

Nebraska Commission for the Blind
Public Meeting, Saturday, April 24, 2021, 9:00 a.m.
Via Video Conference

Minutes

Call to Order. Welcome and introductions. Announcement concerning public comment periods, meeting agendas, open meeting act, proof of publication, recordings and other logistics.

Mark Bulger, Chairman of the Board of Commissioners, called the meeting to order at 9:00 a.m. Pursuant to Executive Order number 20-03, signed by Governor Pete Ricketts on March 17, 2020 granting special waivers to the Open Meetings Act, due to the COVID-19 pandemic, the meeting was held via Zoom. The meeting began with introductions.

Commissioners present: Mark Bulger, Chairperson, Designee of the American Council of the Blind of Nebraska, Omaha; Kimberly Scherbarth, Vice Chairperson, Designee of the National Federation of the Blind of Nebraska, Kearney; Brent Heyen, Executive Secretary, Lincoln; Becky Rieken, Dakota City; Robert Newman, Omaha.

Staff present: Carlos Serván, Executive Director; Carol Jenkins, Deputy Director of Services; Kat Carroll, Deputy Director of Finances; Nancy Flearl, Omaha District Supervisor; Connie Daly, Lincoln District Supervisor; Kathy Stephens, Administrative Assistant.

Public present: Brad Loos, Lincoln; Barbara Loos, Lincoln; Wes Majerus, Beatrice; Cheryl Livingston, Lincoln; Mike Hansen, Lincoln; Christine Boone, Pickrell; Paulette Monthei, Omaha; Ryan Osentowski, Omaha; Jeff Altman, Lincoln; Jeremy Sydik, Lincoln.

The Open Meeting Act was sent electronically to those in attendance via video conference. The Notice of the Meeting was published in the Lincoln Journal Star, the State Government Calendar, NCBVI Website, NFB Newsline® and Radio Talking Book. The Notice was also sent to ACBN, NFBN, and the NCBVI List Serve.

Approval of the January 30, 2021 public meeting minutes.

Commissioner Newman moved to approve the Minutes of the January 30, 2021 Commission Meeting. Commissioner Rieken seconded the motion. A roll call vote was taken and all commissioners voted in favor of the motion.

Report from the Commissioners

Robert Newman - Robert Newman – Robert reported that he continues to serve as the President for the NFB Senior Division and he serves as Secretary of the Omaha Chapter. Robert also continues to do work for the National Senior Division of NFB. Robert is the President of Friends of the Commission and they had their quarterly meeting last week. They are working on getting some grants for Project Independence.

Becky Rieken - Becky continues to work as a teacher for students with visual impairments. Becky noted that she had been looking into a program app called Flipgrid and a couple of her students have begun using it. Flipgrid is a platform for her students to learn more about each other and encourage each other.

Brent Heyen - Brent serves the community by continuing to demonstrate the capabilities of blind people while assisting to operate two hotels in Lincoln. Recently, he hired a blind person at one of the hotels to work as a night auditor. Brent also serves as a mentor for the NFB Mentoring Program.

Kimberly Scherbarth – Kimberly noted that she is a member of NFB and she serves as Secretary for the NFB Board State Affiliate. Their at-large Chapter for NFB has been an unofficial Chapter and she worked on obtaining a Charter so now their at-large Chapter will be an official Chapter. Kimberly serves as the NFB Newline Outreach Coordinator. As a part of her Newline duties, Kimberly spoke at Winnerfest and talked about some of the Newline job search features. Kimberly stated that she participated on a Panel for transition age NCBVI youth. They spoke about resume writing and other vocational items. She also works for Disability Services at the University of Nebraska Kearney, which provides her many opportunities to advocate about blindness.

Mark Bulger - Mark is the State President for the American Council of the Blind of Nebraska (ACBN) and they have been holding virtual meetings. They are looking forward to the ACB National convention, which will be held in Omaha in 2022. This year, the ACB National convention will be held virtually. ACBN is tentatively planning to have their State convention in August 2021. It is usually held in April; however they are going to try to have the convention in-person. Mark is also the President for the Omaha Association of the Blind. He continues to make contacts to ensure that everyone is doing okay during the pandemic. Mark has also been responding to calls from OAB and ACB and NCBVI staff is helping with individual needs. Mark noted that he serves as a voting member of the Statewide Independent Living Council. Their executive director is retiring soon and he is on the interview committee to hire a new executive director. Mark noted that during the past few months he has also been serving as a caregiver to his wife who is having some health issues.

Focus Topic: The role of the Deputy Director of Services

Carol Jenkins gave a report on her duties as the Deputy Director of Services.

Overview

Under the Nebraska Commission for the Blind and Visually Impaired (NCBVI) Executive Director's supervision, the NCBVI Deputy Director of Services performs complex administrative, managerial, and supervisory work within a major statewide rehabilitation services program and reports directly to the NCBVI Executive Director. The scope of responsibility for the NCBVI Deputy Director of Services includes: overseeing and directing a statewide Vocational Rehabilitation (VR), an Older Individuals who are Blind (OIB), and an Independent Living (IL) program, the Nebraska Center for the Blind, and the Nebraska Business Enterprise (NBE) program. The NCBVI Deputy Director of Services is also required to have a knowledge base in the Rehabilitation Act, Workforce Innovation and Opportunity Act (WIOA), Randolph-Sheppard Act, Code of Federal Regulations, Education

Department General Accounting Regulations, and IDEA, as well as NCBVI rules as well as possess excellent organizational, managerial, leadership, and supervisory skills as well as have the ability to delegate responsibilities for maximum operational efficiency.

General Job Duties

The NCBVI Deputy Director of Services has, but are not limited to, the following work duties:

1. Directs a statewide program of VR, OIB, and IL services for the blind, which includes the supervision of three district supervisors, NBE program, Transition program, Technology Program, and the Nebraska Center for the Blind Supervisor.
2. Serves on the NCBVI Leadership Team and confer with the Executive Director, Human Resources, Deputy Director of Finance, Nebraska Center for the Blind Supervisor, and District Supervisors to evaluate the programs of the agency and plan future changes.
3. Serves on local, state, and national boards and committees related to disabilities and employment issues and serves as the NCBVI ADA Coordinator.
4. Directs, monitors, reviews, and approves service plan delivery for conformity with the Rehabilitation Act and state law, regulations, and policies.
5. Coordinates efforts to ensure that District Supervisors, Nebraska Center for the Blind Supervisor, and NBE staff provide valid and timely services to counselors and teachers in support of their clients.
6. Supervises and monitors operations pertaining to rehabilitation services, NBE program, and job placement of consumers as well as guide and direct District Supervisors, program specialists, Data Manager/quality control staff, and counselors in planning and implementing rehabilitation plans for individual clients and groups.
7. Works closely with the NCBVI Executive Director and NCBVI Deputy Director of Finance in the preparation of the annual budget and aids in monitoring all fiscal expenditures for the statewide rehabilitation services and the NBE program.
8. Advises the NCBVI Executive Director on policy making, along with all matters concerning the delivery of services and budget, including the Rehabilitation Act, IDEA, Transition Services, Technology services, Randolph-Sheppard Act, Deaf-Blind program, Independent Living program,, and Older Blind program.
9. Assumes the duties of the NCBVI Executive Director in his or her absence.
10. Develops, implements, and trains staff members on policies, guidelines, and procedures for services provided to comply with the Rehabilitation Act, Randolph-Sheppard Act, and other state regulations; as well as training to address counselors, program specialists, and supervisors' needs.
11. Interprets, trains, and advises on issues pertaining to the Rehabilitation Act, the Workforce Innovation and Opportunity Act (WIOA), Randolph-Sheppard Act, Social Security work incentives, and Medicaid and Medicare rules for counselors, consumers, and other stakeholders statewide.
12. Interviews, recommends for hiring, writes and completes performance evaluations for subordinate staff, mentors and disciplines field counselors, Data Manager, program specialists, District Supervisors, Nebraska Center for the Blind Supervisor, support staff members, and NBE staff members and serve as a mediator to resolve internal staff conflicts.
13. Works on the quality assurance of services provided which include: evaluating the data for all VR cases in the state, coordinates the collection of data for consumer-satisfaction surveys, and evaluates the results for implementing changes.
14. Sits with federal partners to review cases to make sure that they comply with the intent of the Rehabilitation Act; drafts letters and reports to the RSA monitoring director regarding the

progress of their recommendations; writes plans and follows up with the implementation of such changes; and discusses the data annually with District Supervisors to evaluate our programs and implement new policies and/or procedures

15. Supervises the NBE program including all individual facility agreements, contracts, and permits for vending food service in Nebraska, which includes the supervision of around 16 licensed blind operators who manage over 85 locations statewide and maintains approximately 500 vending machines in federal, state, and local buildings and rest areas on the interstate across Nebraska as well as two cafeterias, which are the US Strategic Command (US StratCom) headquarters and the Nebraska State Office Building in Lincoln.
 - a. These permits and contracts are between NCBVI and the different federal, state, local, or private entities; and the agreements are between the blind licensed managers and NCBVI.
 - b. Ensures that all licensed vendors have their liability insurance, worker's compensation, taxes, and set-aside and P&L documentation as established by the Randolph-Sheppard Act and state law, policies, and procedures.
 - c. Develops and monitors business opportunities, interprets the Randolph-Sheppard Act, state rules, and internal policies and procedures to blind licensed managers, mediates in the resolution of operational problems, and supervises the program and program staff members.
 - d. Addresses issues concerning the cafeterias and vending machines with the General Services Administration, Department of Defense Points of Contact, and State of Nebraska Facility Contacts in Nebraska, Rehabilitation Services Administration Randolph-Sheppard Act Specialist, and the Nebraska Department of Administrative Services Director and Managers, which includes the drafting and amendments of contracts, and performance of the blind licensed managers.
 - e. Establishes annual performance goals and objectives for the NBE program and prepares written plans for its achievement based on past performance, service needs, work priorities, and work deadlines.
 - f. Plans, develops, and implements procedures and methods for maintaining the efficacy of the program, expands and improves the operations of the various vending sites as well as increases the levels of income of blind licensed managers.
 - g. Plans, manages, and supervises improvements to and expansion of existing facilities as needed.

Summary

NCBVI's mission statement is, "Empowering blind individuals, promoting opportunities, and building belief in the blind." The Deputy Director of Services has the honor and privilege to play a major role in taking NCBVI's mission statement to raise expectations through providing maximum opportunities to change the lives of blind Nebraskans.

Chair Bulger noted that NCBVI has been through a couple of interesting years with the lay-offs and the pandemic. Chair Bulger asked how has what NCBVI does changed based on the events that occurred. Carol Jenkins noted that pre-COVID-19, NCBVI was having some financial difficulties which led to staff layoffs. About 25% of the staff were laid off. NCBVI currently has around 41 employees. NCBVI has had to learn to do more with less staff. This required a lot of thinking out of the box and problem solving to figure out to make it all work. When COVID-19 hit, this created a whole new set of challenges. NCBVI provided services virtually for quite a few months and we are now beginning to provide in-person services again. It can be more difficult to provide some

services, such as cane travel training, virtually. If a client is not yet comfortable with in-person services, we respect that and we will provide services virtually. When providing in-person services, NCBVI follows the CDC guidelines. On a positive note, NCBVI learned that there are a lot of services that can be provided virtually. In the future, NCBVI will most likely have a blend of providing services virtually and in-person. Providing services virtually helps some individuals in rural communities to participate. NCBVI is still helping people live independently and find employment, and we are seeing results.

Chair Bulger thanked Carol Jenkins for the report.

Public Comment

Paulette Monthei – Paulette asked of the 41 staff that NCBVI employs, how many are counselors.

Carol noted NCBVI currently has 20-25 staff who are actively providing services. Carol also noted that as of June 1 NCBVI will have four vacant counselor positions. The 41 FTE's mentioned includes the four vacant positions.

Mike Hansen – Mike noted that the NCBVI Commission Board portion of the website needs to be updated to reflect the positions that the commissioners currently hold.

Ryan Osentowski – Ryan noted that he is present today, but he missed the roll call.

Report from the Executive Director

I. Administration

During the last quarter, I attended virtual meetings with the Nebraska Vaccine Task Force, the Technology Accessibility Assurance Clause committee, the State WIOA partners, the State WIOA Board, the Olmstead State Steering Committee and Education and Employment Committee, the NCSAB Executive Committee, the CSAVR National Spring conference Committee, the NRA Disability Rights Summit, and the City of Lincoln Equity and Transportation Workgroup for a 2050 forward plan.

We continue addressing accessibility issues with the OCIO, most recently WebEx being used by all state employees and not being accessible to the blind. We are working with Cisco, the company that runs WebEx, to address all the inaccessibility issues. The OCIO is also helping with this. Cisco will launch a new up-date of WebEx in June and they think that it will be accessible.

We completed our negotiation that took over a year, to come up with a new Technology Accessibility Assurance state policy. This policy is better than the one from 20 years ago, but does not yet bring us where we should be. This will be a living document and we should be looking at possible changes every two years.

In early March, RSA sent its monitoring report draft and we responded by the beginning of April with our position. We want to make sure that it is documented that NCBVI is complying with all State and Federal requirements as well as protect our integrity.

NCBVI was invited to do a presentation at the Spring NCSAB National Conference on our NBE services, as we were the only state that grew our program during the pandemic.

The Center and our field services started to go back to work in their offices.

Transportation Services Bureau (TSB) is a division of DAS that administers all the state vehicles for the State of Nebraska. According to Statute, they purchase State vehicles and lease them to state agencies for use. State agencies pay TSB according to the mileage that is put on the vehicles. Due to the pandemic, our leased state vehicles have not been driven as much. TSB will reduce the number of cars assigned to NCBVI because of the lower mileage put on vehicles. NCBVI will still have the option to rent a vehicle from the TSB motor pool or staff can drive their personal vehicles.

We started to work on creating a manual to organize all our policies and procedures. Kat completed the Single Audit with the State Auditor's office. We need to correct a couple of ways we report numbers to RSA.

The total number of clients served from October 2020-March 2021 for VR was 420, for OIB was 370 and for IL under 55 was 65.

We had clients get jobs as: Art Teacher (Postsecondary), Cashier, Customer Service Representative, Educational/Guidance/Vocational Counselor, Elementary School Teacher, Library Assistant, Property/Real Estate Manager, Randolph-Sheppard Vending Operator, Secondary School Teacher, Special Education Teacher (secondary school).

II. Human Resources

Larry Roos moved to another job and his last day with us was on April 2. Larry Mackey will retire on June 2. Currently we have two orientation counselor positions and a vocational rehabilitation counselor position open in Lincoln and an orientation counselor position open for Omaha. Cathie Guida was hired as an Accounting Clerk I, which is the second front desk position.

We are working on continuous improvement and Dr. Schroeder is helping us. He will start visiting each of the Districts in May. Our second virtual State Staff meeting took place on April 20 and 22.

Some staff attended the Sagebrush conference and the CSAVR Spring conference; and, several staff will also attend the NCSAB Spring conference the week of May 4.

III. Field Services

Field staff have been networking with stakeholders all over the state to build trusting relationships and thus find training and placement opportunities. We are also seeing an increase of older blind clients as well as expending more funds for this population.

The meetings on Zooming Towards Employment continue. These meetings are to discuss business contacts that field counselors have made. Each contact is entered into a database we are building. We are planning to customize the employer module in AWARE so that we have a tool for counselors to use as we strengthen our placement efforts.

The Lincoln District assisted the Lincoln-Lancaster County Health Department with a short survey that they were completing in Lincoln. They wanted to be sure to capture the opinions of blind citizens.

In the transition area:

Winnerfest was in March and we had nine participants. They received training from Jessica Beecham at JBK Services. They did some job exploration and a short Work Based Learning Experience.

Transition Saturdays continue to take place with 10 to 15 participants each month. The focus has been on technology, self-advocacy and the importance of learning skills to be competitive.

We had 13 applications for the WAGES program and Shane is continuing to work on recruitment.

We are hosting a Robotics program for Pre-Ets students that will take place the last week of WAGES. Participants will build a robot. At the end of the program, we will have a Robot Rally. On May 3 and 4 training will be provided to potential trainers of the program.

We continue to have our partnership with the NFB Mentoring for Excellence. Planning has also begun on Project Independence. Greg DeWall is taking the lead on this program this year.

We are gearing up for our summer programs and Work Based Learning Experiences.

The American Printing House for the Blind got a grant to promote transition services and they pick our agency as a model.

We have continued to share with Special Education Directors and Teachers of the Visually Impaired about the Lab Quest equipment.

In Omaha, we continue to plan for the summer, reaching out to schools for teachers and/or paraprofessionals interested in being job coaches. Staff are working with area employers to develop work based learning opportunities. Omaha counselors are also participating in the Offutt Air Base Family Resource Fair on April 27, 2021. It is via zoom for families to learn about services in the community. Omaha staff will do a presentation on all NCBVI services so anyone that has logged on will learn about us.

We have had a steady number of referrals from individuals in job jeopardy due to the pandemic.

Field supervisors continue to be active participants with their local WIOA Boards. Field staff are meeting remotely with public schools and NCECBVI doing transition consulting and/or transition services. Field staff are also more active with the NBE program assisting their clients to be successful as well as supporting current vendors when needed. Staff have been active in OIB Program Manager Regional and OIB-TAC monthly meetings, and have had one on one meetings with other OIB program managers to discuss strategies.

North Platte staff are also coordinating low vision training for OIB, transition and all. North Platte also represented NCBVI at the annual AgrAbility advisory board.

I. Training Center

We have six students in the apartments. Five students are VR, and one student is Older Blind. Students are now getting training face to face at the Center.

Business office staff have spent two weeks participating in Center classes. This includes using the sleep-shades and learning some of the basic techniques. In addition, they were able to get their hands on and become familiar with the tools and equipment students use.

We had virtual and in person tours from clients, and also had three tours with organizations from the community.

The NFB affiliate president spoke to the students about the National Federation of the Blind and consumer organizations. We are looking forward to having a representative of the ACB present to our students.

The students also participated in seminars with the New Mexico Commission for the Blind Center students. The relationship with the New Mexico Center and the Nebraska Center has been mutual. We have joined in on two of New Mexico's seminars and they have joined in on ours. In addition, we have shared a couple lunch conversations over Zoom with New Mexico.

II. Nebraska Business Enterprise

Federal contracts:

Cafeteria services at STRATCOM is now having full service, as around 85% of STRATCOM employees are coming to work. The cafeteria is gradually hiring more people to assist with the increased presence in the building. Two of our clients are working there. Vending services is also increasing the sales.

The new Veterans Affairs (VA building in Lincoln) Services have been established at the new VA-CBOC facility in Lincoln. A blind licensee currently operates this facility.

State Contracts:

Credit card readers have been installed on all I-80 rest stops. The I-80 credit card reader project is now complete.

Services have been established at the new Nebraska Department of Environment and Energy (formally Department of Environmental Quality) in Lincoln. NCBVI held this contract before; the agency moved to a new location. A blind licensee currently operates this facility.

NBE has been approached by DHHS to operate vending services at two new locations. NBE is also in talks about three possible new additional sites in the coming year.

We continue to work with the new Nebraska State Patrol building in northeast Lincoln. It is expected that this site will be operational in early May.

Currently, there are 14 licensed vendors and two trainees in the vending program, all operating facilities.

NBE continues to explore a possible trial of the Seed Cashless Plus vending management tool. Seed Cashless Plus allows vendors to track inventory and other aspects of their machines remotely. Credit card readers need to be installed before a trial can take place. Several vendors have been identified to run this possible trial.

The Financial Relief and Restoration Payment (FRRP) guideline was issued by RSA. NCBVI will submit our plan and policy for RSA for approval. Once this is approved, each vendor will get pay for all losses during the pandemic from 2020. Whatever is left after such payment can be used to run the NBE program.

The commissioners thanked Director Serván for his report.

Newsline® Update – Kimberly Scherbarth

Report period through March 2021: NFB Newsline total subscribers is 2089.

During February, NFB Newsline posted information regarding the 2021 Washington Seminar held by the National Federation of the Blind. I am continuing to update active subscribers. During March, I also presented in a Zoom training during NCBVI's Winnerfest program, sharing about NFB Newsline, but primarily focusing on the job search feature on the telephone.

There are not any other new updates to Newsline. I have an email out to Nancy Coffman to set up a training with a group of Center students, hopefully to be scheduled in mid-May.

Chair Bulger noted that NFB Newsline has become so much more with the internet and technology and he asked if there is a way for those who have used Newsline over the phone to be reintroduced on how to use Newsline by using other platforms such as Alexa. It was noted that Scott White who oversees Newsline at the NFB National Office sends out updates and information about training to the NFB List Serve. Kimberly stated that we should probably do a better job of this in Nebraska and she would be happy to meet with anyone and offer training.

2021 NFB Newsline Stats

	January	February	March
Number of Subscribers:	2086	2088	2089
New Subscriptions:	3	2	3

Telephone Usage:

Total calls:	1137	1058	1028
Average call length:	13.45	12.34	11.38

Percent local calls:	49.07	42.15	37.81
Total call minutes:	15287	13060	11702

Online Usage:

Web Sessions:	6258	5284	5719
NFB-NEWSLINE Mobile Sessions:	44	58	44
NFB-NEWSLINE Alexa Sessions:			
In Your Pocket Deliveries:	1820	1674	1885
NLS DTB Deliveries :			
Podable Deliveries:			
Email Deliveries:	568	556	602
Total Online Accesses:	8690	7572	8250

Client Assistance Program (CAP) Complaints or issues

There were no new cases to the Client Assistance Program relating to the NE Commission for the Blind and Visually Impaired (NCBVI) during this quarter. Director Serván reported that several months ago, NCBVI had a CAP complaint and it evolved to a Public Hearing which was held earlier this week.

Public Comment

Robert Newman – Robert reported that Jim Jirak called him earlier this morning and asked him to relay that he is currently in a Rehab Center in Omaha recovering from pneumonia as a result of COVID-19. He noted that he wishes he could have attended today’s meeting and wanted to say hi to everyone.

Barbara Loos – Barbara reported that her sister was diagnosed with an aggressive form of cancer and she asked that everyone keep her in their prayers.

Break

A break was taken at 10:32 a.m.
The meeting resumed at 10:42 a.m.

New Business

Public Hearing – Technology Access Clause

Chair Bulger called the public hearing on the technology access clause to order. Carlos Serván, Executive Director of the Nebraska Commission for the Blind and Visually Impaired introduced the revised clause and provided comments and background information.

Written comments were received from:

- Amy Buresh, President, National Federation of the Blind of Nebraska.
- Audra Kramer, Consumer

The written comments were read into the record.

Commissioner Heyen read the details about the Public Hearing that were included on the agenda.

- **Background.** Pursuant to Neb. Rev. Stat. § 73-205, representatives from the Commission for the Blind and Visually Impaired, the Nebraska Information Technology Commission, and the Chief Information Officer, in consultation with other state agencies, developed a revised technology access clause to be included in all contracts entered into by state agencies. The revised clause would replace the current technology access clause adopted in December 2000 (<https://nitc.nebraska.gov/standards/2-201.pdf>).

- **Public Comment at the Hearing.** The purpose of the hearing is to accept public comments on the revised technology access clause. Public comments during the virtual hearing will be made using Zoom video conferencing. Each speaker will be limited to 5 minutes. The hearing is scheduled for 30 minutes but may end earlier if commenting has concluded.

- **Written Comments.** Written comments may be submitted by email to kathy.stephens@nebraska.gov at least 24 hours prior to the hearing.

- **Revised Technology Access Clause.**

The revised clause reads as follows:

Technology Access Assurances:

1.) **Commitment:** The State of Nebraska is committed to ensuring that all information and communication technology (ICT), developed, leased, or owned by the State of Nebraska, affords equivalent access to employees, program participants and members of the public with disabilities, as it affords to employees, program participants and members of the public who are not persons with disabilities.

2.) **Understanding and warrantee:** By entering into this Contract, Contractor understands and agrees that if the Contractor is providing a product or service that contains ICT, as defined in (subsection XX), and such ICT is intended to be directly interacted with by the user or is public-facing, such ICT must provide equivalent access, or be modified during implementation to afford equivalent access, to employees, program participants, and members of the public who have and who do not have disabilities. The Contractor may comply with section by complying with Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing standards adopted and promulgated by the U.S. Access Board.

3.) **Scope of ICT:** ICT means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Contractor hereby agrees ICT includes computers and peripheral equipment, information kiosks

and transaction machines, telecommunications equipment, customer premises equipment, multifunction office machines, software; applications, web sites, videos, and electronic documents. For the purposes of these assurances, ICT does not include ICT that is used exclusively by a contractor.

Director Serván stated the he feels that the written comments from Amy Buresh summed up the concerns of blind consumers.

Excerpt from the letter from Amy Buresh, President of the National Federation of the Blind of Nebraska.

That being said, there are a few concerns.

Change the word “may” to “will” or “shall” in the passage “the Contractor may comply with section by complying with Section 508...”

Technology that can “be modified during implementation” is not acceptable.

It is not acceptable for the work of blind Nebraskans in accordance with state law to be summarily set aside by the Department of Administrative Services in favor of a draft that leaves large loop holes for the state to continue the practice of purchasing inaccessible technology!

Simply put, the word “may” just is not strong enough and should be replaced with something that packs more of a guarantee. We would also like to propose that this provision be reviewed every odd numbered year in order to monitor the effectiveness of the clause.

Director Serván noted that the Technology Access Assurances Clause that was adopted in 2000 is obsolete and a revised Technology Access Assurances Clause needs to be adopted. While this revised Clause is not giving us everything we want, it is better than the existing Clause. Director Serván stated that the next step is for the commissioners to make a recommendation to accept this proposed language or recommend that the language be revised. The approval of the language needs to come from representatives of the Nebraska Information Technology Commission, the Chief Information Office and the Nebraska Commission from the Blind and Visually Impaired.

Director Serván noted that in section 2 of the revised clause, the first sentence sets out the requirements that must be met by the contractor; and the second sentence sets out one way that the contractor can show compliance with the first sentence. In other words, if the contractor is 508 compliant, they meet the requirements set out in the first sentence. Director Serván reported that Rick Becker with the OCIO has indicated that he thinks the second sentence is missing the word “this” and it should read, “The contractor may comply with this section by complying with Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing standards adopted and promulgated by the U.S. Access Board.” Director Serván added that this clause only applies to the purchase of technology.

Director Serván noted that the word “shall” in place of “may” would make the language stronger, but there is some concern from DAS. Director Serván stated that he feels that we may not get approval of the revised Clause with the use of the word “shall”, but we could continue to pursue

this revision during the review of the effectiveness of the Clause every odd numbered year. This could possibly be a future revision.

Verbal comments were provided by:

- Wes Majerus
- Mike Hansen
- Paulette Monthei
- Christine Boone
- Barbara Loos
- Jeff Altman
- Cheryl Livingston
- Jeremy Sydik
- Mark Bulger
- Robert Newman

The concern of those who spoke was to change the word “may” to “will” or “shall” in the passage “the Contractor may comply with section by complying with Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing standards adopted and promulgated by the U.S. Access Board.

Many who spoke also would also like to propose that this provision be reviewed every odd numbered year in order to monitor the effectiveness of the clause.

Commissioner Scherbarth moved to add a phrase that states that the Technology Access Assurances Clause will be reviewed every odd numbered year. Commissioner Newman seconded the motion and all commissioners voted in favor of the motion.

Commissioner Scherbarth moved to add the word “this” to Section 2, Understanding and warrantee. Commissioner Heyen seconded the motion. All commissioners voted in favor of the motion.

Understanding and warrantee : By entering into this Contract, Contractor understands and agrees that if the Contractor is providing a product or service that contains ICT, as defined in (subsection XX), and such ICT is intended to be directly interacted with by the user or is public-facing, such ICT must provide equivalent access, or be modified during implementation to afford equivalent access, to employees, program participants, and members of the public who have and who do not have disabilities. The Contractor may comply with (this) section by complying with Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing standards adopted and promulgated by the U.S. Access Board. The Technology Access Assurances Clause will be reviewed every odd numbered year.

Commissioner Scherbarth moved to endorse the revised Technology Access Assurances Clause with the two noted revisions. Commissioner Rieken seconded the motion. All commissioners voted in favor of the motion.

Discuss and act on the approval of The Executive Directors time certification.

Commissioner Newman moved to continue with the current method being used for the Director to submit his Personnel Activity Report to the Board of Commissioners. The Director submits his Personnel Activity Report via email to the entire Board for their review. It is an automatic approval unless a question or concern is raised by a Commission Board member.

Commissioner Scherbarth seconded the motion.

A roll call vote was taken and all commissioners voted in favor of the motion.

Discuss and act on the approval of employee in-state and out-of-state travel

State law requires all travel of staff of state agencies to be pre-approved. This includes travel in-state and out-of-state. Currently for out-of-state travel all staff must complete a form that says where they are going, why they are going there, the cost, how it will be funded, etc. and this must be pre-approved by their immediate supervisor and by the executive director. This is done by all staff for out-of-state travel.

Supervisors manage in-state travel by getting itineraries from staff and reviewing them on an on-going basis. However, staff is not required to check with their supervisor every morning to get an okay for in-state travel as this would not be manageable. Discussion was held with Administrative Services to determine how the agency could comply with the law regarding in-state travel.

Administrative Services recommended that each year the Board of Commissioners would have a motion to pre-approve travel that is related to the purpose of the staff person's position.

Commissioner Heyen moved that the Nebraska Commission for the Blind and Visually Impaired Board of Commissioners approves all employee in-state business travel and/or out-of-state business travel within 60 miles of the border of Nebraska in any adjoining state, which relates directly to the provision of services to a client, i.e. employer visit, medical appointment, service referral, employment interview, etc. All other out-of-state business travel is approved if granted approval by the Executive Director of the agency. This motion is in effect until the next meeting of the Board of Commissioners after April 1, 2022.

Commissioner Newman seconded the motion.

A roll call vote was taken and all commissioners voted in favor of the motion.

Vote to enter Executive Session

Commissioner Heyen moved to go into Executive Session at 12:06 p.m. to conduct the annual evaluation of the Executive Director.

(Ref. Open Meeting Act; 84-1410. Closed session; (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.)

Commissioner Scherbarth seconded the motion.
A roll call vote was taken and all Commissioners voted in favor of the motion.

Executive Session to conduct the Executive Director Annual Evaluation

An Executive Session was held.

Vote to Leave Executive Session

Commissioner Newman moved to come out of Executive Session at 12:48 p.m.
Commissioner Scherbarth seconded the motion.
A roll call vote was taken and all Commissioners voted in favor of the motion.

Act on the retention of the Executive Director and his Salary

Commissioner Rieken moved to retain Carlos Serván as the Executive Director of NCBVI.
Commissioner Scherbarth seconded the motion. A roll call vote was taken and all voted in favor of the motion.

Commissioner Heyen moved to give the Executive Director a 6% raise effective May 1, 2021.
Commissioner Newman seconded the motion. A roll call vote was taken and all voted in favor of the motion.

Final Announcements

The next meeting of the NCBVI Board of Commissioners will be Friday, July 30, 2021 in Lincoln, Nebraska. The Focus Topic will be The Role of the Deputy Director of Finances and the Business Office.

Adjourn

The meeting adjourned at 12:58 p.m.

If you have an item that you would like to have placed on the agenda of the July 30, 2021 Commission Board meeting, please email it to the NCBVI Commission Board at ncbvi.commission-board@nebraska.gov.

Respectfully submitted,

Kathy Stephens, Administrative Assistant
NCBVI

Mark Bulger, Chairperson
NCBVI Board of Commissioners

Staff Quarterly Reports for April 24, 2021 Commission Board Meeting

Lincoln District Activity Report – Connie Daly

Larry Roos retired from the agency on April 2. Larry Mackey announced his intention to retire June 2. They will definitely be missed. We had a small office party for Larry Roos due to COVID. We reviewed our caseloads and we are serving more OIB clients than before. We are reclassifying Larry Roos' position to an Orientation Counselor II. The position will focus on serving older blind and providing rehabilitation training to VR clients. We will also open the Orientation Counselor II position vacated by Larry Mackey. We posted the Rehabilitation Counselor position vacated by Eric Buckwalter. We only had two applications so it will be reposted. The Lincoln District hopes to fill the three vacant positions as soon as possible.

We assisted the Lincoln/ Lancaster County Health Department with a short survey that they were completing in Lincoln. They wanted to be sure to capture the opinions of blind citizens.

We are gearing up for our summer programs and Work Based Learning Experiences. We have set up several in our district.

We had clients get jobs as a Laundry Worker, Custodian, Janitor, and Receptionist.

Transition Programs:

We had Winnerfest in March. We had nine participants. They received training from Jessica Beecham at JBK Services. They did some job exploration and a short Work Based Learning Experience.

Transition Saturdays continues to take place with ten to fifteen participants each month. The focus has been on technology, self-advocacy and the importance of learning skills to be competitive.

We had thirteen applications for the WAGES program. Shane is continuing to work on recruitment.

We are hosting a Robotics program for Pre-ETS students that will take place the last week of WAGES. Participants will build a robot. At the end of the program, we will have a Robot Rally. On May 3 and 4 training will be provided to potential trainers of the program.

Planning has also begun on Project Independence. Greg DeWall is taking the lead on this program this year.

Omaha District Activity Report – Nancy Flearl

We are in the office and actively seeing clients. We are following necessary Covid protocols.

We have interviewed for our open Orientation Counselor II position. We had 13 applicants. We interviewed four and the next step is for the top candidate to tour the training center after which we will have a short second interview.

We continue to plan for the summer, reaching out to schools for teachers and/or para professionals interested in being job coaches. Staff are working with area employers to develop work based learning opportunities.

We are continuing to work with area placement committees as well as meeting with individual employers.

We had three people enter employment: one as an Automotive Technician, Human Resource Assistant and Mental Health Therapist.

Kelly Coleman did an in-service for consumers at retirement community in Elkhorn. They want to start a support group. There is a previous client residing there and will be the facilitator of the group. Kelly has worked with them to provide materials for use at their meetings and serves as an on-going resource to them.

We are participating in the Offutt Family Resource Fair on April 27, 2021. It is via zoom for families to learn about services in the community. We will do a presentation on all NCBVI services so anyone that has logged on will learn about us.

We have a number of Individual Education Plan meetings to attend with the end of the school year.

We have continued to share with Special Education Directors and Teachers of the Visually Impaired about the Lab Quest equipment.

We have staff working on committees to plan NCBVI programs for the year. Staff have attended Spring Fling with NCECBVI, CSUN Technology Conference in March and ADA Conference in April.

Staff have continued to work alongside NBE staff, blind licensees and Deterrence Diner. We have had a steady number of referrals for VR services impacting employment with individuals in job jeopardy.

We have May 11 on our calendar for our district to meet with Dr. Schroeder on continuous improvement. They will be meeting with individual staff as well in the coming months.

We continue to be short of staff and value the entire NCBVI team that we work with for all their support.

North Platte District Activity Report – Erin Brandyberry

Networking:

Angie networked with Alliance public schools, ESU 13, met with the new panhandle TVI, met with new NCDHH representative in Scottsbluff, worked with Cheyenne VIST coordinator, met with new patient coordinator at Oregon Trail Eye Clinic, and participated in Employ Panhandle and WIOA partner meetings. Ashley participated in the Dawson County interagency meetings, worked with NCDHH representative, and is building relationships with several school representatives. Cristal has been involved with Project Search, assisting with the reverse job fair and with student interviews for the candidates for next year. Cristal has also been involved with Employ Kearney meetings. Erin has been active in OIB program manager regional and OIB-TAC monthly meetings, and has had 1:1 meetings with other OIB program managers to discuss strategies. Erin has

attended meetings with NCECBVI, had school meetings with McCook, UNK, and Central Valley Public schools. Erin has participated in Employ North Platte meetings and two meetings for the Greater Nebraska Workforce Development Board.

Employer contacts:

- Angie
 - Cherry County Hospital
 - Dugan Kramer Funeral Home
 - Weber Furniture
 - Electrician
 - Workforce development
- Ashley
 - Tyson Foods, Inc.
 - Plum Creek Marketplace
 - Holdrege Marketplace
 - Sunmart
- Cristal
 - Russ' Market
 - Blue Cross Blue Shield
 - Precision Powder Coating
 - Mutual of Omaha
 - West Pharmaceutical Company
 - GIX Logistics
- Erin
 - Walmart
 - Bomgaars
 - North Platte Area Children's Museum
 - Banner Health
 - Symmetry
 - Blue Cross Blue Shield

Projects:

Angie has been involved in planning the NCBVI virtual meetings for Transition Saturdays and Destination Employment, and also served on the committee for a Transition Youth Expo with ESU 13. Angie and Erin have been working closely with the new NBE vendor to provide support and training. Ashley was on the committee for planning and running the spring Winnerfest virtual program. Cristal has been involved in planning an area-wide Job Expo that will be held virtually. Cristal also represented NCBVI at the annual AgrAbility advisory board. Cristal is on the planning committees for Zooming to Employment and Destination Employment. Erin coordinated Low Vision Logic workshops with Eileen Rivera-Ley for IL Children, Pre-ETS, OIB, and OIB/IL programs that will be occurring over the next few months. Erin coordinated the April virtual state staff meeting, participates in Destination Employment, and has been working with Dr. Schroeder on the agency's continuous improvement plan. Erin coordinated a presentation at the Nebraska Department of Education Transition Conference where we presented the following panel: Kelly Coleman (NCBVI), Megan Macy (TVI), Sarah Mattson (UNK disability office), and Roxanne Smith (Employer at Nebraska Capital Tours). Erin has been working on developing the agency's new brochure and website.

Training:

Aaron Sands attended trainings at CSUN and Vispero Assistive technology and accessibility showcase. Erin attended a virtual training on workbased learning best practices and CSAVR. Angie attended the Sagebrush conference. All district staff attended NCECBVI's Spring Fling and the spring state staff meeting.

Client Outcomes:

Cristal had two clients complete 3 day stays and 1 client has started center training. Cristal had a client get accepted into Project Search for the upcoming year. Cristal had two successful closures this quarter with employment at UNK and Walmart. Cristal has two clients, Ashley has two clients, and Angie has one client signed up to attend WAGES. Angie has two clients who entered employment, at the League of Human Dignity and Family Dollar.

Center Activity Report – Greg DeWall

Currently: Six Students in the apartments

Five students are VR

One Student is Older Blind

Business office staff have spent two weeks participating in Center classes. This includes using the sleep-shades and learning some of the basic techniques. In addition, they were able to get their hands on and become familiar with the tools and equipment students use for training.

There were four 3 -day Stays this quarter.

There has been three mini-meals.

There was one commencement meal.

Two virtual tours with agency consumers.

Three in-person tours with agency consumers.

Three tours with organizations from the community.

Observations: There were no observations this quarter.

No volunteer activities this quarter.

Guest Speakers: The NFB affiliate president spoke to the students about the National Federation of the Blind and consumer organizations. The students also participated in seminars with the New Mexico Commission for the Blind Center students. The relationship with the New Mexico Center and the Nebraska Center has been mutual. We have joined in on two of New Mexico's seminars and they have joined in on ours. In addition, we have shared a couple lunch conversations over zoom with New Mexico. We are looking forward to having a representative of the ACB present to our students.

Center Staff: Since February 8, Center staff have been providing instruction from their classrooms in the Center. Our new Home-Management instructor is getting settled in to her new position. The Center's braille instructor is introducing a new braille book called, Code Masters and our technology instructor is investigating Google Classroom. All Center staff are glad to be back in the Center providing one-on-one instruction. The return to normalcy, even with the use of masks and being aware of distancing, is appreciated.

Center Supervisor: I am also glad to be back in the Center with students and staff. As the community opens back up, I am looking forward to getting events, activities, and volunteer opportunities on the calendar. I have enjoyed the opportunity to be a part of the “Continuous Improvement Project” NCBVI is participating in. It has been refreshing and satisfying to speak with consultants and longtime professionals in our field. I welcome new ideas and strategies that will support the consumers training and chances for success.

Additional Notes: Staff and students are happy to be back in the Center. As we distance ourselves from the cold of the winter, and being back to in-person training, spirits and morale are improving. Now that we have the experience of virtual training, this has added a component to the abilities of the staff when a student calls in sick or cannot make it to class. Staff are still able to provide training to a student when their health or schedule will not allow them to make it in person. This is a positive outcome of having the experience with remote learning.

The Center currently has six students. There are no students who need one-on-one attention. This allows for students to be more evenly spread out in classes and get the necessary attention from instructors in a safe space.

The total number of students attending the Center does not include staff trainees because they do not stay in the Center Apartments. We have 10 Center Apartments and so 10 students can attend the Center regardless of how many staff trainees we have. Nebraska consumers always have priority when attending the Center when it comes to consumers from other states.

Nebraska Business Enterprise Activity Report – Eric Buckwalter

VENDING SITE UPDATE

Nebraska Department of Transportation

Credit card readers have been installed on all I-80 rest stops. The I-80 credit card reader project is now complete.

USSTRATCOM Cafeteria and Vending

Cafeteria services continue to be offered in accordance with what is allowed within STRATCOM COVID-19 restrictions and policies. Vending services continue as well. There is increased traffic at both the cafeteria and vending machines as STRACTCOM brings more people back to working from the building. The cafeteria is working on hiring more people to assist with the increased presence in the building.

Nebraska State Patrol

Work continues to establish vending services at the new Nebraska State Patrol building in northeast Lincoln. It is expected that this site will be operational in late May 2021.

DHHS-Omaha

NBE’s first micro market has been established at a DHHS building in Omaha under a blind licensee.

VA-Lincoln

Services have been established at the new VA-CBOC facility in Lincoln. A blind licensee currently operates this facility.

NDEE

Services have been established at the new Nebraska Department of Environment and Energy (formally Department of Environmental Quality) in Lincoln. NCBVI held this contract before; the agency moved to a new location. A blind licensee currently operates this facility.

New Opportunities

NBE has been approached by DHHS to operate vending services at two new locations. NBE is also in talks about three possible new additional sites in the coming year.

NBE LICENSEE UPDATE

Currently, there are 14 licensed vendors operating vending facilities. There are two trainees in the vending program, both operating facilities.

VENDING SITE COMPLAINTS

Vending site complaints that have come into NCBVI this quarter include reports of machines not being sufficiently stocked. The SLA recognizes that low numbers of customers in buildings can make it difficult to keep machines stocked, without the risk of product expiring. The SLA is willing to work with licensees on strategies during this time. NBE Vendors are reminded that NCBVI holds all of the contracts with various facilities, and licensees are representing themselves, other licensees, other blind vendors, and NCBVI statewide.

ADDITIONAL INFORMATION

Credit Card Readers

NBE staff and its contractor(s) continue to work on installing credit card readers on machines across the state; where allowed and applicable. It is the goal to have all credit card readers installed on existing machines by mid-2021. There has been some delay in this project due to COVID-19. The SLA has recently purchased 50 additional credit card readers.

Seed Cashless Plus

NBE continues to explore a possible trial of the Seed Cashless Plus vending management tool. Seed Cashless Plus allows vendors to track inventory and other aspects of their machines remotely. Credit card readers need to be installed before a trial can take place. Several vendors have been identified to run this possible trial.

NBE VENDOR AND NCBVI STAFF TRAINING

Operator Agreements

NBE is working to update licensee Operator Agreements, which will include the newly approved Rehabilitation Services Administration (RSA) operator agreement. These will be distributed to vendors for signatures.

LOOKING AHEAD

The SLA has received reports from both licensees and contracted sites that they are beginning to have more people back in buildings. Vendors were encouraged to check with the sites point-of-contact to inquire about employees returning to buildings, and to make adjustments to fill schedules and site visits accordingly.

At a meeting of SLA administrators, at the recent Sagebrush Conference, the SLA learned that the NBE program was one of a few business enterprise programs across the country to expand during the COVID-19 pandemic.

With the purchase and installation of new machines, NBE staff will be placing an emphasis on clean, well maintained, and properly faced machines. Training on these items will be provided on an as needed basis.

NBE Staff have created a draft of a NBE Handbook, but it is still a work in progress.

Business Office Activity Report – Kat Carroll

This past quarter, I have worked on the following projects:

- Updating existing policies and writing new policies in response to the Monitoring visit last September.
- Completed the Single Audit with the State Auditor's office.
- Continue training new Accountant I, Nicole Amen.
- Reclassified the second front desk position and hired a new full time Accounting Clerk I. Cathie Guida comes to us from a temporary assignment with the State of Nebraska, and many years in the travel industry.
- Tweak the new Internal Budget Report for FFY 2021 that shows budgeted, year to date expenditures, projected fixed expenditures for the remainder of the year, and remaining funds to spend on client services and extras such as vending machines and technology. Present this information to Leadership and Supervisors on a monthly basis to ensure we are planning for the best use of our available funds.

Kathy Stephens –

I am working on the surplus of additional vending machines, vending equipment and technology.

Completed registrations for staff to attend the CSUN Assistive Technology Conference, the NCSAB Spring Conference and the CSAVR Spring Conference.

Working on updating staff vetting information for USSTRATCOM.

Working with staff on keeping up maintenance for NCBVI state leased vehicles.