or Safety Committee.

Eighty counties receive workers' compensation coverage with IMWCA with a July 1 effective date. In the past month, CRMS has met with at least 10 counties or agents to review claims, trends, and the impact on the experience modification number and premium. The five-year analysis reviews listed two major claims categories. "Slip, Trip, and Falls" and "Law Enforcement" injuries were at the top of the list. The counties we met had about 60% of their total claim dollars from Slip, Trip, and Falls. Slip, Trip, and Falls has been a hazard for counties for several years.

IMWCA has a great Slip, Trip, and Fall Handbook for your use under the Loss Control, Model Program tab. This tab also has a Resource Guide for Safety Coordinators.

ICAP has addressed the law enforcement claims issues by offering monthly webinars for members with a wide variety of topics specifically for law enforcement employees.

Both ICAP and IMWCA offer hundreds of policies, procedures, power point presentations, training modules, webinars, and in-person experts at your convenience - no cost.

In 2020, OSHA's (Occupational Safety and Health Administration) top #1 most frequently cited standard was Fall Protection per the U.S. Department of Labor. Per their website, "Far too many preventable injuries and illnesses occur in the workplace." Learn more about this or see the full list at www.osha.gov/top10citedstandards.

County Risk Management Services, Inc. (CRMS) works with your local agent, and ICAP and IMWCA resources, and can provide information and services for all county operations including safety coordinators.

Past IMWCA newsletters are available online. Click the link at the bottom of any page to subscribe to future email newsletters. www.imwca.org/NewsEvents/Pages/Newsletters.aspx.

The ICAP website also includes past publications and a blog covering a variety of topics important to counties. www.icapiowa.com/publications-1.

At end of the day, safety coordinators and Safety Committees not only save counties money on coverage premiums, they also help to ensure that every county employee returns home safe at the end of the day.

Everything HR - Services IMWCA offers

If you break apart human resources (HR), you get the most basic definition, resources for humans. HR has evolved from basic personnel management to focus on fully intertwined organizational and management support. While HR tends to be more prevalent in the private sector, thankfully, many public sector employers realize the value and implement HR in their organization.

Several counties in Iowa have an HR department or, at minimum, an HR designee. We realize that some counties have not budgeted for this position and need to rely on other outside sources. IMWCA strives to provide all our members, regardless of size or own HR presence, a variety of resources to help take care and manage their most important resources, their employees.

IMWCA's goal is to help members keep employees safe through education and risk management. As a risk-sharing pool, we are committed to partnering with cities, counties, and local government entities to provide a high-quality workers' compensation program. Here are some resources and tools to help your organization and make sure everyone goes home safe.

Education

On-site Safety Consultations | Safety and Risk Advisers are committed to working with members to promote safety. A personalized service strategy is the hallmark of our safety and risk improvement philosophy.

On-Site Training | Not only does IMWCA offer regional and online training, but specialized training on programs including safety committees and incident reviews is also available.

IMVCA

Iowa Municipalities Workers' Compensation Association



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Learn | Members can take advantage of online, interactive training for all employees. The core curriculum includes 300+ courses available free to members.

The Informer | Find articles and videos on human resources, claims, safety, and more in our free e-newsletter. Risk Management

HR Adviser | Our certified human resources and management adviser provides members assistance with human resources and management to help them manage their workers' compensation exposures.

Model Programs | Online, you'll find model programs and policies on a large variety of topics, including designated physicians, return-to-work, incident review, and a seatbelt policy.

Even more resources

In-House Claims | Our experienced examiners specialize in the types of losses unique to local government employees. We work with all parties involved to reach prompt, fair resolutions of claims.

24/7 Injury Reporting | Know your employees are being cared for, even as they file the first-report of injury with Company Nurse Day-of-Injury reporting with 24-hour claims reporting and access to medical recommendations (triage) from a registered nurse. With a mobile app, claims reporting can be made at any time.

OSHA 300 Made Easy | When your employees report their injuries through Company Nurse, IMWCA's 24/7 first-report of injury service, the RTWNow Tracker software will help produce your OSHA 300 and 300A reports.

First Responder EAP | IMWCA offers a valuable benefit for all of our First Responders, their spouses, and their dependents. The First Responders Assistance Program provided by Connections, Inc. is an important problem-solving benefit that is available. In addition to the EAP, we also offer Critical Incident Stress Debriefing services our members can access. If you need these services, please contact IMWCA for more information.

Safety Grant and Innovation Award | Members can apply for the Safety Study Grant or the Safety Innovation Award. These programs seek to encourage innovative ideas for improving employees' safety within the IMWCA membership and share projects developed and implemented by members to reduce or eliminate significant safety exposures in the workplace. The programs also demonstrate that those involved with local government are progressive, caring, and committed to their employees.

IMWCA takes pride in employing individuals who are experts in their field and strives to hire individuals with prior local government experience. All IMWCA employees reside in lowa and are willing to make a trip to provide services to wherever they are needed. Reach out to IMWCA for additional information about these services and more. Check out our new website at www.imwca.org.



AUGUST 26
7:00 pm - 10:00 pm
Hilton Des Moines Downtown
Register now at
www.iowacounties.org

Don't miss out on all the fun during the Annual Conference! Join us on August 26 at the Hilton Des Moines Downtown for the ISAC Casino Night Fundraiser. Please consider supporting the ISAC Education Foundation's scholarship program by registering for this event.

Cost: \$50 (All proceeds support the ISAC Education Foundation)

SAVE-THE-DATES FOR THIS FULLY IN-PERSON EVENT

Consider Human Resource Budgeting as an Investment

Clinton County struggled for years trying to determine how much to invest in human resources. To be honest, that struggle continues. How much is enough? Is there too much?

Clinton County currently has its own human resources (HR) department with a director and a part-time clerk. The department stands on its own and answers to the board of supervisors, but also works closely with the auditor's office. The HR department also maintains a budget to consult outside counsel and for an attorney to negotiate labor contracts. The full-time HR department started on its own about four years ago and we are still working to better define duties between that department and the auditor's office. Some of the duties moved from the auditor's office to the HR department include onboarding, workers' compensation administration, and personnel handbook review and updating.

Before Clinton County made the decision to go to a full-time HR department and hire an HR professional, the county had experimented with several options during a decade including training a current employee, engaging an HR consultant, engaging an HR law firm, assigning HR duties to an attorney in the county attorney's office, etc.



Eric Van Lancker Clinton County Auditor and Commissioner of Elections vanlancker@clintoncounty-ia.gov

None of those solutions really provided the full attention to HR that Clinton County was seeking. The search for a solution became more difficult to fulfill during that decade as HR issues began to intensify for counties in Iowa.

Some of those issues for Clinton County are still common today in other counties. Those issues include HR related lawsuits (filed against our organization and other lawsuits filed against counties around the state), an ever-growing focus on payroll and hourly work rules, and the constant battle to provide decent health insurance benefits and pharmaceutical benefits at a cost reasonable to our budgets. They include an increase in hiring. They include increased scrutiny on hiring practices, job description reviews and updates, policy/handbook reviews and updates, workers' compensation reporting, OSHA rules, trainings, etc.

That list of HR issues carries a heavy financial liability. Clinton County acknowledged that and started treating the matter as a risk management issue and considered:

- It's far cheaper to pay an HR professional than to defend (or settle) a lawsuit your county faces because your team asked the wrong question(s) during a job interview or fumbled a veteran's preference hiring practice
- It costs less to review and update outdated policies than it is to, again, defend against or settle a lawsuit.
- There is real value in being able to address an employee's issue on site with an HR professional

These considerations, and other factors, led Clinton County to make the investment in a full-time HR department. The county weighed the cost of an HR department against what it could potentially save in future lawsuits/payouts if issues are handled on site in a prompt manner.

We realized a bonus last year as the county learned the value of having an HR director on staff during the pandemic. Because of that position, the county was able to keep up with CDC guidelines and how they changed employee policies as they related to COVID-19.

Continues on page 14.

ISAC and the University of Missouri Complete Research on ADA Compliance of Local Governments in Iowa

Nearly one-half of our ISAC members participated in a research study regarding the Americans with Disabilities Act (ADA) in our partnership with the University of Missouri (MU) Great Plains ADA Center. Based on our responses the ADA Center is reporting back to us what they learned about the status of the ADA in county governments. This practical research is about our lowa families, friends, and citizens with disabilities, and how we as government officials can improve their lives with their participation.

Richard Sternadori is the research director overseeing this five-year study with the ADA Center in the Architectural Studies Department. He is an

Dr. Kandace L. Fisher-McLean

Senior Project Coordinator and Research Director MU Great Plains ADA Center

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educator at MU and previously served for 16 years as a City Building Official. The central research question is: "To what extent are city and county governmental jurisdictions in four midwestern states applying the ADA and related provisions?" The online research was conducted with 384 jurisdictional members of the associations of counties and leagues of municipalities in Iowa, Missouri, Kansas, and Nebraska, and the Nebraska Intergovernmental Risk Management Association. The table below shows a vigorous response of 44% among ISAC members.

Table1: 2019 Iowa Jurisdictional Data

Level of administration	Potential N	Participating n	Percent participating
Counties	99	44	44%
Cities	942	54	5.7%
Total	1041	98	9.2%

About the Study

Understanding our ADA status informs ISAC and your own legislation, education, risk reduction, budgets, and other factors. The goals in the study include: (1) More

effective ADA Center educational programs, technical assistance, and capacity building for ISAC, lowa citizens, families, and employees with disabilities. (2) Understanding the effect of rural/urban demographics in local government's endorsement and application of the ADA. (3) How the responsiveness of a local government affects the livability of a community for people with disabilities. The study examines the inclusion and influence of disability communities in accessibility themes such as:

- Local Governance
- Disability driven budget strategies
- Disability driven policies
- Support for ADA coordinators
- ADA self-evaluations
- ADA transition plans
- Partnering with outside entities
- Using available ADA resources
- Enforcement of accessibility codes
- Implementation of plan reviews
- Issuance of building permits
- Facility inspections
- Compliance of facilities

What we are learning

- About 66% of respondents stated that the influence of the disability community on local governance was: A.) Not influential (18%); B.) Slightly influential (26%); C.) Moderately influential (22%). Approximately 13% responded 'Very' influential, and only 1% responded 'Extremely' influential.
- Rural and remote-rural communities do not have the financial, personnel, or political resources to implement ADA regulations. About 47% of respondents identified themselves with populations below 5,000, and 82% identified as 'Rural'.
- The urban and urban-buffer communities within 25 miles of major metropolitan areas display enhanced governance, support, and involvement of the disability community.

Continues on page 14.

Feature - Clinton County Cont...

Having a full-time HR department may not be the best choice for all counties in Iowa. But finding out what your county can invest in HR can pay dividends (or at least lessen your liability) in the future. There are plenty of options for counties to consider such as:

- Some county auditors will hire someone with HR experience to work in their offices
- Some county attorneys will hire someone with HR experience to work in their offices
- There are plenty of good HR attorneys/consultants who will work with your county on a fee structure in accordance with the level of coverage you desire
- Some have discussed sharing the costs of an HR department/professional between counties or even between a county and a city within that county

The best place to start is to have this conversation with your board of supervisors and your county auditor (as this is where most HR issues go to if there is no HR department). But also have this conversation with other department heads and elected officials. They may have HR concerns they are struggling with that you are not be aware of. We were surprised to learn about how much time our jail administration was spending on recruiting and hiring correctional staff and the liabilities that are involved. The addition of the HR department has assisted greatly in managing the hiring of correctional staff in our jail.

Take some time before your next budget season to review your human resource investment. Here are some questions to consider:

- Are you comfortable that your county is able to keep up with all the changing state and federal regulations regarding employees?
- How promptly and appropriately are your HR needs dealt with?
- What are the needs of your other departments and offices for HR services?
- Are your personnel policies and handbooks up to date or when was the last time they were reviewed?
- How well are you updating your job descriptions?
- How much hiring does your county do? Are your current HR practices protecting your county?

Sure, we could all say we need to hire a full-time HR professional. But that may not be feasible in many lowa counties. However, that doesn't lessen the liability all counties should consider in regards to investing in appropriate human resources.

Feature - ADA Compliance Cont...

- Access to ROW's, parks, recreation, and facilities directly correlates to the livability of communities for persons with disabilities.
- About 80% of the ADA Coordinators indicate they have less than 20% of the work time to perform ADA duties and many governments struggle to fill this position.
- About 24% of local governments were not aware of the ADA Center, and 95% had not used their services. The same was true of other resources.

Want to know more?

Richard and Dr. Kandace L. Fisher-McLean are presenting detailed findings and practical strategies during an ISAC webinar at 1:00 pm on July 14, 2021. They will discuss core issues for ISAC and how trends compare to other states and city governments. Please visit the ISAC website, <u>www.iowacounties.org</u>, to register.

The Great Plains ADA Center extends their gratitude to the leaders and members of ISAC, Kristi Harshbarger and Beth Manley, for their collegial partnership and support. Questions? Contact Richard at sternadorir@missouri.edu. For concerns about your rights as a research subject, contact the University of Missouri IRB at (573) 882-9585 or irb@missouri.edu, and reference IRB #2002887 C; Exempt Application: 205789

This study is under grant number 90DP0093-02-00 from the National Institute on Disability, Independent Living, and Rehabilitation Research. NIDILRR is within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this survey do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

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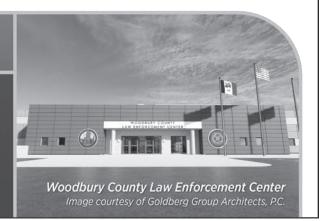
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ISAC Annual Conference event registration and reduced rate hotel reservations are available now!

All conference inforation and registration at www.iowacounties.org

Wednesday, August 25

- American Rescue Plan Track | 9:00 am 2:30 pm
- Employee and Family Resources Track | 9:00 am 2:30 pm
 - o Stress: The Good, The Bad, The Ugly | 9:00 am 10:00 am
 - o Developing Resilience | 10:15 am 11:30 am
 - Staying Charged Through Change | 12:30 pm 2:30 pm
- Meals from the Heartland Mobile Tour (Off-Site) | 9:00 am 11:30 am
- Shot in the Dark: A Cold Case Homicide in the Digital Age | 12:30 pm
 2:30 pm
- General Session | 2:45 pm 4:30 pm
 - Keynote Speaker: Paul Long

Thursday, August 26

- ISAC Lunch and Vendor Prize Drawing | 11:00 am 12:30 pm
- ISAC Casino Night Fundraiser | 7:00 pm 10:00 pm

Friday, August 27

Justice Involved Services Summit | 9:00 am - 2:30 pm





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2021 Calendar

July 2021

ISAC Board of Directors Meeting

(Virtual)

9-12 NACo Annual Conference

(Hybrid - Virtual/Prince George's County, MD)

29 ISAC Scholarship Golf Fundraiser

(Toad Valley, Pleasant Hill)

August 2021

ISAC LPC Meeting

(Veterans Memorial Community Choice Credit

Union Convention Center, Des Moines)

ISAC Annual Conference 25-27

(Veterans Memorial Community Choice Credit

Union Convention Center, Des Moines)

26 ISAC Casino Night Fundraiser

(Hilton Des Moines Downtown)

September 2021

12-15 ISSDA Fall Jail School

(Airport Holiday Inn, Des Moines)

ISAC Board of Directors Retreat 15-17

(Delaware County)

23 ISAC LPC Meeting

(TBD)

October 2021

10-13 Assessors Fall School

(Airport Holiday Inn. Des Moines)

Recorders Annual School 12-14

(Dubuque)

28-29 Treasurers Leadership Conference

(Emmetsburg)

November 2021

9-10 ISAC Board of Directors Meeting

(Clay County)

17-19 ISACA Conference

(TBD)

December 2021

1-3 **ICEA Conference**

(Veterans Memorial Community Choice Credit

Union Convention Center, Des Moines)

5-8 **ISSDA Winter School**

(Holiday Inn Des Moines Airport)

2022

January 19-20 ISAC University (West Des Moines)

February 12-16 NACo Legislative Conference

(Washington, D.C.)

March 9 ISAC County Day at the Capitol

(Des Moines)

March 10-11 ISAC Spring Conference (Des Moines)

July 21-24 NACo Annual Conference

(Adams County, CO)

ISAC Annual Conference (Des Moines) August 24-26

October 9-12 Assessors Fall School (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.

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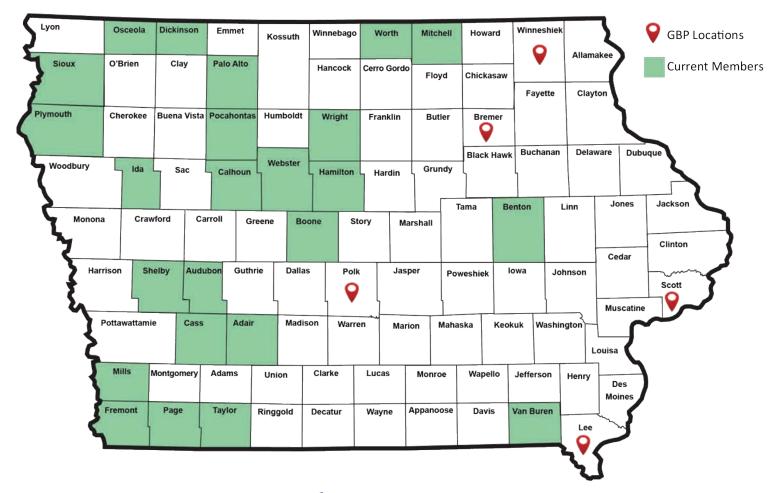


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In Iowa, 900 of counties participate in a risk-sharing pool.

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* According to the Association of Governmental Risk Pools (AGRiP)

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