

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 14, 2019

**BREWER:** Good afternoon, ladies and gentlemen. Welcome to the Government, Military and Veterans Affairs Committee. My name is Tom Brewer, I represent the 43rd District of western Nebraska. I am the chair of this committee. We will start with introductions starting on my right.

**BLOOD:** Good afternoon, Senator Carol Blood; and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska.

**LOWE:** John Lowe, District 37: Kearney, Gibbon, and Shelton, all the surrounding farm ground.

**HILGERS:** Mike Hilgers, District 21: northwest Lincoln and Lancaster County.

**La GRONE:** Andrew La Grone, District 49: Gretna and northwest Sarpy County.

**HUNT:** Oh, me? Sorry. I'm Senator Megan Hunt, and I represent midtown Omaha, District 8.

**BREWER:** Senator Hansen and Senator Kolowski will be in in a bit. With that said, let's finish introductions. To my right, Dick Clark, who's the legal counsel. To my left on the end, committee clerk Julie Condon. Our trusted and efficient pages are Kaci-- raise your hand, there you are-- and Preston. Today we are going to have testimony on four bills: LB381, LB411, LB511, and LB109. Few admin things that we need to take care of. Please mute your cell phones or electronic devices. The senators will be using, as you can, see a variety of electronic devices. Some of that is to look up bills and information on bills because we no longer have mounds of paperwork to route through. We actually use new technology. They may be required to go to another hearing, so they will be getting text messages letting them know where to be and when. So please understand they're not ignoring you, they're just trying to keep up with what they got to be present for. If you wish to record your attendance, there are white sheets over on the table. If you plan to testify, please fill out one of the green sheets and hand it to the committee clerk when you come up. If you have materials that need to be handed out we would ask that you provide 12 copies. If you don't have them, the pages can make additional copies. The letters that have been entered into the records, we will lead-- read them at the end. But just as kind of an FYI for everyone, because of the volume of letters and the amount of

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time and the requirements to enter all of them, the process is going to be that at the end of the hearing on that particular bill we'll indicate the number of those in opposition, those in support, and those are neutral. But we're not going to read through all those, and so a little bit of a different twist to things there. The members of the committee will all have digitally downloaded the letters and are made available for them to, to read and see also. Let's see, with that, we have a light system that we will use. Five minutes. Green light will be on four, yellow for one, and the red light will come on in five minutes. There may be an audible alarm too, just in case you're not paying attention to the light. And if you ignore both of those, then I'll let you know. With that, we will have our first testifier. That will be on LB381, Senator Ben Hansen. Come on up. Welcome to the Government, Military and Veterans Affairs Committee.

**B. HANSEN:** Thank you.

**BREWER:** Is this your first time here?

**B. HANSEN:** In front of this committee? Yes, it is.

**BREWER:** Very good. Well, welcome. You may begin when your green light comes on.

**B. HANSEN:** That's my cue.

**BREWER:** Oh, never mind. You don't get a green light.

**B. HANSEN:** I don't? I can talk for a long time?

**BREWER:** Actually, you can. But let's not.

**B. HANSEN:** OK. It is Thursday. All right. Okay. Thank you, Chairman Brewer and the Government, Military and Veterans Affairs Committee. For the record, my name is Ben Hansen, B-e-n H-a-n-s-e-n, and I'm the state senator for District 16, which includes Washington, Burke, and Cuming Counties. I'm here today to introduce LB381 at the request of the Department of Administrative Services. LB3-- LB381 is the most current version to implement a per diem system for meal or incidentals expenses for state of Nebraska employees that is tied with the federal per diem rate. This process was started in 2016 with the passage of LB935. That iteration, which would have reimbursed employees at the full federal rate, including travel and lodging. The bill was ultimately vetoed by the Governor because the actual federal rate for reimbursement would have been more expensive than the current system.

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This led to an agreement between the Governor and the State Auditor to work on this issue, which, which culminated in LB426 in 2017 to create the ability for DAS to set the reimbursement rate to a percentage of the federal rate. LB426 was ultimately vetoed out-- or voted out of Government Committee 8 to 0, but did not pass due to time constraints within the session. The bill did have one opponent who was supportive in principle but opposed DAS's ability to set the rate at will with no legislative guidance. LB381 was introduced with this history in mind, addressing the concerns of previous iterations. The bill changes the rate of reimbursement from our current system, which is actual expense reimbursed with receipts, to a percentage of the federal per diem rate as determined by the Director of Administrative Services. This percentage would come a statutory change of 75-100 percent of the federal per diem limit. Switching to a per diem rate, rather than an actual expense basis, will decrease costs and increase efficiencies. The current expense model requires government employees to spend hours poring over thousands of receipts to calculate actual expenses. By eliminating this process, we increase efficiency and decrease, decrease the time staff spent on the reimbursement process. The Department of Economic Development submitted a letter for the record in support of LB381. They estimate the reviewing and processing travel reimbursements require approximately 1,560 hours of staff time per year and LB381 would cut that amount down time to 300-- 936 hours. They also believe they would save an additional 52 hours annually and reduce time for documenting meal and incidental expenses. I have brought an amendment for the committee to consider. The language in the green copy of the bill sets the per diem rate percentage based on the federal General Services Administrative rates. This rate only covers the lower 48 states. The per diem rate for Hawaii and Alaska is set by United States Department of Defense and the international per diem rate is set by the State Department. AM207 corrects this omission. The director of Administrative Services will be following me to go into more detail. I believe we also have the director of the Department of Transportation and a representative from the Nebraska State Auditor's Office. I respectfully request you advance LB381 to General File, and I would be happy to take any questions that you may have of me. Yes--

**BREWER:** All right. Thank you for your testimony.

**B. HANSEN:** Thank you.

**BREWER:** Got to go through me.

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**B. HANSEN:** I know.

**BREWER:** That's the rule, OK? Senator Blood, go ahead.

**BLOOD:** Thank you, Chairman Brewer. And thank you, Senator Hansen. I know you're just enthusiastic. I just want to clarify. So the previous bills didn't get anywhere because the Governor did not agree with them?

**B. HANSEN:** One of them was, yes.

**BLOOD:** OK. So for clarification, the Governor has been involved with the process this time as his PRO?

**B. HANSEN:** From my understanding, yes. But the people behind me might be able to answer that a little better.

**BLOOD:** All right, thank you.

**BREWER:** So for clarification: Increase efficiency, save money and time.

**B. HANSEN:** Yes.

**BREWER:** All right, why didn't you say that to start with?

**B. HANSEN:** What's that?

**BREWER:** It was short and easy. Additional questions? All right, thank you.

**B. HANSEN:** Thank you. Appreciate it.

**BREWER:** All right, now we will go first with proponents, then opponents, and those in the neutral position. And a familiar face comes up. Welcome to the Government, Military and Veterans Affairs Committee.

**JASON JACKSON:** Thank you, sir.

**BREWER:** So have you settled into the new job?

**JASON JACKSON:** Getting there, sir.

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**BREWER:** All right. Welcome. You may begin whenever your green light comes on.

**JASON JACKSON:** OK. Good afternoon, Senator Brewer and members of the committee, and happy Valentine's Day. My name is Jason Jackson, J-a-s-o-n J-a-c-k-s-o-n, and I am the director of the Department of Administrative Services. And I'm here to testify in support of LB381. The bill seeks to change the state's reimbursement methodology from an itemized receipt-based system to a per diem-based system. Under the bill, reimbursement of meals and incidental expenses incurred by state employees during travel would be set to a percentage of the federal General Service Administration per diem rates in accordance with policies established by Administrative Services. As Senator Hansen shared, the Governor and the State Auditor worked on this issue in 2016, which led to LB426 in 2017 and LB381 before you now. This bill solves the problem of eliminating the inefficiency and bureaucracy that maintaining the current receipt-based system demands. Under the current model, employees have to track and maintain all of their receipts for any expense, no matter how small, that they wish to have reimbursed. Once receipts are submitted for reimbursement the agency needs to review all receipts to make individual reimbursement determinations and ultimately individual reimbursement transactions. Then each reimbursement is subject to our auditors, who inspect the individual receipts and transactions. Moving to a per diem model reduces the need for all this bureaucracy and saves time for our employees, agency accounting staffs, and auditors. The time spent collecting, submitting, reviewing, and auditing receipts could be allocated to more value-added work. Another benefit of the bill is it makes it easier for agencies to predict the operational costs associated with employee travel. With a set per diem rate, agencies contemplating business decisions about employee travel will know exactly how much to anticipate the cost to the agency. This will contribute to better budgeting, planning, and travel decision making. A per diem system of expense reimbursement is the best practice methodology for expense reimbursement across the country and is currently used by 30 states and the federal government. This reflects the consensus of the advantages of the per diem methodology. Conversely, Nebraska is actually in a small minority of states that permit receipt-based reimbursement without a maximum limit. While we are not aware of any widespread abuse of our current system, a per diem-based system mitigates the risk of fraud that a receipt-based system could be vulnerable to. If enacted, Administrative Services would seek to set a cost-neutral per diem rate based on historical

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expense information, as well as benchmarking with other government entities. The goal is not to reward or harm our teammates. This isn't a cost play at all. Once the appropriate per diem rate is determined, state accounting would revise and republish the accounting manual and related expense reimbursement forms as necessary, and DAS would also conduct ongoing training for agency preauditors and staff on the new procedures so that all our agency partners can be the beneficiaries of this more efficient practice. Before concluding, I'd like to thank the State Auditor's Office for originally identifying this opportunity; Senator Ben Hansen for his leadership in bringing the bill forward; and the committee for giving me this opportunity to testify. I strongly urge you to support LB381 and vote to send it to General File. And with that, I'll conclude, and I'm happy to answer any questions you may have.

**BREWER:** Thank you for your testimony. Questions? This seems so logical. I keep thinking there will be some hidden thing here, but, I mean, it's taken us this long to figure out how to do this?

**JASON JACKSON:** Well, it has been an iterative process. But yes, sir, we hope that it, it appears logical to us. We think it will reduce a lot of back-office bureaucracy and administration. It'll certainly make it a lot easier on our employees who are out doing work on behalf of Nebraskans out in the state. And so it's just easier on all involved and gives the state more cost certainty. So we hope it will be met with approval and that logic will be realized.

**BREWER:** All right. And speaking on behalf of those of us who lose all of our receipts, I think it will be a much better system. All right. Well, thank you for your testimony.

**JASON JACKSON:** Thank you, sir.

**BREWER:** Oh sorry. Senator Blood.

**BLOOD:** No worries. I'm patient. I agree, a lot of this just seems logical. But can you tell me, I'm just, I've been reading through it a couple times. I'm not finding Conservation Corporation Act, why was that added?

**JASON JACKSON:** I'm not familiar, Senator. I'll have to look into that and get back you. Can you perhaps orient me to where you're looking?

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**BLOOD:** Yeah, line 26, page 7. And I was going back and trying to find that elsewhere in the bill. I'm just trying to figure out what it is.

**JASON JACKSON:** I'd be speculating. I'm happy to look into that individual issue and return and get back to you.

**BLOOD:** I appreciate it. That's all that I have.

**BREWER:** Senator Hilgers.

**HILGERS:** Thank you, Colonel. Thank you, Mr. Jackson. Good to see you. Appreciate this, you being here today. And I think I agree with the Colonel, that it makes a lot of sense. I did have one just clarifying question. So I understood your testimony correctly, and I'm just reading from the on page 2 of your testimony, which says, hey, basically like look, we're not trying to, we're not trying to harm or reward our teammates, which I get. It is the point here that the, the reason they're not going to be harmed is that these guidelines will be based on historical information so they won't be squeezed. But also, on the front end they'll have notice, and they'll be educated as to what the per diem is so that they're not, you know, if it's a \$30 per diem they're not necessarily going out of pocket over \$30. I guess that's the only way I can see someone being quote unquote harmed.

**JASON JACKSON:** That's right

**HILGERS:** Is if they go out and over and above the per diem. But if they have notice then it-- is that what you're saying?

**JASON JACKSON:** That's exactly what I'm saying. We're trying to be transparent that this isn't our attempt to in any way shortchange our employees who are out there doing work on behalf of Nebraskans that are currently receiving receipt-based reimbursement for their expenses. Nor is it an attempt to be gratuitously generous over and above the actual real costs that they would otherwise incur. So what the bill attempts to do by using that GSA standard, and then the department looking at the historical trend rate for how these expenses have been treated in the past, is to make all of our employees whole but allow them to be the beneficiaries in the more efficient process.

**HILGERS:** Yeah, that makes sense. Thank you.

**JASON JACKSON:** Yes, sir.

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**BREWER:** All right. Last time around. Questions? Seeing none, again, thank you for your testimony.

**JASON JACKSON:** Thank you, sir.

**BREWER:** All right. Next up. And you are a proponent, correct? Then you're in the right place. Welcome to the Government, Military and Veterans Affairs Committee.

**KYLE SCHNEWEIS:** I'm excited for the opportunity, Senator. Thank you.

**BREWER:** Look for the green light and you're good.

**KYLE SCHNEWEIS:** Good afternoon. Senator Brewer, members of the committee, my name is Kyle Schneweis, K-y-l-e S-c-h-n-e-w-e-i-s. I'm the director of the Department of Transportation. I'm here to offer support for the bill, and I want to thank Senator Hansen for bringing it. I don't know for sure but I would suspect that the DOT may be one of the larger users of the expense system, with just the number of employees. But the nature of our work, travel for us is not a luxury, it is a necessity. When you have 10,000 miles of highways to maintain and 3,500 bridges, the work requires that you get out there and get your boots on the ground. As much as we want to use Google Maps and other technology, if you want to inspect a bridge, you've got to go see the bridge. Surveys, public involvement, engaging with communities, doing the design work, environmental evaluations, all these things require travel. To be short, the, the current processes is inefficient. It involves for us saving receipts, taping those receipts to an 8 by 11 piece of paper, filling out a cumbersome spreadsheet, and then sending it on to be reviewed by our own folks before the reimbursement can occur. A conservative estimate, if we estimate 15 minutes per, per occurrence, which I believe may be very conservative, we're looking at about 1,700 hours of time at the DOT spent doing this process. As Jason Jackson just mentioned, I believe that that time could be much better spent serving the people of our state, focusing on the work that they expect from us: doing that design work, doing those evaluations. So I think, just from a time savings, it would be a windfall for us at the DOT. And because of this, I see this as a very common sense approach and I urge your support of the bill. And so with that, I'll ask any questions you might have.

**BREWER:** Questions? Senator Blood.



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**BLOOD:** Thank you, Chairman Brewer. I'm going to ask you as well. Do you know why this has been added to the bill of the Conservation Corporation Act on that, on page 7, line 26? I'm trying to understand what it has to do with the entire document. Doesn't really have anything to do with per diems or--

**KYLE SCHNEWEIS:** It's not something that I'm familiar with in the legislation, Senator. I'd have to, I'd defer to Director Jackson and his team.

**BLOOD:** Thank you. Yeah, I'm hoping I get an answer from somebody. Thanks.

**KYLE SCHNEWEIS:** We'll get you one.

**BREWER:** All right, additional questions? All right, seeing none, thank you for your testimony.

**BLOOD:** I mean, I know--

**BREWER:** Additional proponents? Uh-huh. Senator, welcome back.

**RUSS KARPISEK:** Senator Brewer, thank you. Good to be back.

**BREWER:** Well, it's always good to have you in the Government, Military and Veterans Affairs Committee. You may begin whenever you're ready.

**RUSS KARPISEK:** I'm watching for the green.

**BREWER:** Yeah, that's good. I have you trained.

**RUSS KARPISEK:** Thank you, Senator Brewer, members of Government Committee. My name is Russ Karpisek, R-u-s-s K-a-r-p-i-s-e-k. I am the legislative liaison for the State Auditor, Charlie Janssen, here in full support of this bill. As was mentioned prior, we did have a bill in, I think, 2016 that was vetoed by the Governor. And we chose not to take it up to, to override the veto. I think the main part in that was-- well, the main part might have been because we had Senator Krist run the bill.

**BREWER:** Could be a factor.

**RUSS KARPISEK:** But we started out with just the meals and, as you know, Colonel, Senator Krist was also in the military and dealt with a lot of the GSA. And he thought that we should also use the travel and

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lodging GSA. We thought, that seems to make sense. I think that that was a big part of the Governor's hesitance on that. So that has been taken out of this bill now. And at that time, the Governor's Office did say that they would work with us, and they were very honest about that. They have worked with us and we are very happy with this. I did find out, Senator Blood, that it was drafting that put Conservation Act in there. So that's all I know about it, but I assume Bill Drafting chose to put it in there. This will help our staff. I'm not going to say how many hours because Senator Stinner would probably hear that and cut our budget by that much. So I don't know exactly how many hours. But our auditors spend a lot of time auditing state agencies and counties and trying to look up these receipts. Well, go out in small town Nebraska, a lot of these places don't maybe even have a receipt. And if you ask for one, they write it on that little green order sheet. Well, can we validate that? Is that really accurate? Who knows? So, again, our auditors may be going on-line to try to find a menu for some of these small eateries, bars, which probably maybe don't have much of a presence on the Internet, on the Internet. We will still audit though that the people were at-- say we go to a auditors convention in Kansas City. Would still audit that you were at that place, because you still have to say you were there to get your per diem, and you also have to-- we will make sure that if the hotel you are staying in has a continental breakfast, you don't get reimbursed for that. You're expected to eat there, unless you have a food allergy or you just can't eat that food, and then there will be exceptions made, which happens now. Also, if you go to the conference and they have a lunch, you will not be given the money for that lunch. It's only when you have to go out yourself and nothing is provided. So again, it will save us a lot of digging around, a lot of time that, I mean, I don't want to say that this is insignificant looking for a five-dollar McDonald's receipt. But it really does seem that time could be spent better. And again, I want to thank the Governor's staff and DAS and Senator Hansen for bringing this. We are very happy and would really like this bill to pass. Thank you, Senator Brewer. I'd be happy to answer any questions.

**BREWER:** Thanks you for your testimony. Questions? All right. And just, just for clarification here, I had a chance to talk with a legal counsel. But it sounds like, even though there is 150 pages here, in reality, page 105 is only real change. And that's the center paragraph in there. So sometimes the size of it is a little intimidating, but the reality is--

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**RUSS KARPISEK:** It looks very daunting. But yes, it is just a small change. But it's, but it is a big change on how we would do things. You asked, it seems-- why haven't we done this before? And got myself in a little trouble the last time because I said, well, yeah, the federal government uses it. And I-- oh, well, well, maybe we don't, won't use that as our guiding light either.

**BREWER:** Well, maybe it was because previous senators were not as efficient as they should have been. Just saying.

**RUSS KARPISEK:** Could be.

**BREWER:** Could be. All right. With that said, no other questions? Thank you for your testimony.

**RUSS KARPISEK:** Thank you.

**BREWER:** All right, any additional proponents? Seeing none, opponents? And those in the neutral? Senator Hansen, welcome back up. Would you care to close on LB381?

**B. HANSEN:** Well, I just to encourage you to pass this on general file. I can answer any questions again if you guys have any for me.

**BREWER:** No. Actually, the fact that as a freshman you found a bill that increased efficiency, saved money and time, I would call that low-hanging fruit. Well done.

**B. HANSEN:** OK, thank you. Appreciate it.

**BREWER:** All right. Seeing none, thank you.

**B. HANSEN:** Thank you.

**BREWER:** That closes our low-- with the letters I read, it will close our testimony on LB381. Letters, proponents, we have four. No opposition and none in the neutral position. With that, we will go to LB411. And I believe that would be Senator Scheer. Come on up. Welcome to the Government, Military and Veterans Affairs Committee.

**SCHEER:** Thank you, Chairman Brewer and the rest of the committee. I served on this illustrious committee during my first two years. And, by the way, my name is Jim Scheer, J-i-m S-c-h-e-e-r, and I represent District 21-- 19. Kind of can't remember the district that I serve. And I just wanted to make note, although I didn't testify on the

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previous bill, Mr. Karpisek did serve on this committee for several years. And if the senator was very attentive, he would have faced that problem during his tenure and probably would have corrected it so.

**BREWER:** My point exactly.

**SCHEER:** I'm not pointing fingers, but he certainly had the opportunity. Having said that, good afternoon, members of the Government, Military and Veterans Affairs. My name is Jim Scheer and I'm here to introduce LB411. LB411 makes a simple change to statute regarding the size of county boards. Currently, in order for a county to move from three to five commissioners, a citizens petition signed by five percent of the registered voters would have to be submitted to the county clerk or election commissioner, then verified, and would be placed on the ballot for the next general election. Citizen petitions can be cumbersome and costly endeavors, especially in some of the more rural counties. The thought of the process with LB411 is that county commissioners are generally the individuals they would be the most adamant about supporting the change from three to five if it were necessary. The bill gives the commissioners the ability to initiate the process and put it on the ballot. LB411 just adds another option. Under the bill, the county commissioners would be given the opportunity to vote to place the question on the ballot of whether to move from three to five-member body. The question would still have to be approved by the voters at the next general election. Shortly after introducing LB411, I was contacted by the Secretary of State's Office and informed that they have a similar provision in LB246, Senator Brewer's, election ominous bill, specifically Section 2. This provision would allow commissioners and counties under the township governance to put the question on the ballot of whether to dissolve and move to a 7 to-- from 7 to 5. That section also makes changes to the dates the petition, the resolutions is required to the clerk or election commissioner in order to the question to be placed on the ballot. This current statute requires the petition to be delivered by a county clerk or election commissioners no less than 70 days before the election. LB246 would change that to read by September 1. As such, it was requested that amendment for, that we amend LB411 into, to also reflect the September 1 deadline. I have an amendment being drafted that would do so, that would submit to the committee if they were willing to advance the committee amendment and, or if they simply would prefer it. Which I would be more than happy with if you would like to incorporate this into LB246, if you choose to bring that out. That would be fine with me as well. I'm not trying to create any

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problems and additional work for the floor, believe me. But I do want to give you a synopsis because some of you may not have served on county government. They're much, much-- a lot of things happen in the county. They're sort of the supervision as we have it. In Madison County, which I'm familiar with, there are three members. So if someone would call to say that they have a problem with a road or drainage or something else, if two of them got in the pickup and rode over to look at it, they actually were in noncompliant with the open meetings law. You already have a majority of the board having discussions. That's, that would be a violation. And if one of them picked up the phone call and called the other one, they would be in violation. So it becomes, it really is a very fine line for those individuals that are serving as three. And it is, unfortunately, I think, fairly common. I believe there's over 30 of the 90-some counties that Nebraska has that actually operate under-- 33 that operate under such parameters. And it may not be today, but at some point in time I suspect that they may find the willingness to move to five in order to be able to actually, actually do a better job of governance. Not that they are not necessarily doing so now, but I think it makes sense to be in those type of conversations and utilize more than one person in some of those decision-making processes. So I think it would behoove that. And again, this isn't a directive. This is permissive. It just allows them to do so if they wish. It does not take away the petition process. Any citizens and any of those counties can do so, even if this bill is advanced or incorporated into another bill. So that would be it. I would be happy to answer any questions.

**BREWER:** Thank you for your testimony, Senator Scheer. Questions? All right. Yes, sir.

**KOLOWKSI:** Thank you. Mr. Chairman. Senator, would there be any backlash on pay that the commissioners make in those particular counties that people reacting to that?

**SCHEER:** Well, in order to put this on the ballot that would have to be defined as the ballot issue. So if you were going from three to five; if you were going to, for example, use the same amount of money, then you would be restructuring the pay scale for those individuals. If you were providing different benefits or no benefits and you were going to provide benefits, all that would be part of the ballot issue. If you're providing transportation, all of that would be part of that ballot issue as well. So I can't say per specifics because any county could handle that differently.

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**KOLOWKSI:** Sure. Appreciate that, thank you.

**BREWER:** So with all of the correct pressure that we get to have at local control, this really is because they're going to determine all those as part of the initiative.

**SCHEER:** Correct.

**BREWER:** Any other questions? All right, seeing none, thank you for your testimony. And you'll stick around for closing?

**SCHEER:** Actually, Committee, it is the last day of the week, and I do know that you're wanting to move along. And I don't know if I have anybody to testify because I haven't requested anybody to come testify, and I will waive closing. So have a nice weekend.

**BREWER:** Well, thank you very much. With that said, we will go to any proponents. We have one. Welcome to the Government, Military and Veterans Affairs Committee. It's Thursday afternoon. I'm not pressuring you to go fast, just efficient.

**WAYNE BENA:** So you heard about my testimony last week then?

**BREWER:** Go ahead.

**WAYNE BENA:** Members of the committee, thank you. For the record, my name is Wayne Bena, W-a-y-n-e B-e-n-a, I serve as Deputy Secretary of State for elections here on behalf of Secretary of State Robert Evnen in support of LB411. I just wanted to reiterate the comments of the Speaker [INAUDIBLE]. When we saw this bill we saw another opportunity to harmonize language. Similarly, while elections are usually the creature of Chapter 32, we see deadlines all throughout the chapters of state law. This one, and for townships, similarly that we did in LB246, this would do for commissioners. And we reached out to the Speaker's office that they would be willing to change the deadline that are currently in statute from 70 days to September 1st to harmonize what we're trying to do in LB246. They were agreeable and we are supportive of this measure to harmonize these dates, so I don't have to bring this amendment on another [INAUDIBLE] for future year. And this will be the fastest I've ever spoken to this committee. Thank you very much.

**BREWER:** You did great. Thank you for your testimony. Questions? Yes, sir.

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**KOLOWKSI:** Thank you, Mr. Chairman. On the number of commissioners across the state, what's the highest number a particular county would have?

**WAYNE BENA:** I believe that would be seven. At least five, yeah you-- commissioners you can go to seven. Yeah.

**KOLOWKSI:** And that's very few would have that number?

**WAYNE BENA:** Correct.

**KOLOWKSI:** The largest counties--

**WAYNE BENA:** For example--

**KOLOWKSI:** Lancaster, Sarpy?

**WAYNE BENA:** --Lincoln County just went from three to five, for example so. But you could go, you-- I believe it's seven. It's at least five, but I believe you can go to seven.

**KOLOWKSI:** Thank you very much.

**BREWER:** Additional questions? Seeing none, thank you for your testimony. Additional proponents? I saw you coming. Welcome to Government, Military and Veterans Affairs. You may begin.

**BETH BAZYN FERRELL:** Thank you. Good afternoon, Chairman Brewer, members of committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I am with the Nebraska Association of County Officials. I'm appearing in support of LB411. I'm handing out a map that has the different county, number of members of county boards, whether they're commissioners or supervisors. So that may answer some of the questions that you've had. We really see this bill, LB411 as a tool. It's just another opportunity for counties to, county boards to place an issue on the ballot rather than going through a petition process. We would also support the amendment that Mr. Bena suggested, and I would be happy to answer questions.

**BREWER:** All right, thank you for your testimony. Questions? Left, right, you're good to go. Thank you for your testimony again. All right, additional proponents? Seeing none, opponents? Those in the neutral? All right, we do have one letter to read in. A proponent,

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Leland Klein from Norfolk. No opposition, no neutral. With that said, we will close LB411. I will hand over the controls.

**La GRONE:** We will now move to our next bill, which is LB511. Senator Brewer, welcome to your Government, Military and Veterans Affairs Committee. You are welcome to open on LB511.

**BREWER:** Thank you. Thank you, Chairman, Vice Chairman La Grone. And good afternoon, fellow members of the Government, Military and Veterans Affairs Committee. I am Senator Tom Brewer. For the record, that is Tom Brewer, I represent 13 counties of the 43rd Legislative District in western Nebraska. I am here to introduce LB511. I'm introducing this bill on behalf of Dr. Tom Osborne. This bill authorizes adjustments to the state employee work schedule to participate in approved youth mentoring programs. LB511 is based on a previous bill by Senator, Senator, now State Treasurer Murante. He introduced a similar bill, LB655 in 2017. Senator Murante's bill was advanced unanimously from this committee in 2017 with my full support. And just for reference, we do have four senators from that group that were in Government: Senator Blood, Senator Hilgers, and Senator Lowe. It faced some questionings, questions and challenges on the floor during General File debate in terms of its scope and potential impact on state employee productivity and state budget. We've made two significant changes to LB511 to address these concerns. First, LB511 does not allow for paid time for volunteers. LB511 allows for state employees to seek approval from their supervisors for adjusted work schedule to participate in youth mentoring programs. This means there should be no impact on productivity or the state budget. Second, LB511 narrows the scope of an approved adjusted work schedule to, in parentheses here: participation in an approved mentoring program by up to one hour per week. Also, I've brought an amendment to this bill, AM288, that addresses a concern about the background check that was in the original bill. And real quick, I will go with that so we have full knowledge on that. If you look under the AM, it is simply one sentence. It talks, item 1, page 3: Strike from "and" in line 5 through 28-718 line 7. If I go there and read that, just so we're all on the same sheet of music here. The part being struck was "and the central registry of child protection case is maintained by the Department of Health and Human Services pursuant with Section 28-718." The reason that's being struck is just above that the paragraph reads: Screening criteria for approved youth mentoring programs shall include criminal background checks on prospective adult mentors, including but not limited to searches for the central registry maintained by the sex



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offender restoration and community notification division of the Nebraska State Patrol pursuant with Section 29-4004. So it's already in that paragraph, doesn't its-- it would cause two background checks, it would be unnecessary to have a second. So that is the amendment. With that said, I'll be followed by Coach Osborne, Osborne. And I just wanted to let folks know that weren't at the luncheon, this is really a bill that we need. If you look at all the challenges that we're currently having with youth, the idea of being able to have a system where employees can have time that they can dedicate to mentoring activities is common sense. You know, we are blessed to have Coach Osborne, who has spent a lifetime doing mentoring, whether it was as a coach or, or even now in his capacities. We will, we have addressed the concerns that have come up before on this so I would ask for your support on this bill. And with that, I am open for questions.

**La GRONE:** Are there any questions? Senator Kolowski.

**KOLOWKSI:** Thank you, Mr. Chairman. Senator, the one hour a week, am I seeing that through the right perspective that having enough time to get to a location in an urban area or even a rural area, this issue might have to drive and everything else, one hour seems like a minuscule amount of time.

**BREWER:** Well, I would agree. But I think it was through some negotiations on the folks that didn't want to have any time that this was a, it was a compromise for lack of a better term. But you may want to ask some of the follow-on folks that have more of the history to see how we came up with that. But I think it was a compromise with some of the supervisors so that we could have a program and have at least some dedicated time to it.

**KOLOWKSI:** Unless it's the last hour of the work day and then whatever other time you would give to it would be your own?

**BREWER:** Right.

**KOLOWKSI:** Something like that is just--

**BREWER:** Because it is a volunteer program, so yeah, I would imagine that that would be how it would almost have to be done so that you could transition from work to whatever activity you have.

**KOLOWKSI:** Thank you.

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**La GRONE:** Thank you, Senator Kolowski. Are there any additional questions? Senator Blood.

**BLOOD:** Thank you, Vice Chair La Grone. Thank you, Senator Brewer. You're just full of good deeds this year.

**LOWE:** As opposed to last year?

**BLOOD:** That was a compliment. You guys have taken way too much out of it. So I have two questions. Why are we being held responsible for the background checks? I mean, when I volunteer for an organization it's usually the organization's responsibility to do my background check.

**BREWER:** Well, I think for one we want to make sure that it's done and done through the right channels. I guess, so you're saying that you would prefer it be done, paid for by--

**BLOOD:** The organization. Well, because that's the standard. If we were to step outside of this policy, if you were I were to go and volunteer, say for Big Brothers Big Sisters, we would have to go through a background check that the organization would be responsible for. Am I reading the fiscal note and the bill correctly?

**BREWER:** Well, the, the fiscal note-- and I'm glad you brought that up, actually. There is a fiscal note, and I wanted so to ask Jason Jackson about it while he was here, but it wasn't my bill so I couldn't do that. But we're not anticipating, and we're going to have an opportunity to have a relook at this because, and this was brought up at the luncheon today, this is simply a management, I guess, requirement of whoever that individual is working with or for. And the fact that they put a fiscal note on this, there will be no dedicated person who manages this. It will be by, you know, whatever section or department that is responsible for that individual that's volunteering. So I guess if you're looking at the fiscal note, that should be zero. And I think it will after I have a chance to talk with Mr. Jackson. But I didn't before we came into the hearing.

**BLOOD:** So you're saying that you feel it will probably be amended to take that part out then as well in the bill? Because it says that in the bill as well.

**BREWER:** That--

**BLOOD:** That the background checks, that they're responsible.

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**BREWER:** The background check has to be done or who does the background?

**BLOOD:** I take issue with the fact that there's the potential that we're going to be helping people volunteer, which is a good thing.

**BREWER:** Right.

**BLOOD:** But the fact that we would be responsible for any background checks for them to volunteer.

**BREWER:** I believe we're putting a requirement back, the background checks have to be done. We're not mandating, mandating who has to pay for the man-- checks.

**BLOOD:** So I might be reading the fiscal note wrong. Because to me, it looks like that's exactly what's going on. So we can discuss it--

**BREWER:** All right.

**BLOOD:** --outside of this. And then the other question I have is approved youth mentoring programs, who decides which are the most beneficial youth mentoring programs?

**BREWER:** Well, that's probably going to be a great question for somebody who follows me, because I'm not sure I can give you a correct answer on that.

**BLOOD:** Fair enough. Thank you, Senator.

**La GRONE:** Thank you, Senator Blood. And then just real quickly, Senator Brewer, if I might, might ask a couple questions along those lines. Pretty sure Senator Blood's questions were exactly what you were referring to when you were saying you're going to work with DHS to get that figured out, correct?

**BREWER:** Correct.

**La GRONE:** Thank you for that clarification. Are there any other questions? Seeing none, thank you for your opening.

**BREWER:** And I will stay around for close.

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**La GRONE:** Sounds good. Now we'll move to proponent testimony. We'll take our first proponent. Welcome back to the Government, Military and Veterans Affairs Committee. I believe this is the third year in a row.

**TOM OSBORNE:** When you get to be my age, it's just nice to be back anywhere. Well, I want to first thank Senator Brewer for advancing this bill. There's always some degree of comfort when the chairman of the committee advances the bill. So we appreciate his efforts very much. My name's Tom Osborne, T-o-m O-s-b-o-r-n-e, and I'm in support of LB511. So I'll try to get to some of those questions that you asked, and as you know, this is to allow state employees to have flex time to mentor approved youth mentoring programs. And so maybe somebody comes in a half-hour early. Works a half-hour late, takes part of their noon hour, but there's no expectation that we would work less than 40 hours, whatever the union agreement might be. So we'll not impinge on that. There will be no extra cost to the State Legislature or the state government. So currently, we have about 14,000 state employees, and if just 10 percent of those state employees became mentors, that would be 1,400. And that would be something that would be very appreciated by any mentoring organization. Currently, TeamMates, which I can speak more clearly to, mentors 1,300 young people here in Lincoln. That's the good news. The bad news is that we have 700 on a waiting list. It means those young people have been on a waiting list for two and three years. So if you extrapolate that over the whole TeamMates program of 10,000 kids which will mentor this year, that means we probably have another 5,000 who would want a mentor. And as you know, state government is all across the state, lots of small communities. And so the potential for state employees is outstanding. And if you think about it, just Health and Human Services, most of the problems that they're dealing with directly involve young people. And so it seems like a very good mission fit as far as I'm concerned for those agencies. We do know a certain number of things. Number one, there is a great need for mentors, as opposed to when I first started coaching many years ago where maybe 10 percent of the kids grew up without both biological parents. Today, over half are growing up without both biological parents: 26 million fatherless kids in our country today. And these kids are more challenged. Some of them weave their way through, but they have more difficult times. So the family structure has certainly changed. So that's one thing. The second thing that began to evolve over the late '60s, early '70s was the drug culture. And I would imagine, it's painful to say this, but I doubt that very many kids get through seventh and eighth grade who have not been given some

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opportunity to engage in some type of illegal substance abuse. That would have been unheard of 30, 40 years ago. Some of the media content that our kids are exposed to on television, on the Internet, some of the music they listen to, some of the video games they play is not necessarily conducive to healthy developmental behavior. And so it's a difficult time right now to be a young person. So we can't legislate strong families. We can't legislate some of the things we'd like to out of existence, but we can provide a mentor. And so our research, our data using Gallup initially, and then our own data, indicates these things. And 85 percent of our matches attendance at school improves. And with that, graduation rates improve. And so we will graduate 700 kids this year out of TeamMates. And I would imagine it would be very safe to say that at least 100 of those kids would not have graduated without a mentor. If you are in the social costs of roughly \$400,000 in the lifetime of a dropout, unemployment, Medicaid, all the social pathologies you have to pay for, you can imagine the cost of that. And so it's very, very cost-effective. So it does improve attendance, college graduation, college attendance improves, and that's important. Secondly, we find that behavior in about 80, 85 percent of our matches improves. So there's less classroom disruption, there's less substance abuse, less teenage pregnancy, less criminal activity, less gang membership. And essentially, government ends up paying for most of those, those maladies. And the third thing we found that we had not anticipated is that a young person with a mentor is more hopeful, more optimistic about the future. Because we're all pretty much victims of our past experience. If you grow up in a certain kind of environment, where nobody has graduated from high school, nobody has graduated from college, your academic aspirations are pretty limited. But a mentor can show you the way through, where you don't necessarily have to expect what you've experienced in the past in the future. And so having hope is very powerful. And lots of kids are growing up today without much hope. And when you grow up without hope, you're gonna fill your life with something, and usually it's pretty negative. And so that sense of hope is very powerful. We have found that this is very cost-effective. There was a study that was recently done by MMP, and their representative Deb Neary is here and will speak to you here, I think, in a little bit. But the cost-effectiveness is roughly 9 to 1. So for every dollar spent on prevention on mentoring we'll get about a nine-dollar return, and we think that's very, very important. So those are some of the things. And one other thing I want to mention to you is that there will be no need to add, to hire any additional state employee because you're doing this. For instance, Kiewit is one of our partners. They have

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about 120 mentors. They do not hire anybody extra. Their department heads there, there are people running different agencies simply handle who's going to mentor, what time. And they, they are not talking about flex time. They're simply giving time to anybody who engages in human service and health and human services and, and community service. And the reason this is something they do is they find that, number one, people are a lot more attracted to agencies to hiring businesses that serve other people. And I think that would be very powerful. And secondly, those people, even though they may only work 38, 39 hours, they are more productive on average. That is what research has shown, than somebody who works for a full 40 hours who is maybe not quite as engaged. And so it is something that will be a cost-effective move at no additional cost. I think there are a couple other questions that were asked which I can address. The one hour, for instance. We have found that the most important thing is not necessarily the length of time but rather the frequency of contact. So within one block of the state capital is an elementary school, Park Middle School is three blocks away, Lincoln High is four blocks away. And so most of our mentoring occurs over lunch period, we're a school-based program. So lunch periods are usually 30, 35 minutes in length. And so you can leave this place, mentor, and be back within an hour very easily. Most small towns you can move around pretty quickly. So that's one thing. On the background checks, what we're simply saying is that those, those agencies that are approved to be mentoring outlets will have provided the background check. So there's certain specific guidelines that mentor, the National Mentoring Partnership of which MMP is a member, will have outlined, they have laid out as being requirements for a good mentoring program. So anybody that's going to be engaged in this would have to be approved. And so that agency, that particular mentoring program would pay for the background checks. The state government does not pay or supervise those background checks. And then I think that was the main thing that I just wanted to make sure that I mentioned to you. So those are some of the guidelines and some other things. And I'll be glad to answer any questions that you might have.

**La GRONE:** Well, thanks for your testimony. Are there any questions?  
Senator Blood.

**BLOOD:** Thank you, Vice Chair La Grone. Thank, I don't-- do I call you coach, do I call you mister, do I call you senator? You've had so many titles I'm not sure what I should call you.

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**TOM OSBORNE:** There's a lot of people call me a lot of really bad things.

**BLOOD:** I got to tell you, my dad loves to tell the story of how he used to drive up from Clay Center, Nebraska, to Hastings College to watch you play football in the '50s. So you go way back in my family.

**TOM OSBORNE:** I hope I played well that day.

**BLOOD:** They drove all the way from Clay Center, you must have done a really good job. They said they just came to watch you play.

**TOM OSBORNE:** That's a long drive.

**BLOOD:** You answered the question in reference to the background checks, I think we might need to go in and amend some things to make that clear, because I don't think that's clear in the bill. You've had an opportunity to see this bill?

**TOM OSBORNE:** Yeah.

**BLOOD:** So it talks about the Director of Personnel developing a process and criteria that, that there's gonna be a process for recruiting mentors and mentees, screening them, training them. So that all in the bill comes back on us. So my concern is, like I stated with Senator Brewer, when I volunteer, and I volunteer a lot, is if you volunteer with children and you have a background check, they handle the background check, as you said. And that organization is also responsible for recruiting me and for training me. But the way the bill reads, it puts it back onto the state. And that's what I'm concerned about. Is, was that on purpose?

**TOM OSBORNE:** Well I--

**BLOOD:** Or do you think it's maybe just miswritten?

**TOM OSBORNE:** I would assume that what they're, they're primarily putting the onus on the mentoring programs, at least that's the way it should read. And then those mentoring programs are approved according to certain standards that are established by MENTOR, which is a national mentoring partnership. And there was to be approved by a MENTOR, you have to be able to have certain, certain standards of performance. So it isn't just anybody that labels themselves as a

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mentoring program without actually following certain approved procedures.

**BLOOD:** And so there is, you're telling me that there is a, if I heard you correctly-- I'm not sure I heard you correctly, so I'm going to clarify. That there is going to be an approved list of youth mentoring programs that--

**TOM OSBORNE:** That's the way I understand it. Maybe Deb Neary will also testify to the, shed some light on that.

**BLOOD:** I appreciate it. Thank you.

**La GRONE:** Thank you, Senator. Blood. Any additional questions? Senator Hunt.

**HUNT:** Thank you, Vice Chair La Grone. Thank you so much for being here, Coach. I wanted to, I didn't want to pass up a chance to tell you that I was, I benefited greatly from a mentor when I was growing up. And I had a great, supportive family. It wasn't a matter of problems in my family. I was just a troubled kid, honestly. And so it was through the guidance and benefit of a mentor that I had growing up through a different program other than TeamMates that was really helpful to me in getting through school, and getting to me maybe where I here-- where I am today, which is great for me and great for my family. And I participated as a TeamMates mentor after college for several years and so did both of my parents. And so not only was it a great way for us to get involved in our community of Blair, Nebraska, and help some other struggling kids who are coming up to our school system, but it was great for our family, me and my parents both, to kind of talk about the experiences we had as mentors and how that made us closer together as a family. So I just wanted to thank you for your leadership on that. And I think that no matter what the mentorship program is that, as long as it's accredited, as long as it's got people who have these background checks, who are trained, if you really care about kids, there are more than enough kids, as you testified, in Nebraska who can benefit from that love. That regardless of whether they're getting it at home like I was, sometimes some of us need a little extra love, which I'm not proud of, but I admit I'm that way. So thank you for your leadership in that.

**TOM OSBORNE:** Thank you. But I might just say in commenting on your comments that, number one, TeamMates is just for bad kids. So anyone who says they want a mentor, we're going to try to mentor them.



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Because some kids come from what we would call very good families. But, as you know, you can work 24 hours a day and some parents are really busy. And some kids just feel they need another caring adult in their life. And they may be getting straight A's and they can come from an affluent background, but they still need somebody else. And we also, I would like to make one other point, and that is that almost every mentor that we have will tell you that in some way this, they think they maybe received more than they give. And I think any time you would give something to somebody, and the most precious gift you can give me is the gift of time, and you give it to somebody who can't do anything for you in return. It adds a dimension and meaning and purpose to your life that you will not have in any other way. So when I said that this would benefit state government, I mean that sincerely. And that's why all these corporate partners that we have do this, and why they allow paid leave to do it, because they, they're in, they're in business to make money. And they find that their work force is more effective when they are engaged in these kinds of activities. So I think it would be a win-win.

**HUNT:** Thank you.

**La GRONE:** Thank you, Senator Hunt. Senator Kolowski.

**KOLOWKSI:** Thank you, Mr. Chairman. Coach, great to see you again. I hope, I just want to praise you on the continued success of the TeamMates program and the impact that's had. My son, our son, David, you coached and Frank Solich coached. And his senior year, when he went through his five years of being a mentor, he was mentor of the year for this, for Lincoln, and that was quite an honor for him. But more importantly, what he got out of that whole relationship with the young man he was working with far exceeded anything he could ever imagined. And, and the young man really made some different change, positive choices in his life because of David's work with him. And I think that's the story 100 times over, as you hear these situations where lives have been changed and anchored within the good things of life, rather than the negative. And I want to thank you for the program and continued success. Thank you.

**TOM OSBORNE:** Please thank David for all he did.

**KOLOWKSI:** Will do. Thank you.

**TOM OSBORNE:** I appreciate that.

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**La GRONE:** Thank you, Senator Kolowski. Any additional questions?  
Thanks so much for coming down.

**TOM OSBORNE:** Thank you.

**La GRONE:** We'll take our next proponent. Welcome back to the  
Government Committee.

**DEBORAH NEARY:** Thank you. I'm Deborah Neary, and I'm here on behalf of  
MENTOR in Nebraska.

**La GRONE:** I'm sorry could you state and spell your name?

**DEBORAH NEARY:** Deborah Neary, D-e-b-o-r-a-h, Neary, N-e-a-r-y. I'm  
here wearing a couple of hats. I first want to just say that I'm, in  
my personal life I've been the foster care parent to eight foster  
youth. And that was when I first really understood how important it  
was for us to have mentors out there for the youth in our state. And  
we have, you know, in the last 10 years, where I worked for MENTOR  
Nebraska, up until a few months ago we were called Midlands Mentoring  
Partnership. We were started 25 years ago by a number of individuals  
that had started mentoring programs, and Dr. Osborne was one of them.  
We are affiliated with a national organization, and there is, just to  
answer some of your questions before I even start, there is a list of  
approved mentoring programs that meet all the evidence-based practices  
and safety standards for background checks. That is out there on the  
Internet all the time, and we keep that current for all the mentoring  
programs in Nebraska. In order to be on the list they have to meet  
three criteria that we verify, and this is a database of mentoring  
programs in Nebraska that I, you know, it's been around a long time,  
it will be maintained for a long time. We are affiliated with a  
national organization called the National Mentoring Partnership. It  
has a tremendous amount of credibility and longevity, and as a matter  
of fact, Dr. Osborne served on the board of directors of our point--  
parent organization. And so that approved list exists. And we can, you  
know, be providing that to DAS as frequently as they would want. We  
work with more than 100 mentoring programs across the state of  
Nebraska, and because of the tremendous need out there we certainly  
hope to expand the number of mentoring programs that exist. But in  
order to make that possible, we need mentors. And this has been a  
legislation that has been popular and successful in other states.  
It's, we did discuss, you brought up the one hour. And we did talk  
with our mentoring programs, do we want 90 minutes? And we really, as  
Dr. Osborne stated, it's really more about consistency than the length

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of that visit. It's really about showing up on a regular basis, and so we all agreed that one hour would, would be sufficient. And then you brought up about your son being a mentor and Megan, you are-- Senator Hunt, on the satisfaction that you got from mentoring. And really, I mean, there's so much research, I didn't plan to talk about this, but there's so much research out there on, you know, how employees that mentor are happier employers, employees. And, you know, are certainly more fulfilled and more interested in staying with an employer that will let them have this kind of flexibility. I am here just really as the executive director of MENTOR Nebraska. I wanted to tell you that we, as Dr. Osborne mentioned, we did do a return on investment study. The University of Nebraska did this for us. For every dollar invested in mentoring we found that there was a nine-dollar return on investment. Mentoring is such a low-cost, high return on investment strategy that, I mean, we just need more of it out there. We worked with, you will receive copies of letters from some of the mentoring programs that we work with, TeamMates is one of the organizations that is here. But in a minute you'll hear from Big Brother Big Sister and we have letters of support from other mentoring programs. We also have a letter from the CEO of OPPD, Tim Burke. And in OPPD, you know, they have this opportunity for all their employees to have flex time and in order for them to mentor. And the CEO of OPPD is a strong advocate and for having this kind of opportunity for the employees, and he is seeing the benefit in his own organization. But we at MENTOR Nebraska are kind of a trade organization for mentoring programs. While we don't provide direct service, we do work and support mentoring programs that are out there and help incubate new ones. And so that's how we're in a position to be able to maintain this list of mentoring programs that will need to be maintained. And I just want to thank those of you who did help sponsor the bill, and also thank Senator La Grone, who worked with us on this similar legislation in previous years, and who's very familiar with the work that we're trying to accomplish. And Dr. Osborne for being such a great advocate for mentoring in general. So I have my associate, who is our associate director for MENTOR Nebraska, that's going to make a few more comments about the bill, and you can ask questions of either one of us then. Unless you have any specifically for me before she comes up.

**La GRONE:** Well, thank you for your testimony. Are there any questions?  
Senator Blood.

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**BLOOD:** Thank you, Vice Chair La Grone. So I just want to clarify, I have nothing against mentoring programs.

**DEBORAH NEARY:** Oh, I know. Yeah.

**BLOOD:** So the issue is with how the bill is written.

**DEBORAH NEARY:** Yes.

**BLOOD:** And, and I think there's some things that are clunky and not specific. And that concerns me, because when you pass a law that is not specific and it's interpreted in a multiple, in multiple ways, then down the road we have to go back and we have to fix it. So my concern, and I've really been passed a note that it's going to be worked on, is it does indeed say that we're responsible for a lot of things financially.

**DEBORAH NEARY:** Yes.

**BLOOD:** And that we're holding staff accountable for certain things they should not be held accountable for. And I do feel that we have to find a way to say what the, and I understand that you represent approved mentoring programs, and that information is available. I understand that. But we make it very broad, and everybody's opinion on what an approved youth mentoring program is may be very different. And so if we're really truly trying to work on specific or with specific organizations, I believe personally that we need to find a way to put that with better clarification in the bill. And that's where I'm coming from on this bill, that if you want a bill that works well and encourages people to come and volunteer, that we need to make sure that we do it right the first time.

**DEBORAH NEARY:** And there is some clunky language that we are working out with DAS in terms of, you know, paying for the background checks, that was never intended. Actually, our organization pays for a lot of the background checks for mentoring programs across Nebraska. We weren't asking for that, and-- but as far as what is approved, that is pretty straightforward. And it does say in there that there's three criteria for what makes an organization approved, and that's based on national evidence and national research. And so that really is probably the cleanest language that we have is, you know, what really is an approved mentoring program.

**BLOOD:** And so--

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**DEBORAH NEARY:** And there's--

**BLOOD:** What page is the criteria on? Because it's something like--

**DEBORAH NEARY:** OK, let me find that. So on page 2, item (3). So it says based on for mentoring programs that are based on: nationally recognized standards for quality youth mentoring programs that address the elements of effective practice for mentoring to include, but are not limited to, and it's these three items that are-- I'm sorry, these items, there's more than three, that need to be in place that will verify in order to make sure they're an approved mentoring program. They have to follow the standards for recruiting, screening, training. They have to do background checks and they have to have processes in place for maintaining case management, for monitoring their matches, and for having closure procedures.

**BLOOD:** And so that's all in the bill?

**DEBORAH NEARY:** It's, yes. It's--

**BLOOD:** Well, I'm looking where you told me to look, and I'm not hearing--

**DEBORAH NEARY:** OK, I'm sorry. It's Section 1.

**BLOOD:** I'm looking at Section 1,

**DEBORAH NEARY:** Item (3).

**BLOOD:** OK. So, again, still pretty broad though.

**DEBORAH NEARY:** Well, it-- when you say the elements of effective practice, it is a very specific, those are very specific researched criteria--

**BLOOD:** That comes from?

**DEBORAH NEARY:** That comes from the National Mentoring Partnership--

**BLOOD:** Which should be in the bill then. That's what I'm trying to say is that it's still pretty broad. So you know it, because you live and breathe this every day.

**DEBORAH NEARY:** OK.

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**BLOOD:** Right?

**DEBORAH NEARY:** Yep. OK. OK. That can be cleaned up. And then also, yeah, the cost of the background checks. And there is wording in here about screening there, well, I'll have my associate Whitney talk further about one of the databases that's mentioned in here and the change we want to make to that. But any other questions?

**La GRONE:** Thank you, Senator Blood. Are there any additional questions? Oh, sorry.

**BLOOD:** Thank you, Senator La Grone. No, I just said thank you.

**La GRONE:** Oh, sorry. I thought you had another question. I apologize. Seeing none, thanks for coming down.

**DEBORAH NEARY:** OK, thanks.

**La GRONE:** Next proponents. Sorry, you--

**BLOOD:** I was waving.

**DEBORAH NEARY:** Thank you.

**La GRONE:** Welcome to the Government Committee.

**WHITNEY BAKER:** Good afternoon, Senator Brewer and members of the committee. My name is Whitney Baker, W-h-i-t-n-e-y B-a-k-e-r, and I'm here testifying in support of LB511. As my colleague just stated, I'm with MENTOR Nebraska as well. Our organization works to support and implement quality mentoring practices across the state of Nebraska. The purpose of this bill, as stated by other individuals today, is to allow state employees flex time to mentor during the work day. Similar bills have been proposed and successful in 12 other states across the country. In the state of Nebraska, we have access to the Mentoring Connector Database, a database created by MENTOR, the National Mentoring Partnership, which allows individuals to search opportunities to volunteer with mentoring programs in their community by utilizing a zip code search. All programs are vetted prior to being accessible in the Mentoring Connector Database, meaning, at minimum, they require several things of programs to demonstrate. And among that is adherence to the elements of effective practice for mentoring, which are national standards for quality, evidence-based mentoring. The proposed database will allow state employees to search out opportunities in their area to get engaged. There's been some

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questions, some very thoughtful questions today about background checks. So background checks are the responsibility in terms of financial responsibility for the mentoring programs themselves. With that being said, our organization, MENTOR Nebraska does have funding to support and offset the costs of these high-quality background checks for mentoring programs across the state. And we've already, we're already paying for the majority of background checks in the city of Omaha and have started within the last, I'd say, six months starting to pay for background checks, high-quality checks for mentors across the state of Nebraska that fall into the criteria met by these mentoring programs. The high-quality check actually checks seven available databases. I can read them to you, but they're a little bit boring. So if somebody has that specific question, let me know. As mentioned by Senator Brewer, one of the things we're hoping to discuss today is an amendment to the bill around the utilization of the DHHS registry as a requirement. Our organization has done extensive research over the past year, including consulting with DHHS and Sherri Haber, who's the administrator of the central registry, to better understand that idea a mix of the DHHS check and what exactly it includes and encompasses. And what we've found is that it's not of high utility when screening volunteer mentors. The scope of the information captured by the database is pretty narrow, and any court-substantiated charges of child or adult abuse would also appear on a criminal background check. So Senator Brewer did mention some redundancy within the bill as written, which we're hoping to amend and change. And many mentoring programs across the state, including TeamMates mentoring program and Big Brothers Big Sisters of the Midlands, which is the largest Big Brothers Big Sisters chapter in the state, have ceased utilizing the DHHS check because it's, of its redundancy. So we urge you to support the passage of LB511. We work with mentoring programs across the state and they all face similar challenges in recruiting mentors. I know Dr. Osborne stated 700 men, mentees on the waitlist just in Lincoln, and I can tell you that those numbers across the state are huge. And when we're really talking about rural programs, they struggle as well because their pool of adults available in the community is just smaller because of where they live. And so, in addition to the larger programs that you're hearing from today, we can assure you that this really will benefit rural programs as well. So, and also, companies and organizations that allow their mentors or their employees to mentor really have higher levels of employee engagement and satisfaction with their jobs. And so we think this would benefit state employees, and we appreciate the comments

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shared by Senator Hunt about her own personal experiences serving as a mentor.

**La GRONE:** Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down.

**WHITNEY BAKER:** Thank you.

**La GRONE:** Are there any additional proponents? And if you plan on testifying, could you move towards the front of the room? Welcome to the Government Committee.

**RICHARD HASTY:** Thank you, Vice Chair La Grone and members of the committee. My name is Richard Hasty, R-i-c-h-a-r-d H-a-s-t-y, I'm here in support of LB511. I bring a unique perspective in that I'm a mentor for a high school senior this year. This is my eighth year of mentoring, and I just also started mentoring an elementary school student. I'm also the program coordinator for the Plattsmouth TeamMates program, and I'm also the superintendent of schools for the Plattsmouth Community School District. So I bring the administrator, coordinator, and the mentor perspective in that. And one of the things that I believe Dr. Osborne mentioned earlier, the intent is to help youth reach their full potential through mentoring. And I'm guessing everyone here and probably everyone sitting behind me, we've heard some stories already, everyone can benefit from the trusted adult or a mentor or what I would refer to as a coach, someone that's helped them get to where they're at today. I'm guessing everyone else probably has a story they could tell about someone that's helped them get to where they're at, including myself. So within our school district, we have 10 administrators, they're mentoring themselves. We have teachers, support staff, and they're allowed to do that. So I'm kind of leading by example here, by encouraging you to support this bill. It's what we do in our school district, it's just an expectation of our administrators, it's an invitation of everyone else that they're going to be a mentor for a youth. We've heard about a wait list, and I can tell you the topic comes up in our school district and our chapter. Everybody needs a coach, everybody needs a mentor. The, with the coach and the mentor comes hope. And we see a lot of students for a variety of reasons, some may have both parents, they might be high socioeconomic status, they might be a low, they might be middle-income, they could be of various races or ethnicities. It really doesn't matter. I truly believe everyone needs a coach and a mentor. I've observed it myself. I've observed the, observed the students, the mentees in our district. I've observed the mentors. And



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I can tell you, the lady just prior to me mentioned what I was going to mention, as far as employees being more engaged in their jobs. They look forward to seeing the mentees, the mentees are oftentimes waiting for them. I get calls to me to my office asking if I'm coming over on a particular day, and I know that happens with our people from the community as well. So I really believe it's essential that you consider supporting this at the statewide level. I think it sets a priority, puts Nebraska at the forefront. I know there are a number of other states that have already have laws that allow this type of thing, but I think it puts it at the forefront and makes it a priority. And it shows that we're really trying to make a difference in the lives of our youth, because everybody does need a mentor. I want to talk about briefly, normally I'm forthright and plainspoken, so I'll try to keep this next part brief. School safety and security and mental health. I also believe that if children have mentors, I'm not going to say it's going to eliminate all of it, because there are some students that are very difficult to reach even with adequate supports above and beyond what everyone else might have. But I truly think it would have a positive impact on the number of school shootings; violence; other negative behavior, whether it's drugs, alcohol, assault, those types of things. The more mentors we have, I truly believe we can positively impact that. And yes, there are a number of other things for safety and security that we can put in place. But let's get on the front end with it. Let's create hope for all of our students and get them on the right track or give them an opportunity be on the right track through the support of a trusted adult or a mentor. So please be a leader, be at the forefront. You've heard what I've done with our school district, I'm asking you to do the same thing with the state of Nebraska. So thank you. That's the end of my testimony.

**La GRONE:** Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down.

**RICHARD HASTY:** All right, thank you.

**La GRONE:** Next proponent. Welcome to the Government Committee.

**MARIANNA FORAL:** Thank you. Good afternoon, committee. My name is Marianna Foral, M-a-r-i-a-n-n-a F-o-r-a-l, and I am here today representing Big Brothers Big Sisters of the Midlands. I come before the committee today to ask you to support LB511. Big Brothers Big Sisters of the Midlands provides community-based one-to-one mentoring to nearly 1,000 children and youth facing adversity in the greater

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Omaha area every year. We focus on serving young people who will benefit the most, including youth living in low-income or single-parent households, youth in foster care or out-of-home placement, and those with a parent who is incarcerated. When paired with a mentor, our young people report incredible progress. They report 97 percent higher-- or 97 percent report higher levels of self-esteem, 93 percent report maintained or improved avoidance of risky behaviors such as fighting, skipping school, smoking, drinking alcohol, or taking drugs. Ninety-three percent report improved or maintained their level of confidence in school and 87 percent of our youth report maintained or improved educational expectations for themselves, such as graduating high school or seeking post-secondary education like trades or university. Overall, young people with a mentor achieve higher aspirations, they feel part of their community, and they are on a steady path towards achieving their full potential. A current mentor, or as we call them, big brothers in our program, is with me today, Phil Foster. He will testify after me to tell you about his experience as a mentor and the positive impacts he's seen in his years with his mentee. Though, I'm not sure, based on everyone else's comments he might-- might not be a group to convince too hard. The demand for ment, mentors-- the demand for volunteers to mentor is constant, as has already been stated. Specifically, there is a critical need for more adult male volunteers to mentor young men. Today, Big Brothers Big Sisters has over 122 youth on our wait list, and more children enrolling every day. Eighty-seven of those youth are young men, and they may wait up to six months, sometimes up to a year for their Phil, for their, for their big brother. By authorizing state employees to participate in youth mentoring programs, LB511 would increase the number of volunteers at Big Brothers Big Sisters and other mentoring organizations throughout Nebraska. As Senator Hunt and Senator Kolowski know, mentoring is not just reading to a child over the lunch hour. As Phil will attest, mentoring can be working on a science project, doing community service, or talking about tough things going on at home or at school. It is transformative for the young person and the community. I urge you to move LB511 for General File and grow the number of mentors who will stand in the corner of a young person. Thank you.

**La GRONE:** Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. Next proponent. Welcome to the Government Committee.

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**PHILLIP FOSTER:** Good afternoon, everyone, committee members, Chairman. My name is Phil Foster, and I'm a big brother with Big Brothers Big Sisters of the Midlands. I want to tell you about two quick stories for you.

**La GRONE:** I'm sorry, could you state and spell your name?

**PHILLIP FOSTER:** Excuse me, sorry. Phillip Foster, P-h-i-l-l-i-p F-o-s-t-e-r. Two quick stories for you. It was on September, 2014, I met my little brother Jaden [PHONETIC]. He was a young guy, 12 years old, loves basketball and soccer. Went out for our first outing, it was to McDonald's. If anyone has ever had a McFlurry, they're pretty good. With his McFlurry, though, he had a napkin next to him, but he did not use the napkin. So the McFlurry gathered around the rims of his lips. It was very distracting for me, so I had to figure out what I was going to do. I kind of suggested to him, I said, hey, Jaden, you can use that napkin. It's good for you. From now on he uses napkins, and gathers a little bit more than he should for the road as well. Three years later, it was on October 1st, 2017, we went to a college fair at the University of Nebraska in Omaha. Coming from that college fair, I inquired to him as to what was going on with school. His grades weren't the best, to be honest with you, and I was just trying to figure out how I could help. Therefore, I asked him, I said, hey, have you been talking with your professor? With the teacher, excuse me, since he was in high school. He said no. I asked him why. He said, I'm not sure what they would think of me. Now, knowing him, he's an amazing kid, so why would they think anything less? He said to me, if my parents don't love me enough to be in my life, why would anyone else like me? That struck me. So I kept going even further. I began to ask him, I said, Jaden, how? Why? What's going on here? I said, Jaden, how did you know back in September, 2014 that I would be here for you until this time? He said to me one simple thing. He said, you listened. You listened. Committee members, this bill is more than just a bill, if you will. It is something special. It is giving kids hope, giving them an opportunity to be heard. I'm a proud big brother, proud mentor, and I've been doing it for four years because they need to be heard. I love to listen. Thank you.

**La GRONE:** Thank you for your testimony. Are there any questions? Seeing none, thank you so much for coming down.

**PHILLIP FOSTER:** Thank you.

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**La GRONE:** Any additional proponents? Seeing none, any opposition testimony? Seeing none, any neutral testimony? Seeing none, Senator Brewer, you're welcome to close.

**BREWER:** I think the bottom line is there's no question about the need for a mentoring program. What we need to do is figure out how do we make the program so that it is more user friendly and that it's accessible, especially to those individuals that work for the state of Nebraska? Some of the points that Senator Blood brought up are valid points. That's an amendment we can make to clarify that. So I would ask for your support on this bill. Those small things there we can change. It, it's the need to have this program available that's the most important part of this. So with that, I would be available for questions.

**La GRONE:** Thank you, Senator Brewer. Are there any questions? Seeing none, we do have a couple letters. We have nine total letters, eight proponent and one in the neutral. That will close the hearing on LB511.

**BREWER:** All right. Senator Bolz, welcome to the Government, Military and Veterans Affairs Committee. You seemed to draw a crowd.

**BOLZ:** Glad to be here with you today.

**BREWER:** All right, thank you.

**BOLZ:** My name is Kate Bolz, that's K-a-t-e B-o-l-z. I'm here to introduce LB109. LB109 is a strategy to reward experienced employees in the Department of Correctional Services and to improve retention of Nebraska Department of Correctional Services staff members by recognizing the talent and expertise of experienced employees. LB109 requires that beginning in the year 2021, and each year thereafter, the-- position classification plan and the salary or pay plan for the Department of Correctional Services include the following positions, recognizing those who most, work most directly with individuals who are incarcerated: correction, corrections corporal 1, 2, and 3; corrections sergeant 1, 2, and 3; and corrections unit caseworker 1, 2, and 3. Each position listed would be assigned a different pay grade within the salary or pay plan. I'm bringing this because the value of experience is well established. In 2016, the Department of Corrections completed a study to improve the culture of staff. The study found that experience is valued and should be fairly compensated. It further found that a lack of recognition of experience in the pay plan is

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problematic. The 2018 personnel almanac showed that turnover for the Department of Correctional Services was at 30.8 percent in 2017. It also reported rates specific to the positions that we're talking about today: correctional unit caseworker, 41 percent; and corrections corporal at 33 percent. Department of Correctional Services studies also found that lack of experience is a source of stress, not only lack of experience within an individual's job position but also when others are not fully trained to perform their positions. I think it's worth noting that other areas of Nebraska Statute recognize the value of experience and the connection to compensation in other ways. For example, Statute 81-1328 defines in statute vacation time accumulated by years of service. Statute 84-1321 defines that state employees are eligible to be vested in our retirement plans after three years of service. So the, the precedent is that, that there are ways in which we identify state employees experience as related to their benefits of employment. Currently, wages for DCS corporals, sergeants, and caseworkers have not kept up with inflation, without consider-- even without consideration of years of experience. And if I can get a page, I do have a fact sheet that outlines some of the references to the reports that I've talked about, as well as a chart that shows the 2009 wages, the 2019 wages, and what the differential would be if we looked at them updated for inflation. And DCS has in the past, in front of the Appropriations Committee acknowledged the, the perceived need for step raises. There's a quote from Director Frakes regarding how he acknowledges that the lack of staff raise, step raises has been a challenge working with staff members. This bill would have no fiscal impact in the short-term, but would have projected \$14 million impact in the out years, and an additional \$4 million impact to address wage compression. I appreciate that that's a significant fiscal impact. Most certainly I understand that that would be coming to the Appropriations Committee and we would need to find a way to put that into the budget, but I would argue that we have a \$215 million total budget for Department of Correctional Services overall. We've invested \$72 million in the reception and treatment center. We have a proposal in front of us to invest another \$48 in the new maximum security facility. If we are investing in this system, we also need to invest in the workers who are running this system. So challenges with retention and overall staffing have been ongoing and serious for years. This is not a knee-jerk reaction to recent information. This is a response to a challenge that has been, been ongoing even before the Nebraska Legislature started our oversight committee six years ago. And frankly, I think it's just time to recognize experience and pay the Department Correctional Services officers what they are worth, or

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more move towards paying them what they're worth. I'm thrilled that there's a row of correctional officers here today in support of this legislation. I'm happy that you'll get an opportunity to hear from them directly. I'll wrap it up and take any questions.

**BREWER:** All right, thank you for testimony, Senator Bolz. Senator Blood.

**BLOOD:** First of all, Senator Bolz-- thank you, Senator Brewer. I'm sorry that I missed your intro, so I may be asking a question that you have already answered. So I've read through your bill and I think it's an excellent bill. Much like the military [INAUDIBLE]. And what people don't understand is that the inmates have all day long to figure out how to screw over staff. While the staff is only there for a certain window of time, it takes a really specific personality to really have good stick-to-it-ness because you are locked in there all day long with them. And if you don't have something to look forward to, I think you start to lose hope. You start to lose your enthusiasm for the job, because you're not being rewarded for the hard, hard work that you do. And I think it isn't until you actually leave this type of, of, of work that you realize that you have also endangered your life every day of your life. You don't realize that you're in the heat of it. So with that said, one of the things that I'm really concerned about, and maybe you can speak on this a little bit, is it doesn't seem like they're making a whole lot more than I was making 25 years ago. Would you say that that's accurate?

**BOLZ:** Yeah. The, the handout that I provided for you is, on the second page, there is a little chart that shows the 2009 wages, the 2019 wages, and what those wages would be if they were updated for inflation. That's based on the Nebraska vacancy report. I pulled 2009 and I pulled 2019. I think it's worth noting that, that those wages don't keep up with inflation.

**BLOOD:** Right.

**BOLZ:** Nor, nor do they recognize that someone may have been working in that position for those 10 years and the value of their knowledge, expertise, and experience.

**BLOOD:** And are they still hiring corporals just off the streets, or are they going, again going back to the old process of, you're an officer, you take the test to become a corporal?

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**BOLZ:** You know, that's I-- I don't know if Director Frakes is just here to listen or if he's intending to testify. Usually when he's here, he's intending to testify. That, that might be a better question for him in terms of their processes and compensation for new hires.

**BLOOD:** And so after you discussed this with the staff and they talked about what their job descriptions are and what they do on a daily basis, was this probably the fairest thing that you could come up with that would also help accommodate their concerns?

**BOLZ:** You know, I, I hope you'll ask a similar question of the folks who do the work every day. I think this is a, is a part of it. And, and I think what we've learned, and there are other people on this committee who served on the oversight committee, I think what we've learned at the, is that this is a complex, interconnected, multifaceted system and set of challenges. But I do, I do think that this issue gets to the heart of some of the challenges with the staff. I do have a fantastic PHD student who did her dissertation on some of these topics, and that might be a question she's able to answer as well, having spent a lot of time one-on-one, face-to-face with officers.

**BLOOD:** Well, everybody wants to be paid a fair wage for a good day's work. That's just for everybody, right?

**BOLZ:** Right.

**BLOOD:** Thank you, Senator.

**BOLZ:** Thank you.

**BREWER:** All right, additional questions? Just so kind of has a little background. You've been fairly involved with Corrections from the start, since I wasn't here when you started. Can you give us kind of little background?

**BOLZ:** Sure. It was 2013, I believe, that Senator Lathrop put in the special investigative committee on the Department of Correctional Services. That was the, the, that was inspired by the Nico Jenkins case, which was the case of an individual who, who re-entered the community and subsequently committed four murders. There were several changes that have, there are several changes that have resulted from the work of that committee. Some that I've been involved in have been things like increasing the independence of the parole board,

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increasing mental and behavioral health staff, and changing some of the sentencing requirements, doing, implementing things like post-release supervision. I could go on. But we have spent a significant amount of time, not only researching the issues and trying to understand the systems, but, as you and Senator Hilgers know, we've spent time touring the facilities and talking with Department of Correctional Services staff. And I would say when we have these discussions with correctional officers, sergeants and case manager, case unit managers, the lack of step raises it, it comes back to that issue. Partly because if you are someone who wants to make a career of this work, you want to see that opportunity for your wages to increase. But also I think it's a fundamental recognition of how hard the work is and how they deserve to be paid for their experience and their knowledge base. But they will speak for themselves I hope.

**BREWER:** Thank you. I just make sure everyone understands that it's not your first rodeo when it comes to the Department of Corrections and an understanding of issues and the background. All right, one more time. Any questions? Seeing none, thank you. And you'll stick around for closing?

**BOLZ:** Will do.

**BREWER:** Thank you. All right, so we will go to proponents. Come on up. Have a seat. Welcome to the Government, Military and Veterans Affairs Committee. You may begin whenever we get a green light here.

**CARLA JORGENS:** My name is Carla Jorgens, C-a-r-l-a J-o-r-g-e-n-s, and I'd like to thank Senator Bolz for introducing LB109. I'm a corporal with the Nebraska Department of Corrections. I was hired October 17, 1997. I promoted to the rank of corporal in 2001, and I currently make 96 cents more an hour than a new hire off the street. I'm lucky. I got one of the two-step raises before they were bargained away in good faith by our union at the time name. To get those step raises, we had to give up some of our sick leave. When the step raises were bargained away due to budget constraints, the state promised that when the state could they would restore the step raises. Well, the state broke their promise, never restored the step raises or the sick leave hours that we're taking to cover the costs to step raises. So I'm paying for step raises to this day no one is receiving. I am here today to hopefully shed a little light on the impact of the lack of compassion and compensation for years of service to the state in Nebraska has had on the employees of the Department of Correctional Services and the Department of Health and Human Services. You see, these two



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departments are currently in a very dangerous staffing crisis. There is literally no reason anyone should want to put years of service into a job that requires you to work 3 to 4 double shifts a week, including weekends and holidays. There's no reason anyone should want to put in years of service to a department or a state that cannot be fair or truthful to its employees. There is no reason anyone should be expected to put their physical well-being on the line day in and day out without so much as monetary compensation that isn't consumed by the normal costs of living expenses. Opposers of this bill will tell you that the monetary compensation is obtained through the bargaining process. The same person that will tell you this is the same person that initially offered the people of these two departments a zero percent raise at the bargaining table this year. After weeks and weeks of bargaining, their last, best offer was a 2 percent raise with a 0.3 percent merit raise contingent on performance evals. We said, no deal. They also wanted complete control of our insurance to raise, raise our premiums and co-pays as they saw fit. The people in control of the merits give them-- you see, we have, and we've had merit raises before in the past and they just get abused. The people in control of the merit raises give them to a select few and the people that really deserve them are left out. The opposition will tell you these merit raises are based on performance and are fair, but we're not buying it. Longevity used to be something to commend, something employers appreciated. If you lasted that long, you must be doing something right. If you had more letters of commendation than discipline, you must be doing something right. You see, the only fair way to reward performance is to reward longevity. If you have an employee that isn't meeting the minimum requirements, my bet is they won't last long. And if they do, it's a direct reflection on you as an employer. There is a lot of poor publicity regarding the NDCS and DHHS riots, escapes, inmate murders, staff assaults, all of which have happened in the last five years. There have been more dirty staff arrested at NSP in the last two months than in the first 15 years of my career. The reason? The good, quality, tenured, seasoned staff have given up on being fairly compensated for their efforts. The minute, the minute raises have not even covered the costs of the increase of our insurance premiums. The demands of the ever-increasing overtime have put too large of a burden on our families. Quality senior staff are leaving in waves, and our administration and our Governor are holding the door open for them. Our standards have been lowered to meet the demands to staff the facilities and our promotional standards have been lowered as well. When you lower your expectations, you get less than you expected. You can't raise the bar and expect people to work in these

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institutions for less than competitive compensation package. On August 15, 2016, Director Frakes issued a letter to all NDCS staff. In this letter, Frakes stated that one of the reasons our high turnover rate is lack of compensation, progression, or performance pay. He stated that he publicly agreed with us and he would focus efforts to improve our compensation. He stated that he would work hard to influence the negotiations, budget, and funding allocation processes. I challenged Director Frakes to admit his failures and support the employees that have shown they are top performers in their field and are worthy of compensation for their dedication and time and service to these departments. I challenge you, Director Frakes, to stand up being a proponent of this bill instead of an opponent of another correctional bill.

**BREWER:** All right. Thank you for your testimony. Questions? Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. Thank you for being so brave and coming forward and speaking your truth. I appreciate that. So I was listening to you very closely, you currently work at the Pen? Is that where you work at now?

**CARLA JORGENS:** I, my last day at the Penitentiary was Wednesday. I transferred over to work release because I can't afford to give them six 16-hour shifts a week and a 10-hour shift.

**BLOOD:** Do they still give you comp time for the overtime or do you actually get paid for the overtime now?

**CARLA JORGENS:** We can, we can choose comp or overtime pay.

**BLOOD:** And I'm asking these questions, so I'm sorry to put you on the spot. You're the first one. So do you still get yearly training? Is it one-week training still?

**CARLA JORGENS:** Yes, yes.

**BLOOD:** And it's obviously paid training. And do you still have to, to qualify in weapons every year?

**CARLA JORGENS:** I won't from now on work-- CCCL doesn't have towers, so they don't have qualify, they don't have to qualify. If I were to stay in the penitentiary, yes.

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**BLOOD:** Or LCC or OCC?

**CARLA JORGENS:** Yes.

**BLOOD:** So how does it, and I'm going to ask you a really personal question, but I want to have this on the record.

**CARLA JORGENS:** That's fine.

**BLOOD:** How does it feel knowing that I worked there 25 years ago and that you're not making a whole lot more than I did?

**CARLA JORGENS:** Is defeating. I love my job, I like what I do. I wouldn't continue to do it for this type of comp, compensation if I really didn't love it. A lot of the people keep you there. I started three years ago trying to get the Fraternal Order of Police Union in and get NAPE out, and we were successful with that this last summer.

**BLOOD:** I think that's great, by the way.

**CARLA JORGENS:** And I'm highly, I'm the secretary of that union. So we went from 37 members to 853, and so I'm fairly busy with that as well. But I do it for those people. I'm not going to benefit much. I have seven, maybe 10 years left and I retire. I want these kids coming in to not be in my shoes 10 years from now.

**BLOOD:** It's, it's comparable to being in the military, in the way that the only people that truly understand what you do with the other people that do what you do. You can't go home and talk to your husband or wife. You can't tell your next door neighbors. Nobody understands except those who have actually worked in it. Wouldn't you say that that's true, that it creates that additional burden to your mental health because-- I'm sure you've seen and I've seen it, just like we've seen it with law enforcement and first responders-- there is some alcoholism, there is some depression issues.

**CARLA JORGENS:** It definitely changes you.

**BLOOD:** It does.

**CARLA JORGENS:** An irreversible change.

**BLOOD:** Some are good changes. But it's, it's hard work.

**CARLA JORGENS:** It is.

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**BLOOD:** So Senator Bolz is bringing forward something that I look at and I see the classifications as being very fair. Would you agree?

**CARLA JORGENS:** I would.

**BLOOD:** And do you think that that would change the demeanor of how some people feel about the institution and working there, if they knew that they could be rewarded for their hard work?

**CARLA JORGENS:** I do. We feel like this is-- thank goodness Senator Bolz has listened to us and heard what, heard what we've had to say. When we went to bargaining this year, the people across the table were completely indifferent. We felt that this should have come through the bargaining process and the door was slammed in our face.

**BLOOD:** So the concern that I have is that right now the state appears to be trying to build its way out of its overcrowding crisis, when part of it is just definitely getting the people through the system and getting them the help that they, they need. Making bigger prisons isn't necessarily going to fix anything, it's certainly not going to fix this. Do you feel that maybe some of the money that's been given to the budget to hire more people could more effectively be used to benefit the people that are currently there? If we had to figure out how to do this in the budget?

**CARLA JORGENS:** Budget-wise I see we're, we're giving \$100 million to build new buildings and facilities that we are holding people in that could be released to the community on parole with the contingency that they can complete their programming on the street. And we're holding on to them.

**BLOOD:** Right.

**CARLA JORGENS:** And they're parole-eligible.

**BLOOD:** And they're getting angry about it.

**CARLA JORGENS:** Absolutely. We can relieve a lot of the overcrowding by going through that system.

**BLOOD:** And to clarify, in case people are watching that, these are people that are ready to go out onto the streets, not just trying to get people out.

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**CARLA JORGENS:** Right. Correct. They would, they're short-timers.

**BLOOD:** Right.

**CARLA JORGENS:** People that actually are parole-eligible.

**BLOOD:** Thank you. Thanks for answering the hard questions.

**BREWER:** OK. Other questions? Senator Hansen.

**M. HANSEN:** Thank you, Chairman Brewer. Ma'am, and I think I know the answer to this, but did you come down also on Monday to testify on Senator Wishart's bill.

**CARLA JORGENS:** Yes, sir, I did.

**M. HANSEN:** Absolutely. And I ask that just kind of to share with committee members, because I think I'm the only person who overlapped with Business and Labor. But I recognized several members of the audience who came by to testify on Monday on a different bill. And I just want to say I appreciate that you've taken two days out of a work week to come to testify on two different issues representing you and your co-workers.

**CARLA JORGENS:** Thank you. And may I say, I do have again another folder full of 35 more testimonies that would like to be included in the hearing.

**BREWER:** For you, well, go ahead and hand that off. I just had a quick question as you go out. And it's just clarification on acronyms. Of course FOP is Fraternal Order of Police.

**CARLA JORGENS:** Fraternal Order of Police.

**BREWER:** What was the union you had before?

**BLOOD:** NAPE.

**BREWER:** NAPE.

**CARLA JORGENS:** NAPE.

**BREWER:** NAPE stood for what again?

**CARLA JORGENS:** Nebraska Association of Public Employees.

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**BREWER:** All right, and when did that transition happen from one to the other?

**CARLA JORGENS:** We started, we had to do a petition drive to prove that there was interest amongst the bargaining unit members to decertify that union. We did a successful petition drive but were ruled against in the CIR court, stating that it wasn't done in the right time frame. So we had to wait another year to redo the petition drive, which we did and blew them out of the water again. So we got to, we got our vote and we had over 510 votes for FOP and NAPE had 47. So we took over as the union I believe on August 26.

**BREWER:** Of?

**CARLA JORGENS:** 2018.

**BREWER:** 2018. All right, thank you. One more time, any other questions? Seeing none, thank you for your testimony.

**CARLA JORGENS:** Thank you.

**BREWER:** OK. Next proponent. Welcome to the Government, Military and Veterans Affairs Committee.

**RONICKA SCHOTTEL:** Hi. My name is Ronicka Schottel, spelled R-o-n-i-c-k-a S-c-h-o-t-t-e-l, and I am here in support of LB109. I have been an assistant professor of criminal justice for the past eight years, and I'm also a substance abuse counselor for Omni Inventive Care. But I'm here today because of my dissertation. I completed my dissertation that focused on the mandatory overtime experience of correctional officers at Nebraska State Penitentiary, NSP. This was a qualitative study that I actually interviewed the employees at NSP and then recorded their findings through data and published my dissertation in ProQuest. So the full dissertation is in ProQuest. While most of my research was aimed at the experience and mandatory overtime, recruitment and retention are a huge part of that. I'm gonna let the correctional officers that are here and the correctional officer staff that are here speak to a lot of their experiences. But what I can give you is some of the statistics from my research and then speak to some of the mental health stuff that Senator Blood had brought up as well. So from my research I found that 100 percent of the participants did cite that they did feel underappreciated because of the lack of raises that they were given, or no raises at all, if you could see that just from the merit raise

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or that it doesn't even meet the inflation. They also stated that in order to reduce mandatory overtime that they needed more pay, that people, that they needed people to stay on staff, and that that would lead to less employee turnover and more retention of the employees. Another thing to look at is when you're sacrificing relationships, sleep, eating habits, hobbies, and the quality of life, the least compensation that you can give to an employee is a monetary one. So I want to talk about what some of those sacrifices look like. Fifty-four percent of my participants reported that they had a failed relationship while working at NSP. They also attributed that failed relationship to never being home. They never saw their significant other. All the participants who were currently in a relationship voiced that their significant other was not supportive of their job and wanted them to quit. So when they were home, that was what the discussion centered around, was they didn't want them to be working there. All the participants cited poor sleeping habits, with only getting three to four hours of sleep on a consistent basis; and poor eating habits, due to not being able to refrigerate their food or find access to a microwave. Forty-five percent of the participants reported being prescribed anxiety or antidepressant medications since starting at NSP or getting their doses increased, which was huge when you, when you look at the mental health aspect. A lot of that came from the anxiety or those feelings of anxiety right before a shift was to end, not knowing if you were going to hear your name called over the radio, get a call in have to figure out if you were going to have to stay there or if you were going to have to try to get a hold of someone at home to let them know that you were not coming home for another night. Also what it was going to look like if you did have to stay. What were you going to eat? Were you going to get any sleep? How were you going to get things done at home? But because we are talking about the financial situation, I do want to touch on this. Financially-speaking, mandatory overtime is supposed to have the added benefit, really the only added benefit, that any of my participants talked about was time-and-a-half pay. Because of this, I did a, a paycheck analysis of a caseworker to determine what the actual take-home pay would be when you were required to work three to four extra shifts a week. NSP hired caseworkers at the rate of \$18.94 in the summer of 2018. The paychecks reviewed showed that the take-home pay with no overtime was \$1,100, which was \$13.75 an hour. Federal taxes withheld were \$150 and state taxes were \$60. The state, the second check that I looked at was the same employee that had 72 hours of overtime, for a total of 152 hours worked in one pay period. The take-home pay was \$2,400 or only \$15.79 per hour. The taxes withheld from the check were \$600 for federal and

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\$200 for state. This equates to a 233 percent increase in the state taxes that these employees have to pay out of their mandatory overtime. So as it appears, mandatory overtime of NSP employees benefits everyone in this room, except for the employee sitting there, and the entire state of Nebraska, through their tax contributions, but a \$2 an hour increase in pay for an extra 72 hours of work is hardly fair compensation to the employees. In order to recruit and retain employees at NSP or any other correctional facility, pay needs to increase to accommodate the sacrifices that are expected of them. A consistent tiered pay structure could allow for employees to feel more appreciated, satisfied with their jobs, and could in turn reduce mandatory overtime and employee turnover. Any questions are welcome.

**BREWER:** Ah, yes. I'm, I'm thinking through your numbers as you were going there. All right, thank you for your testimony. Let's run around and see if we've got questions. Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Thank you so much for being here. I just wanted to say that being, as someone who has no experience in this world, hearing the numbers that you shared in that testimony was very powerful to me. And I really think it's important that as a body we make decisions based on research and evidence, and that you could bring that to us today and present that was very powerful to me. Thank you.

**RONICKA SCHOTTEL:** I've got copies too.

**HUNT:** Perfect. I would love the copies.

**BREWER:** All right, let me run one by you here, because inevitably the challenge is if we rob from an account-- let's say the account, like Senator Blood was, was explaining there, that would be for hiring new employees. New, whatever capacity they were in, probably going to be guards. And we use that to increase the pay for those that are there. We doom them to overtime because they'll run out of numbers to be able to fill the shifts. I'm trying to figure out, do we hurt them more than help them if that's where we take the money from? You kind of see where I'm--

**RONICKA SCHOTTEL:** I do. I understand that. And the only thing that I can speak to of that is that they're already working three to four shifts a week of overtime. It can't really get much worse than that. It can't, you know? And the overtime shifts are not just 16 hours that they're working. They have to report 20 minutes before a shift, they



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have to stay at least 20 to 40 minutes after until someone comes and relieves them from their post. So they're there 17 hours at a minimum.

**BREWER:** And this probably isn't a fair question for you, but it will be a warning order for the others. So what happens is you finish your shift, you're getting ready to go home, and then there's a call that comes out and it says stand by the following individuals, you, you've got double duty.

**RONICKA SCHOTTEL:** The employees will be obviously speak more to that. But what happens is they don't even let the next shift start until they have enough people for the next shift to start. So they don't let people leave their post.

**BREWER:** And that's just for safety and security because you got to have--

**RONICKA SCHOTTEL:** For safety and security.

**BREWER:** So if people call in sick, whatever the reason, their numbers are short and that's how they fell in. OK.

**RONICKA SCHOTTEL:** My dissertation was under clock and key for that reason, because a lot of the officers, they just have to watch the clock and can't leave. They're locked into the institution until someone can come and relieve them.

**BREWER:** OK. Sounds crazy, but OK, thank you for your testimony.

**RONICKA SCHOTTEL:** Thank you.

**BREWER:** All right, next proponent. Welcome to the Government, Military and Veterans Affairs Committee. We'll get a green light here, and you're good to go.

**JASON SWEDLUND:** Good afternoon. I hope I am able to be coherent. I've just finished my second 16-hour shift this morning. My third one in four days. I've been up since 1:00 yesterday afternoon. I think I might have gotten in a half-hour nap in this morning while I was getting my kids ready for school. I don't know.

**BREWER:** Sir, could we get your name and spelling so. Which I understand with your condition of sleep why you would forget that.

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**JASON SWEDLUND:** Sorry, I'm getting ahead of myself here. I'm Jason Swedlund, and I have been a mental health specialist at the Lincoln Regional Center for 15-plus years and a caseworker at the State Penitentiary for 5 years before that. That's J-a-s-o-n S-w-e-d-l-u-n-d. I'm a union representative for the Fraternal Order of Police, number 88, and a current member of the negotiating team for the contract that is currently in negotiations. I'm here today because the Lincoln Regional Center has been running in crisis mode for way too long. There is simply not enough staff to safely and effectively run the facility. Multiple times a week, daily we run below mandated staffing levels. We just don't have enough people to run the facility safely, and it's been this way for a number of years now. From November 17 to right now the turnover rate for the mental health security specialist II is over 40 percent, and it is getting higher, with staff quitting weekly. This proposed debt pay plan is an excellent opportunity to help stop the turnover rates and help retain staff. Earlier this week, Bill Woods, chief negotiator negotiator for Governor Ricketts, testified at another hearing that these things need to be handled through negotiations. We tried. As a member of the negotiation team, I can say that they were a dismal failure. A state mediator and a federal mediator were brought in and the state still refused to offer any kind of contract that would even come close to facing, to fixing the staffing crisis at the LRC, LRC or the prisons. Their first offer was a 0 percent raise. Their final, best, offer was 2 percent raise and 0.3 percent. So if you work there for decades, you get one-third of 1 percent. That's, that's how we're rewarded. And as, as part of that offer they also wanted to take over 100 percent of our insurance package. This means our premiums would go up, our out-of-pocket costs would go up, our medication costs would go up. This, the state's best plan to help with the staffing crisis, was to offer a contract that would decrease our compensation package. So this is how they want to solve this staffing crisis, is by reducing our compensation. I can't even believe it when I say it. It just sounds so ludicrous. I knew that the negotiation was not going to go well when one of the first things that the state negotiating team said: We don't believe that wages have any influence on staff retention. This is a direct quote: We don't believe that wages have any influence on staff retention. This is the mindset that we've been trying to negotiate with for over three months now. The crisis has gotten so bad at LRC that they have been reduced to using privatized staffing agencies to hire temporary employees. These employees come in and work for eight weeks. They spent \$6,000 to train each one of these employees, and then at eight weeks they take this training, that money, and they go

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back home. Right now I have worked with staff from San Diego, California, to Florida, from coast to coast. When they, when the wages went up, people started showing up to work. You can get someone from San Diego, California, to come to Nebraska in the middle of January and minus 20 degree weather, with the right wages, and they're trying to say the wages don't increase staff retention. That's just ludicrous. As well as coming from across the country, many of these temporary staff come from right here in Lincoln. They live here. They have lived here for years. And once the wages that they were offered were competitive, they now will work at the Regional Center. You can get staff to work there if you offer the wages. It is proven. It is happening right now. Governor Ricketts has many, held many press conferences where he states he wants to create competitive high-paying jobs in Nebraska. Yet, he's willing to pay people from Florida, South Dakota, North Dakota, San Diego to come in here work for eight weeks and then take their money and go home. You know, they work here for eight weeks and then they leave. This just creates even more turnover rates. And if they do decide to stay for another eight-week contract, they get large re-signing bonuses. What do I get? I get a contract that's going to reduce my compensation package. Thank you very much. As I speak, the other members of my negotiating team have been at the CIR. And Governor Ricketts wants to base our pay on compare, comparable states such as New Mexico and Arkansas. Really? I guess you could say the motto for Nebraska and the Department of Corrections and DHHS could be: Nebraska, it's not for everyone, but we're comparable to Arkansas. In all, in all seriousness, we have known for years that we have been in a staffing crisis. There are studies from 2016 stating unequivocally we have a staffing crisis. Studies from 2017 stating that we have staffing crisis. Studies from 2018 showing that we have staffing crisis. We don't need more studies, we don't need more committees, we don't need more oversight, we don't need more meetings. We need long-term solutions today. The proposed debt pay plan is an excellent first step in starting the process of fixing the staffing crisis, and everyone agrees that we have a staffing crisis. As I mentioned before, there is a severe prison overcrowding problem. The Lincoln Regional Center has a 46-person waiting list for, for the courts and the different county jails to have patients come out to Lincoln Regional Center to be assessed for court reasons, treatment, and other things. These people sit for months and months and months in county jails. The county jails have to deal with the mentally ill there, and they're not prepared to.

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**BREWER:** OK. All right, we, we ran out of time here in this. You were on a roll, so I kind of let you go there because, well, it was interesting and you were on a roll. Besides that, you hadn't slept, sleep in a couple of days, so fair to give you the chance. Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. And thank you for sharing. I know that a lot of you are really like digging deep and sharing things that can be kind of uncomfortable, and I appreciate that. And I'm going to ask you an uncomfortable question, but I think that from what I hear you might have an answer. So one of the things I always worry about, especially in the age of technology, is that, in your personal opinion, and I certainly never ever want to believe that this would happen, but we know it does, do you think that it leaves staff open to becoming mules? Such as maybe bringing in a cell phone because some inmate has offered him \$1,000, \$2,000 for it because they were feeling so cheated and because they are feeling so worn down and because their mental health is being pushed to the limit? Do you, do you think that there's an opportunity, and I don't-- of course we don't ever want to think that anybody is a bad person. But we're putting staff in a low-pay environment, not rewarding them. They're in a fishbowl, is the best way I think to describe it, all day long, with people who have nothing but time on their hands to figure out how to screw you over. Do you think this possibility that we could also be hurting the system in the way that we're setting people up for to do potentially stupid things that they'll probably regret later because they are so desperate?

**JASON SWEDLUND:** I think there's a lot of different reasons why people choose to bring in contraband. I think that the culture that you create when you pay these low wages obviously influence that. When you are locked in for 16 hours a day, you spend more time with these individuals than you do with your family. They have nothing to do for 24 hours a day but to figure out how to manipulate.

**BLOOD:** Right.

**JASON SWEDLUND:** And they are in these facilities because that's what they do, they manipulate people. So, yeah, obviously, you know, the culture has been created where there is the possibility for that sort of thing to happen.

**BLOOD:** And even that could also endanger staff?

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**JASON SWEDLUND:** Oh, it definitely endangers staff. When contraband is brought in, it puts everybody in danger. The cell phones are used to continue criminal enterprise on the streets. It can be used to bring in drugs and alcohol, you know, alcohol and the production of alcohol in the prisons was one of the major sparking factors in the last riots.

**BLOOD:** But they still probably make hooch in the toilets and the mop buckets, right?

**JASON SWEDLUND:** It is, yes.

**BREWER:** OK. Additional questions?

**M. HANSEN:** Thank you, Chairman Brewer. And thank you for testimony, Mr. Swedlund. So just to confirm, you came, also came and testified at the Business and Labor hearing on Monday?

**JASON SWEDLUND:** Yes.

**M. HANSEN:** So since you left the Business and Labor hearing Monday, can you just walk us through your schedule? Because I think you referenced it in your opening.

**JASON SWEDLUND:** I'm trying to think, that was Monday morning. Let's see, I had worked Sunday afternoon from 2:45 until 7:00 Monday morning. When we say 16-hour shifts, these are not 16-hour shifts. We are there from 15 minutes before the 16 hours and 15 minutes after. So, you know, these are 16-and-a-half-hour shifts that we're working. So once I got home Monday morning at 7:00 I had to take my daughter to school, I had to get my other son ready. I think I got breakfast, I did, I did a few errands, and then I came here at 1:30. I think we were here until probably three. I got home at 4:00 roughly, slept until 10:00-- or had supper. I think I got to sleep about 6:00. Ten o'clock I had to get up and get ready to work. I worked from 11:00 that night until 3:15 the next day. I got home roughly 4:30, did a few things. I think I got to sleep about 7:00, got to work at 11:00. I'm trying to, I can't even keep track of the days. But it's so from 11:00 that night until 3:00 Wednesday afternoon, and then Wednesday night I had to be back at work from 11:00 to 7:00. Got my daughter to school this morning and it's now 4:00 on Thursday. So I guess that's, I guess that's where we're at now.

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**M. HANSEN:** Sure. No, thank you for sharing. I just kind of, when you walked through in your opening I know I'd seen you basically 72 hours ago in front of my committee, and he mentioned multiple double shifts even in that time. And I knew you had just, at that hearing, had just come straight from work.

**JASON SWEDLUND:** Yeah, to be able to attend this meeting and to make sure that I wasn't going to get mandatoried today, I had to volunteer, quote unquote, volunteer yesterday to make sure that I was not gonna get "mando" today and be able to attend these meetings.

**M. HANSEN:** Sure. I know that was an issue that came up in Senator Wishart's bill where people volunteer with the air quotes for mandatory overtime so they can protect other times.

**JASON SWEDLUND:** Yeah, I mean, any time that you are sanctioned for not doing something, I don't think you can call it voluntary. When you face sanctions for it, it's not voluntary.

**M. HANSEN:** Thank you for coming.

**BREWER:** Additional questions? All right, thank you for your testimony. All right, the next proponent, please. Welcome to the Government, Military and Veterans Affairs Committee. And you've got a green light, you're good to go.

**TANIA IVIE:** Thank you for having me today. My name is Tania Ivie, T-a-n-i-a I-v-i-e. I am at the Lincoln Regional Center. And to me, longevity and having people that want to stay in the mental health facility, these people are mentally handicapped. They need repetition, they need stability. They need people there that know their needs, know their wants, know their likes and dislikes, what they can have, what they can't have. It's just like a two-year-old child, except you're taking care of 20, 22 at a time with only five of us max on a unit. Sometimes less. With longevity comes staff that know how to handle this. You have agencies that are coming from all over the place, don't know the rules, don't know the patients, don't know the people, don't know their needs and wants, which causes attacks. They get anxious, they constantly needing more medication, more shots because their anxiety is high because our anxiety is high because we're overworked. You just cannot work 3, 4, 16 hours a day. We're supposed to be a role model for these people to get out on the, out in society and be able to function. Without that, just longevity, and being there, I, I just don't know. Like I don't understand how Pete

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Ricketts and they feel that this is not necessary. They got to do-- something has to be done. With the step up raises, it's going to keep people there. They're paying agency workers and nurses \$40 to \$100 an hour to be there, when they could be paying us staff, to keep regular staff there to help correct some of these issues that are going on. And not only that, I've been there a little over three years. There's been like six CEOs and froos [PHONETIC] and different directors of nursing. So every person in our administration is trying different things. They're going to come in and change this and we're going to change the units to run this way. Well, bottom line is, it frustrates the patients, it's frustrating staff. Nobody knows what they're doing, and that's when people are getting hurt.

**BREWER:** OK. Thank you for your testimony. Now, your actual job title is?

**TANIA IVIE:** Mental health security tech II.

**BREWER:** OK, thank you. Questions? All right, thank you for your testimony. Welcome to the Government, Military and Veterans Affairs Committee.

**CONNIE VISSERING:** Thank you. My name is Connie Vissering, C-o-n-n-i-e V-i-s-s-e-r-i-n-g. I also work at the Lincoln Regional Center. I'm also a mental health security specialist tech II. I didn't work 16 hours yesterday because I took a buy. If you work 40 hours overtime then you earn a buy. So you got to work 40 hours to use a buy. That's how I got out last night. But this weekend I'm preapproved, as he said, we were recently just able to preapprove what works. But I won't make it through the weekend before Monday at 3:00 in the morning before I, I have to come to work. Because I won't make it through this weekend, so without being preapproved I'll be staying until like 7:00 or 11:00 when I work the 7:00 to 3:00 shift. I'll be working until 7:00 at night or 11:00 at night all this weekend to come in at 3:00 Monday morning because that's what I preapproved for, that's how that's going to work. So you never know when you work overtime what shift it's going to be, what building it's going to be. We have our specific buildings that we work, but when you get overtime you can go to any of the buildings. So all of a sudden you're with new patients, you're with new staff, you're with new everything. Nothing's consistent between the buildings themselves, let alone going to different buildings. This agency thing, these people just don't care that are there. They know that they're short-timers. They don't want to do anything. Therefore, in my opinion, it has added to our workload

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because we're stepping up for what they are not doing, which is pretty much they go out of their way to get out of doing something than just doing it. That annoys me to no extent, but anyways. So we're actually working harder with these agency people in there than if they weren't in there and they just paid us across the board what we're worth. Until two weeks ago-- no, until January 1st, so a little more this-- I don't know where this year has gone. I'm like them, all of these people, you get to the point when you work these hours, your thought process just diminishes. I don't even know where I'm going with this, but we just got a, with this-- yeah, seriously. With this new union, though, we did just get a raise. We went to \$14.90 an hour to \$15.35. Woo-hoo, my rent just went up \$50 a month. I'm going to use July as an example, because that was just a real tough month on me. I was called every day in the month of July except for two for overtime. My aunt that raised me half my life passed away, had a new grandbaby, and my mom was in the hospital for two and a half weeks. They could care less about any of those situations. You're going to be at work, you can't be there for your loved ones. You can't be there for yourself, let alone your loved ones. Going back to Dr. Osborne and their testimony. I used to volunteer for the Big Sisters Big Brothers. I was a true big sister, not a teammate. Love this child to death. I had been there for about two and a half years, I've been with her for four years. In the two and a half years that I worked there, I had to give up Big Sisters Big Brothers, which gave me a lot of satisfaction like you guys were all stating. I'm starting to get emotional. That happens when you're tired too or overworked, overstressed, all of it.

**BREWER:** You're doing good.

**CONNIE VISSERING:** So this child, now I see about once every four months. Connie, can you pick me up? Can't. Not getting off work again. Not getting off. But she doesn't understand. She's 12 now, I've had her since she was 8. She doesn't understand that I'm one of the fortunate ones. My, my children are adult children, they have their own life. I feel so sorry for these people that got to get their high school kids to practices, missing out on everything, little kids that need daycare still. Somebody is got to get my kid. I got to stay. You find out a half an hour before you're ready to walk out the door that you're staying another eight hours. Now, if you volunteer, you don't get a Marie Callender's frozen dinner, but if you're mandatoried overtime for that eight hours, they'll give you a Marie Callender frozen dinner to eat. So that's kind of how pathetic it is, but I can go on and on, on how pathetic the stress is that it puts you under.



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The lack of any quality time whatsoever, not knowing if you can afford your grandkids' birthday presents on what we're making, Christmas presents, living paycheck to paycheck. And, as some people said, we love our job, we love the camaraderie. That's why we do it. But God dang it, somebody listen to us and compensate us for what we go through day in and day out. That's all.

**BREWER:** All right. Thank you for your testimony. Go around the room. Thank you for, for sharing.

**CONNIE VISSERING:** Thank you.

**BREWER:** We appreciate it. All right, next proponent.

**CANDACE HANES:** Hi.

**BREWER:** Good afternoon. Welcome to the Government, Military and Veterans Affairs Committee.

**CANDACE HANES:** My name is Candace Hanes, C-a-n-d-a-c-e, Hanes, H-a-n-e-s. I am a 20-year employee. I work at the Community Corrections Center in Lincoln, Nebraska. My job is actually, I wear many hats. I'm a corporal on first shift. I'm also property officer. I'm the employee treasurer for the EAC membership. I conduct UAs. I conduct room searches. I conduct pat searches. I go out in the community and do surveillances. I also am a records person right now, because we don't have a records clerk in our facility, all on a 40-hour pay period. I ran shift many moons ago in my department. I make \$19.43 an hour. That's one dollar an hour more than a new hire starts off with. What incentive do I have to stay with the state of Nebraska? As of right now, I have weekends off. That is my incentive because I can't go anywhere else, to make sure that I have my weekends off to go travel to my parents' home, which is in McCook, Nebraska. I am also the charitable giving coordinator in the facility, on top of all my daily duties that I do. I was also on the contract negotiation team this year with the Fraternal Order of Police. And the 2.3 percent for my longevity pay is not worth me giving up my holiday time, my overtime hours now that I actually work at the penitentiary with, because I go and help in the other facility. So I thank you guys for letting us to come to this bill and Senator Bolz for introducing it.

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**BREWER:** All right, thank you for your testimony. You know, with, with each one of these we get a little more of a picture. So that's the valuable part of the testimony. Senator--

**M. HANSEN:** Hansen.

**BREWER:** It's a long week.

**M. HANSEN:** I thank, thank you, Chairman Brewer. And thank you for testifying. So, so I appreciate you all coming out and I appreciate you sharing. One of the things we're hearing is that a lot of people who work for the state, for the state corrections leave for specifically Douglas and Lancaster County, county corrections jobs. Is that something you see with co-workers, former co-workers that when an option is available in Lancaster County they'll apply and leave?

**CANDACE HANES:** Yes, and then including Sarpy County.

**M. HANSEN:** And Sarpy County. And then part of that is, I guess, there, as I understand it is, that there are a more favorable wage, with starting wage and step raises in those counties.

**CANDACE HANES:** Correct.

**M. HANSEN:** So there are jobs in your field for other political subdivisions that offer this starting at a higher wage?

**CANDACE HANES:** Right. If I had to do it all over again, I would probably not choose the state of Nebraska.

**M. HANSEN:** I was, I was, was curious about this. And I literally just opened up Indeed and the first article was the Lancaster County correctional officer starting at \$9.36 going up to \$28.66.

**CANDACE HANES:** Right.

**M. HANSEN:** OK. Thank you for sharing, I appreciate it.

**CANDACE HANES:** Not a problem.

**BREWER:** Any additional questions? Again, thanks for your testimony. OK, additional proponents? Let's see, so we have an idea, how many additional testifiers, either proponents or opponents or neutral are left out there, because we're trying to-- all right, it's going to be a long night. All right. With that, please start.

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**JANE HARDY:** My name's Jane Hardy, J-a-n-e H-a-r-d-y, I work as the Tecumseh State Correctional Institution, which is in short is TSCI, in Tecumseh, Nebraska. I started September 2 of 2002. I make 43 cents an hour more than a new hire. We've had a lot of difficulties at our facility. So much so that we bus staff in from Omaha to our, to Tecumseh to work daily. They come down and work five hours because they get drive time to equal out the eight hours. They don't get mandatory, and they drive back. And they make a joke of it with some of our staff. The new hires we're getting come in, they're coming in as corporals when they're hired for Tecumseh, and our people are training them. Some of our people that's been there 15, 16 years and are officers making less money are training these guys. So there's a little running joke that the state hires them and trains them and then Lancaster and Sarpy and Douglas take them from us. It's, it's real disheartening. It's very disheartening to work, you do a good job. As Carla said, I have got good, I've got good reviews, I've gotten the correct forms. I get a good eval every year and I'm not rewarded for it. We're, we're just not rewarded for it. And the dangers that we put up, up, up with. On Mother's Day of 2015-- I've got weekends and holidays because I'm a day shifter, but after you've been there, I'm one of the senior staff, so as time goes you can either bid into or put in for a dayshift job when it comes open and interview. And if you get it, and I, I got one on Mother's Day, which was a Sunday. To help our fellow workers when this incident happened, me, and my husband works there as well, we both come into work to help out and we were there until we went in that night and didn't get off work till 11, 12:00 that next day. Went home, got like three, four hours sleep and went right back into it. It was a mess. And I go to work every day not knowing the area I work in when an inmate is brought into holding, which of course he's usually done something, whether he's high, drunk, causing trouble, assaulted staff or another inmate. They're brought into my area very combative sometimes. They come in there to shower once they've been sprayed with-- I would see from a, from a fight with another inmate, which we just had yesterday. But we're just not compensated. I think that if we paid our staff better we would keep them. We've lost a lot of senior staff since I've been there, and most of them that we have now, they're newer. It's sad when you go in and you've got like 10 of you has been there over 10, 15 years or so. It's, it's just not good. We go through, I think it was last year alone we lost over 100 staff that quit or got fired. So it's definitely an issue. Definitely an issue.

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**BREWER:** All right. Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. Thank you for sharing your story. So I heard you correctly, Tecumseh is where you were work at now?

**JANE HARDY:** Yes.

**BLOOD:** So what was the general feeling? I remember driving from Kansas and seeing this big, big billboard saying: Enter, enter your career as a corporal. And I remember when I was an officer you used to have to study and take a test. And if you didn't past the test, you wouldn't become a corporal. Does that not happen anymore? Do you still do that to get promoted or is it different now?

**JANE HARDY:** At our facility, I know there was a point they just started hiring them off the streets as corporals.

**BLOOD:** How did that make the rest of the body feel, knowing that?

**JANE HARDY:** There was a lot of friction, there was a lot of stress, a lot of-- yeah. People just, it just doesn't, it didn't sit well, it doesn't sit well still today. And so much so that some of our longer, longevity people that's been there longer, they're at the point that they're just saying that it's a frickin paycheck. And what you stated earlier about the contraband and stuff. Yeah. I mean, you've got people that are coming in, and that's not the only reason. But, yeah, that's definitely-- and the whole point is, is if we paid better we would hire better-quality people, go back to the test them like we did, the way it was, and we wouldn't have as much worry about cell phones and drugs and having sex with inmates and all that stuff that happens. It happens.

**BLOOD:** So when you come through the institution through the sally port and you have, and you're going to your post-- and I have not been to Tecumseh, that's the only facility I haven't been to-- who checks you for contraband? Do they have you open your lunch box, are you allowed to take a lunch box now still?

**JANE HARDY:** Yes. We have a metal detector, a machine that it's ran through.

**BLOOD:** And you walk through a metal detector?

**JANE HARDY:** No, no, we do not.

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**BLOOD:** So only whatever you're bringing in.

**JANE HARDY:** Yes. And every now and then they have staff searches.

**BLOOD:** Interesting. And do-- so it sounds like you believe that when people are unhappy and miserable and don't feel compensated that they might be prone to making a bad decision, becoming a mule?

**JANE HARDY:** Some, yes.

**BLOOD:** Because they have families to feed and bills to pay.

**JANE HARDY:** And some of it is the quality of people were hiring.

**BLOOD:** Because you're short-shifting.

**JANE HARDY:** Yes. And we're getting them fresh out of high school. I mean, when I got out of high school at 18 these guys could manipulate, you know, like no tomorrow. You get a young one in there and these kids just don't know what hit them. It's sad.

**BLOOD:** Fair enough. Sounds pretty accurate, thank you.

**BREWER:** All right, additional questions? Thank you for your testimony. Next proponent. Welcome to the Government, Military and Veterans Affairs Committee. You're good.

**DON HARDY:** Hi, I'm Don Hardy, D-o-n H-a-r-d-y. I'm tool control corporate at Tecumseh State Correctional Institution, started with the Department of Corrections November 13 of 2001 at Tecumseh. I'd just like to say it's nice to come up, because we think we're in the s\*\*\*hole of society down there. And here you guys say something nice. It was so nice to hear the opening to all this and some of the other stuff, because we don't hear good things down there a whole lot. So I want to really say I appreciate that. It seems like we're always on the hindsight of everything. In the seven-- I'm in my 18th year. I've seen us lose our step raises, I've seen our lose our state split from health insurance. I even had, we even had one governor that we took our raise and furloughed us for three days that year with no pay to make a, take away a raise. It seems like it's always just take, take, take away from us down there. Eighteenth year, I was just doing a little calculation. I make 47 cents an hour more than a brand new person coming off the streets. One of my jobs there is tool control, I'm responsible, 47 cents an hour more. There's 12,000-plus tools being used at Tecumseh right now by staff [INAUDIBLE]. We have two

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shops working and all that, I'm responsible make sure that they're all stored properly, properly, properly maintained, accounted for, and all that. I would love to see something to keep our older staff there. I see the fine line between keeping staff and training new staff, that we can train all kinds of new staff. But if we can't keep the staff we have, what's the sense? Because we're just, we're losing our-- we got the blind leading the blind now with all our new staff. There's so much lost when we lose a long-term staff member. It's just, it's saddening to watch in the last 17, 18 years. And just sometimes it just don't think anybody cares. And it is disheartening. I mean, I like my job. The first time I heard Frakes come down, and he was talking about career. And, you know, I never considered this my career, but he kind of sparked something in me and I've always thought about that. You know, I'm 56, and they're probably at that job longer than I've been with any other job. And I would like to see the kids coming on now be able to stay. A lot of kids coming on are on a three-year plan. They get fully vested in their retirement three years, they draw out \$30,000, \$40,000 and off they go. You know, because you draw out that much money and you go to county and you can go up there and down payment on a nice house or whatever. So, yeah. And I'm one that has somebody to go home and talk to because that was my wife just before. But I would like to say, and it is a high-stress thing. 2009 I lost my second wife, she committed suicide. She also worked there. So, yes, it is high-stress.

**BREWER:** All right, thank you for your, your testimony. For those of us it was on the LR127 task force, too many task force, I can't keep track of all of them. We toured all of, all 10 facilities, and Tecumseh does have a unique, almost coldness to it. I mean, it's hard to exactly put into words, but it just didn't seem to have quite the same energy or normality that some of the other ones had. So I just, I don't know what it is about Tecumseh, but it does seem like it does have challenges just because of the way it was designed and where it's at, I guess. I don't know, it's kind of hard to put into words. But questions? Thank you for your testimony. Welcome to the Government, Military and Veterans Affairs Committee.

**JERRY BRITTAIN:** Hello, I'm Jerry Brittain, J-e-r-r-y B-r-i-t-t-a-i-n. I'm a corporal at the Omaha Correctional Center. I'm working my fifth year. I'm involved in so many aspects of the department it would be hard to describe them with five minutes. I specialize in transportation. I teach at STA, which is our staff training academy. I'm an FTO, a field training officer, that work directly with new

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staff. There's a lot going on, and I kind of want to hit a few things you guys talked about. Senator Brewer, first off, there are still lock-ins, so to speak, that they will lock the doors. That happened just a week ago, even at OCC. Some people seem to think that TSCI and NSP stand alone as the problem children with this department. I'm here to tell you that's not the truth. We're overlooked because we're not in the media as much. We haven't had a riot, we haven't had to explain dead inmates. That, that's coming, I'm sure of it, if we don't make changes. It's, I do apologize to Senator Hansen and any of the rest of you that were here with the last bill that was trying to relieve some of this trouble, I had to work. I know it's hard to believe, but that was the case. I speak kind of passionately about this and kind of forward, and I apologize, I don't usually get to speak to the people who are in the power to change my life so directly and the lives of all my colleagues. I never intended to be in corrections. I fell into this position, and I found a home. Unfortunately, the mentors that taught me and got me into the position I'm in now have all left for county. The most of them left to Sarpy County when they privatized and went from deputies to civilian corrections staff. We lost over 100 years of experience the day that place opened, and they were, most of the people, went there were a mentor. It was my personal mentors. They're not taking the fresh kids off the street, they're taking our sergeants; our lieutenants; the people who are in charge of our CERT teams, which is our emergency response team; our CNT members. Those are the kind of people that are attracted to county, and they'll tell you that it's because of the longevity pay. They see a future. In just a few years you can be making five, six dollars more than you will be in county. I'm still at the same pay rate, even though all of my training and qualifications I get no extra money or compensation for that. As a matter of fact, all that does is put more strain on my family. Even now, when you've seen me leave, it's to do work things. I am a member of FOP88. I happen to be the treasurer, so people look to me from the Omaha area for answers, and they are frequently [INAUDIBLE]. I believe if we can't get them more money, then in July you're going to see a lot of people choosing this to work for the county and find other employment. One last thing, I myself have been victimized by a violent inmate who escaped. Now that was not the fall of NDCS, it happened at Pottawattamie County across the river in Iowa. But we at NDCS have unfortunately had inmates who have escaped and we've had a lot of violence due to that. That's not something you want on your, on your door. So I'm not so much asking for sympathy, I'm looking for help. I'm working with the new hires to try and reestablish what we had five years ago when I came in. And you just

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don't want your kid on the news, you know? Hardest day of my life was when my girlfriend had to call my mother and tell her I was shot by an inmate. Like I said, that's not on NDCS, but that's, that's where we're heading if we can't make a real change. And I would be happy to answer any questions.

**BREWER:** All right. Thank you for your testimony. Questions? Well, thank you for your time.

**JERRY BRITTAIN:** Thank you.

**BREWER:** Coming in. All right, any additional proponents? Got to have a green sheet. That's the rules. Welcome to Government, Military and Veterans Affairs, and you're hot.

**MICHAEL CHIPMAN:** Hi, I'm Michael Chipman, I'm the president of FOP88. It's M-i-c-h-a-e-l C-h-i-p-m-a-n. I've worked for the Department of Corrections for just over five years. The first four years of my career I was at the Nebraska State Penitentiary, and this last year I am at the Community Corrections Center of Omaha. As you've heard from my colleagues, how bad things really are, and it's, it's purely because of longevity not being addressed. You have people that are leaving and then so it's causing all this mandatory overtime, and it's compounding. So what I'd let go is how this bargaining went. We started bargaining in October. We started off by telling the state how terrible things really are and how we have to fix this, and we have to fix it now. It's not something we can kick, we can't kick this can down the road anymore. The consequences are too grave. As Brittain has mentioned, things are, things are really bad. So we, we, we asked to compare it to the counties as far as our wages. The initial offer by the state was 0 percent. They thought that was a good idea. After further negotiations, they offered us 0.5 percent. You can imagine that that didn't go over well with us when we're trying, when we keep telling them how terrible things are. I told them that not long after October 31 I had six people at the Nebraska State Penitentiary walk out and abandon their posts. They said they were done for the day, they're not working anymore. I said, this is how bad this crisis is getting. The links on the, on this fence are breaking, so to speak. It's a slow process, but we're, I think we're finally getting towards the end. We don't want these people to walk out and to do what they're doing, because-- but they're tired, they're beat down, and it's a natural process that happens when things are this bad. After I, we explained the situation and very exact detail, they decided to offer us a 1 percent. So that was their solution for that. We continued the



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negotiation process, and as you heard before, our final best offer was 2 percent base and a 0.3 percent merit attachment. That would be less than a nickel for every year you work, so as you can imagine, that didn't go over well either. And as they said, it would include them having complete control of the insurance, which means they could raise the premium as high as they wish and they could also play with our deductibles. So that, that wasn't an offer that we could sustain. We've tried to explain to everyone how grave these things are. Just last night we had another person they, they left. They were supposed to relieve and then they just left. They said they were done. Hopefully they'll come back, but it is who knows what they'll do. I've had multiple messages from staff today saying that if something is not figured out in July, they said they are going to leave. They're, I had multiple message explaining that they're going to work a bunch of overtime in the next couple months and that's gonna be their severance package, so to speak. This is extremely scary to me. I live it, I used to live next to the Nebraska State Penitentiary. As Jerry Brittain mentioned, we know exactly what happens. It's not the walls that keep inmates in, its staff. And we have to reward these staff for staying. It's very, it's very, very simple. The counties do it. They all have a step or a step-based plan to reward longevity. I guess I just don't understand where they are, where they're coming from on this. Governor Ricketts has made it clear that he wants an attachment so that's more completely based on merit. Our response to that was, is when you start retaining employees they, you get to pick the good ones from the ones that aren't making this a career. And so I could keep going forever on this, but the lights told me not to.

**BREWER:** It did.

**MICHAEL CHIPMAN:** So the point of this whole thing is that we need this bill because it will begin to address the horrible issues going on. And I, I honestly fear-- this isn't the union, us trying to get more money or anything of that nature. I am, I fear for the citizens, I fear for my co-workers, and I fear for the people that we look over. Which is our mission, is to keep people safe. There is no way that we are keeping people safe when people are leaving the job and they're quitting and these mass exodus. So that's all I have to say I guess.

**BREWER:** All right, thank you for your testimony. Now, I got a couple quick-- oh, go ahead, Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. So again, I'm asking a personal questions, this is obviously just going to be your opinion. But I, I

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haven't heard it in any of the testimony. So you talked a little bit about the prison is more than the walls and that your, the staff is definitely what keeps the inmates within those walls.

**MICHAEL CHIPMAN:** Absolutely.

**BLOOD:** How important would you say the staff is, regardless of the rank, to the success of that inmate getting out and having a better life?

**MICHAEL CHIPMAN:** It's absolutely vital. So you'll hear that from the director's office the programming of the key, and I have no personal issues, and I don't believe anybody has issues with the programming. But you have to have staff for these programs. And without programming, it has been proven scientifically that these inmates have a higher chance of recidivism. We're having a hard time manning our bare minimum posts. That's what you need, that's when you mandate people is when you can't hold your bare minimum post. Programming, though they also try to mandatory a few people for that, what they'll say is mandatory, it's truly not. And so that becomes an issue and the program is not getting done appropriately. There's no way that when you had in the last four months, which we got numbers from the state, 110 staff just from NDCS alone quit, there's no way that we're able accomplish our mission, which includes exactly. Not only are we supposed to keep citizens of Nebraska safe, you do that through programming as well, as well as not allowing escapes. I'm long-winded. But when you're, when you work you for longevity, they know how to talk to the inmates.

**BLOOD:** Right.

**MICHAEL CHIPMAN:** It's just because you have more rapport-building skills. It's just it goes for the territory. And also, you know, it's on a security standpoint you know what to look for. Oh, I remember one of the times I worked at NSP. Oh, there's something getting ready to happen on the yard, so we would all, you know, you go to find out. If you're brand new from STA, you don't have those, you haven't built those skills and those instincts yet.

**BLOOD:** And I do want to take that a step further. So because I'm still not, I'm looking for an answer. So programming, that's a given that the programming-- our goal, I always tell everybody is that one day those people are going to be your neighbors.

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**MICHAEL CHIPMAN:** Absolutely.

**BLOOD:** And you want them to be the very best neighbor they can possibly be.

**MICHAEL CHIPMAN:** Don't want them to commit a felony against me.

**BLOOD:** And receive the programming that they should be receiving. And I, and I, and I know that that is Mr. Frakes-- I forget his title all the time, and I apologize for that-- Mr. Frakes' goal as well. I have no doubt that that's his goal, is to, to make better the people that he's going to return to the streets. But with that said, an experienced officer, a corporal, case worker, case manager that follow the rules and are consistent teach an inmate--

**MICHAEL CHIPMAN:** Yeah.

**BLOOD:** --specific things. They teach that inmate respect. They keep them on a routine, because everybody does better with routine. When the shift change happens, they know if there's consistency that they're not going to be getting away with somebody who maybe is lax in their job. Would you say that that's, that's true?

**MICHAEL CHIPMAN:** That's absolutely correct.

**BLOOD:** And would you say that it's harder for staff to want to be consistent and really give a damn if they know that they're never going to get to sleep, if they know that there's expectations that the inmates respect them but the people who supervise them don't necessarily respect them?

**MICHAEL CHIPMAN:** Right.

**BLOOD:** I don't know if supervise is the correct word, but the people that they're beholden to.

**MICHAEL CHIPMAN:** Yeah, absolutely. Absolutely. That everything you said exactly on point on that. Is that, you know, and you fix all that with longevity. As they say, all roads lead to staffing. I mean--

**BLOOD:** It does because you're the ones that are locked in with them 24/7. You're the ones that hear when somebody has brought in contraband because somebody comes and snitches to you or you do a proper shakedown and actually take fixtures off walls or--

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**MICHAEL CHIPMAN:** Absolutely.

**BLOOD:** --because another staff person maybe didn't. There's a lot that lies on your shoulders, and the only people understand the job that you do are the other people that do the job that you do.

**MICHAEL CHIPMAN:** Absolutely. We all have to have our back, especially in a secure facility like NSP, Tecumseh, LCC, OCC, all of them. It's a vital importance. And that's something that you learn with experience on how to do this. You know, not to go down a rabbit hole, but, you know, like when you speak with longevity, you don't, you-- in time and grade you're able to know how to speak to inmates versus someone who is brand new, they, they are maybe watch too many shows and they think that they can--

**BLOOD:** Right. It's not like on TV, especially in the Nebraska system.

**MICHAEL CHIPMAN:** No. And then the, and I don't want to say they create an altercation because that individual has the decision, the inmate themselves have the decision. But the situation gets heated, we, the experienced staff, have to be the one to go and deal with that, along with other staff. That all can, a lot, how many situations when I was working could be avoided by proper communication. And senior staff, staff with a little time, they, most of them, learn how to properly talk and how to have professional communication.

**BLOOD:** How to diffuse a situation.

**MICHAEL CHIPMAN:** Absolutely.

**BLOOD:** Right. Well, a new person it might be easier for the inmates, especially the overcrowding, to get one over on them then make that person realize that they might be in trouble. Then of course make them into a mule, and we know the rest of the story.

**MICHAEL CHIPMAN:** I've watched my, my little facility, which we have some of the best. We're supposed to have some of the best staffing at Community Corrections Center of Omaha, we had a staff member who turned to have an unprofessional relationship with an inmate that was found out. She got sent away and then like fired or quit or whatever, you can call it what you want. And then she called the inmate and said, hey, they figured us out. And so he ripped off his GPS tracker, because like I said, I'm a community-based center. He's, so now he's, now the inmate is completely unaccounted for in the community for a

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short period time. Throws it over a viaduct, so I have to go down and pick this GPS up and of course we have to report to local law enforcement and all that stuff. And he comes back 12 hours later under the influence of three narcotics and alcohol. We later find out. And he's, you know, 300 pounds and he's well-built. I mean, and we're a two-man facility at some times. So, you know, we, and our backup, so to speak, its five minutes away. Can be up to five minutes away.

**BLOOD:** Because your backup is OCC.

**MICHAEL CHIPMAN:** Yeah, our backup is OCC, so you have the major, the medium care facility of OCC across the street from CCL. And that's who we call for emergency service. Yeah, when things get out of control.

**BLOOD:** Thank you.

**BREWER:** All right.

**HILGERS:** Thank you, Mr. Chairman. Thank you for coming down. And thank you to your colleagues for all the work you do. Just a brief question, if you could clarify this concept of taking over the insurance. I think you referenced it and someone else did. I hadn't heard that terminology before and it was something I think that, that the comment was that by taking over the insurance the premiums would go up. So could you just explain that to me and how that would be different from maybe the current contract that you have?

**MICHAEL CHIPMAN:** All right. So the premium, we have it set at 79 percent. Their last proposal said they would agree to a 79 percent. So that part would-- the premium always goes up a little bit because it's just that they wanted complete control of the deductibles and the copay. So our current deductible, I believe, is \$1,200. They could, in essence, make it \$2,000 and make our co-pays \$100. Our current co-pays are \$35 and \$50. They can make that as high as they were, they wanted no caps, no controls. So we call that controls, like saying our current control is this \$35 for a co-pay on a regular office visit and \$50 for urgent care. They can say nope, that's \$100 now and that's \$60. I mean, I'm not saying that's what they would do, but it would give them that option.

**HILGERS:** So in other words, you have one play out and they, they would set the parameters.

**MICHAEL CHIPMAN:** Yeah. Yeah.

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**HILGERS:** It's not as if there would be two plans and you could say--

**MICHAEL CHIPMAN:** No, we, we always just have that one.

**HILGERS:** I understand. OK, thank you very much for the explanation.

**MICHAEL CHIPMAN:** No problem.

**BREWER:** OK. I got a question for you. So we understand the bargaining process. You talked about what was offered. Where are we at, and is there a deadline when it has to be resolved and then we move on or--

**MICHAEL CHIPMAN:** So the deadline for our bargaining was January 15, so we hit impasse. So what that means is that we have to both submit our proposals to the court of industrial relations, and that is actually going on today and tomorrow, are we're in front of the court of industrial relations. I believe it's March 15 that they have to make a ruling by, and that's, so that will be the time when we know how they rule. Depends on which side of the state, or which side of the, you know, they can go in the middle of our proposals or which side they pick. The state's current, currently said that corporals should make approximately \$14.80 an hour. So it would be a \$4 an hour cut. It is possible, if the CIR ruled completely in the state's favor, I'm not saying that's what is going to happen, that they would then cut our pay down to that \$14.87 over the two-year period. It's allowed in the state statute to cut our pay, and they have made this in files, they have sent this to us saying that you guys are overpaid by 9.5 percent and we can cut your pay. They've sent us all e-mails about that. I assume to scare, but, you know, use your own imagination on that.

**BREWER:** That is a little numbing. All right, any additional questions? Thank you for your testimony.

**MICHAEL CHIPMAN:** Of course.

**BREWER:** Yes. One more. Welcome to Government, Military and Veterans Affairs. We've got a green light. There you go.

**MATT BARRALL:** Thank you, Chairman Brewer, Senators. My name is Matt Barrall, M-a-t-t B-a-r-r-a-l-l, and I am the vice president for the Nebraska Fraternal Order of Police. I am the state vice president. I know we've been all here a long night, but just to give you an indicator, I'm sure some of you have probably been up since 4:00 or 5:00 in the morning. We're going to stay here six more hours. That's just to give you an idea of what that would be like for them. We're

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all ready to go home, we're already, we're tired, we're under the weather. And we're now ready to go, and instead we're locked into the facility. We are physically unable to leave because we had people walk off. This is what they deal with day in and day out. They have the endorsement and the support of 3,000 law enforcement officers in the state of Nebraska. That's who I represent. And them now. They do the job-- and I'm also a deputy for the Sarpy County Sheriff's Office-- they do a good job to make my job easier. They're there to make sure that those inmates realize that what they were there for, they're not going to make that mistake again. That makes my job easier every day. Just to say in terms of what Senator Hansen spoke about with people leaving, I just negotiated a contract for our corrections officers, and I was part of the initial team when Sarpy County stated that they were going to civilianize our jail. Our corrections officers make \$20.78 an hour to start, the starting state corrections officer makes \$16.99. We top out with eight pay steps, which they don't even have, and we stop, top out at \$28.78 cents. They top out at \$22.89. We set that up because we knew to get quality employees, so we wouldn't have problems with drugs, with phones, with threats to the community, we had to pay them a good wage. We also set up deferred compensation plans where the county matches what we put into it. All of these benefits go far and beyond what they have. They've got officers that, yes, in 15 years they make 90 cents more an hour dealing with the worst of the worst. So, just to give you an indication, at the end of the year, \$8,000 more just for coming in. And no overtime, no mandatorics, no missing your family, no divorces, no suicides because we value our employees. Trying to think, everything for the most part. I had two pages of notes and they've all said it, and they said it a lot more eloquently than I have. I guess I'll end with what started here today, and the Fraternal Order of Police also challenges Director Frakes to step up and lead from the front and not speak out against this bill, but to support his people and speak out for it. And I'll take any questions.

**BREWER:** Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. Thank you for your testimony. I still feel like we don't have something on record that I'd like to hear. What's different in your personal opinion, because you're here to share your personal opinion, what is the difference between a job where somebody is locked in with inmates all day long and maybe a job where they deal with inmates but it's only on an occasional basis? What is the difference between those two employees as far as mental

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health, as far as how important it is to follow the rules, and how that can, can not only affect them but other employees? I know I'm leading you to an answer here, but I think for people who have never worked in that situation, I just really am hoping someone can paint like a really clear picture of what it means to an individual to work in a prison, be it minimum, medium, maximum, work release, regional center.

**MATT BARRALL:** So, it's funny, because I can't answer that the best. I've worked in the county facility, I work in our county jail. All deputies in Sarpy County started out in the jail.

**BLOOD:** Right.

**MATT BARRALL:** I worked with people that, for the most part, were there on pretrial or they were sentenced to non-felonies. I did not work with the worst of the worst. I did not work with the manipulators, I did not work with the murderers, I did not work with sexual assault suspects. For the most part. They work with people whose entire meaning is to get the most out of what they can. And, yes, they will manipulate you to all end, and you deal with that every waking moment. And you think, hey, I can deal with this for eight hours, but can you deal with that for 16, 6 days a week? Your entire career changes from working with some people but having healthy outlets, being able to deal with stress, to instead dealing with the same people wearing you down time and time and time again.

**BLOOD:** And what does that do for the safety of the institution?

**MATT BARRALL:** Well, I can--

**BLOOD:** I mean, Tecumseh is a really good example--

**MATT BARRALL:** I can pick on any one of, any one of you and put you in that spot. So if, if one of you were to work eight hours a day and you just get mandatoried for another eight and you're four hours into your shift, and because you're so tired you missed overhearing what you might normally or you miss that cue that says that that guy has got a weapon, that they're planning something, they're going to attack you to actually act as a diversion to attack someone else. And one of the people, because I assume you guys all work together and work well together, that person, your missed mistake is now going to cause that person to suffer any sort of violent injury, if not even death,



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because you are so tired you missed the thing that you normally would. And it's not on you now, it's on someone else.

**BLOOD:** For instance there is like attack alert, and people need to come and back you up because there is a fight that needed to be broken up. You don't know what condition those people are going to be in if they come to help you, right?

**MATT BARRALL:** Not at all.

**BLOOD:** And, you know, one of the interesting things I always remember when I would get stuck working Master Control, I hated that part of the job. When law enforcement would come in the sally port and they, they always have to unload their guns, they're not allowed to bring their guns into the institution. And they would always say, God, I would never do your job.

**MATT BARRALL:** I wouldn't. Not at all.

**BLOOD:** I always thought that was really interesting.

**MATT BARRALL:** I get to leave.

**BLOOD:** And you have guns.

**MATT BARRALL:** True.

**BLOOD:** Staff does not carry guns, and I don't think all people understand that. Staff carries radios, that's all staff has.

**MATT BARRALL:** And inmates have weapons. Every inmate has weapons.

**BLOOD:** Of some sort.

**MATT BARRALL:** Of some sort.

**BLOOD:** Thank you.

**BREWER:** Well, after the tours we did, it appeared that some of the were weapons in and of themselves, they didn't really need weapons. Let's see. Quick question on the number of people that you represent from the Department of Corrections, the Fraternal Order of Police. What is that number?

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**MATT BARRALL:** It's approximately 800, I believe. Mr. Chipman would best be able, he's the lodge president. I work for the state.

**BREWER:** That's the ballpark, I was just, all I was working on that. And, and Senator Blood, you never have leading questions, I don't know why you would even say that.

**BLOOD:** Got to get it on the record.

**BREWER:** Any additional questions? All right, thank you for coming in.

**MATT BARRALL:** Thank you.

**BREWER:** There is a familiar face to this. Now, Doug, that's not true. Welcome to Government, Military and Veterans Affairs. No pressure, but you are the end of the line here.

**DOUG KOEBERNICK:** I am. Thank you, Senator Brewer, members of the Government Committee. You can look at my testimony, it's like I started out with some nice written stuff and after listening to everybody I started scratching and adding and everything, so I'll do my best here. But first, I want to thank Senator Bolz and her staff for their hard work on this legislation. And Senator Bolz for all of her other efforts on corrections policy. And I also want to thank all the people who've testified. We've heard some very real and genuine and passionate testimony today. My name is Doug Koebernick, spelled K-o-e-b-e-r-n-i-c-k, and I work for the Legislature as the Inspector General of Corrections. I started in my position in the fall of 2015. I learned a lot during that first year and submitted my first annual report in September of 2016. In that first report I made a number of recommend, recommendations regarding our correctional system. The first seven all related to staffing, and I have provided that list to you today. My first recommendation was to convene a workgroup to look at staff retention. It is my understanding that this group was formed in the fall of 2018 by Director Frakes. I'm not aware of the results of this effort yet, but I am encouraged by that. LB109 would seek to implement my second recommendation. I made this recommend, recommendation after hearing personally from numerous staff about the need to recognize the experience of those staff through a type of step plan or some other longevity pay plan. I also utilized a staff survey in 2016, and when asked what primary change the department could make to retain staff, 68 percent of them chose salary advancement each year above the hiring range. Surveys done in the following two years had similar results, as did the department's culture study in 2016. I've

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provided-- one, one thing before I get to that. Last year I met with the, with some of the department leaders about staffing. And after some discussion, kind of going back and forth about different things as I sought to find out what they were doing and everything, I was asked, well, what would you do? And I shared my recommendation from, from the 2016 report, and I was told: But that would cost money. And I'll just leave it at that. I have provided you with one additional handout, it's from our report on restrictive housing in Nebraska completed by the Vera Institute of Justice from a few years ago. They did it a part, dedicated a part of their report to the staffing issues within the department. I think does a really good job of describing the situation, and they do it much better than I can do. With that, I want to thank Senator Bolz again for introducing this bill. But more importantly I want to thank the employees of the department, many who put in long hours and are placed in very high-risk situations, yet they keep coming back and, and I appreciate all that they do. So with that, I'd ask for your support of LB109 so that those staff will continue come back. And Senator Hansen asked about like the counties, and I just had two quick things of that I wrote down here about the counties. I got an email a few weeks ago from a staff member at the Nebraska State Penitentiary, who had worked for 11 years there, and he was leaving to go to Lancaster County. And he said the reason was is after six months of working at the Lancaster County facility he will be making more money than he did after 11 years at the state facility. And a couple of years ago, I met with Lancaster County Jail folks and their, their head of HR, and one of the things I asked him to do is kind of give me a profile of the last 10 people they hired for those entry level positions. And I asked the same of the Department of Corrections. And those two sets of profiles were quite different. In fact, I, when I received the one from Lancaster County, I said, I am asking about your entry level positions, not like your leadership positions. And he said, no, those are, those are entry level positions. They all had experience, most of them had degrees. I mean, they were just heads and shoulders above that other set that I received from the department. So with that, I'd be willing to answer any questions that you may have.

**BREWER:** All right, thank you for your testimony. Questions? Well, I just want to thank you for the work you did with us on the task force on corrections. You know, being that link to help us understand what was going on, what, what we need to be aware of. Because it's such a different world if you step in there and somebody doesn't kind of

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shape the fight for you. You know, it's, it's a pretty awkward situation to be in. So you did a lot of that. Thank you for that.

**DOUG KOEBERNICK:** Thank you. I have learned a lot in the last four years or so. Thank you, Senator.

**BREWER:** You bet. OK, additional proponents? Seeing none, we will go to opponents. Director, welcome to Military-- Government and Military Affairs. You have waited a long time. You've heard testimony, so we're looking forward to being able to ask a few questions. But we'll start with your testimony.

**SCOTT FRAKES:** Thank you. Good afternoon, Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. My name is Scott Frakes, F-r-a-k-e-s, I'm the Director of the Nebraska Department of Correctional Services. And I'm here today to provide testimony in opposition to LB109. LB109 proposes to create three pay grades within the job classifications of corporal, sergeant, and unit case worker. A fiscal note was not requested of NDCS, but one has been provided, and Senator Bolz spoke to that, as we've identified a significant increase to the agency budget in order to accommodate such a pay plan. LB109 does not explain but indicates the need for specific criteria in order to differentiate between the three pay levels included for each position. For example, what would a corporal three do that would be different from a corporal one that would justify a higher salary? The same goes for sergeants and unit caseworkers. Basing the pay difference on duties, job duties, or minimum qualifications will be difficult to implement and more difficult to manage. Managing a roster filled with multiple posts that can only be staffed by people with specific job titles adds layers of complexity to an already difficult task. If promotion to a higher classifications based solely on years of service, then these tiered classifications become a de facto form of step increases, and from what I've heard today, I believe that is actually the intent of the bill. While acknowledging that step increases are frequently cited as a major compensation concern, providing substantial pay increases to three-- or in effect, 3 groups of three-- job classifications will have two significant unintended consequences: Wage compression for supervisors and an even greater disparity in wages for many other critical job classifications. As my own experiences have shown, shown me, attempting to address compensation issues in a piecemeal fashion does not lead to better outcomes. Dividing job classifications will not address compensation concerns. In fact, it's more likely to lead to increased frustration

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for staff across the agency. In order to make such a system operational, it will require adding millions of dollars to future budgets. I want to take just a second to clarify a couple of points. The Lincoln Regional Center is part of HHS and is not part of our department. I do not supervise, administer, and I'm not responsible for that part of the agency. So just to make sure that we're clear, the testimony from those staff is not part of my world. And I want to also make it very clear that, as was attributed to me, I have said on many occasions publicly that I support a longevity and merit-based pay approach. And in fact, implemented a pilot system at Tecumseh Correctional Center that mirrors or examples, is an example of what a merit and longevity-based system could look like. And we're about 18 months into that pilot. So it's not that I don't recognize the value of my staff, it's not that I don't believe my staff should be compensated for the work they do. I am well into my 37th year in this business, 29 years inside prisons, 15 years in uniform. I did the work, I wore the urine and feces. I've been there, I get it. It is hard, dangerous, tough work. People need to be paid. And I agree with the idea that people, that when you come into this business, part of it you can only learn by doing the work. So I support a concept of a merit and longevity-based approach, I just don't believe this bill and this approach is the right answer to solve our problem. And with that, I thank you for the opportunity to testify and I'd be happy to answer questions if I can.

**BREWER:** All right, thank you very testimony. And let's go ahead and start with Senator Blood.

**BLOOD:** Thank you, Chairman Brewer. And thank you, Director Frakes. I'm sorry, I can never remember that and I--

**SCOTT FRAKES:** Scott's OK.

**BLOOD:** Well, Mr. would be my next choice.

**SCOTT FRAKES:** All right.

**BLOOD:** Out of respect. So you talked about what's going on in Tecumseh, that you have a pilot program. And have you, how long has that been going on?

**SCOTT FRAKES:** About 18 months.

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**BLOOD:** And what would you say the success rate of that has been? Because we had people from Tecumseh come and speak here.

**SCOTT FRAKES:** We did. So very quickly, what we did was we used the liability to give merit pay. We set up a pilot program that we based on a combination of longevity, and then we just use the evaluation system as the merit demonstration. So if you have one year in service and you work at TSCI, then you receive 2.5 percent more than employees throughout the rest of the department. If you've been there three years and longer, get at least average on your performance evaluation, you get 5 percent more. If you've been there seven years or longer, you get 7.5 percent more. And if you've been Tecumseh for 10 or more years, then you qualify for 10 percent additional pay over what the standard pay would be for the rest of the agency. Again, based on service, length of service, and an average evaluation. We also provide a small stipend for commuting as well, depending on the distance that people commute.

**BLOOD:** And so are they still, every year you get your review? Is that still that way in the system?

**SCOTT FRAKES:** Yes.

**BLOOD:** Your supervisor. And so the question I guess I would have for you on that would be, if you were to meet with Senator Bolz and talk about what sounds like your successful program, and she were to change it to that successful program, then would you be in favor of it?

**SCOTT FRAKES:** Well, I didn't answer the first part of your question, and that is what do we see as the results so far? We've seen some positive impact in terms of reduction in turnover for the people that are seven years and more, a little bit better for those 10 years and more. In terms of the people at the one-year mark and the three-year mark, it hasn't appeared to have had any impact. So there the challenge for me is, is that my plan is to present and put together the pilot was intended to be funded based on savings by reducing turnover and shrinking the number of vacancies. So today, I don't have the data in my hand that helps me, and that, that doesn't mean that I think we should step away from it. What I can't measure, what's always very difficult to measure is where we would be if we hadn't done that. And I don't have any way to know other than, I mean, we still continue. What we have seen is a small decrease in the turnover at Tecumseh. And at the same time, even more difficulty in attracting new applicants and successful hires. So, which one of the people testified

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about, we bring people from Omaha as part of the temporary solution to help us manage until we can find a better solution.

**BLOOD:** Well, they did build it in a very low population area, which is very puzzling. I have a second question for you. If someone were to ask you what your personal mission is as the Director for the Nebraska Correctional System, what would you say that is?

**SCOTT FRAKES:** Keep people safe.

**BLOOD:** When you say people, what do you mean, people? Communities, the inmates, staff?

**SCOTT FRAKES:** Everyone that's connected to the system.

**BLOOD:** All of the above?

**SCOTT FRAKES:** It's all of it, yes.

**BLOOD:** Thank you.

**BREWER:** Senator Hansen.

**M. HANSEN:** Thank you, Chairman Brewer. And thank you for coming and testifying, Director Frakes. At, at the end of your testimony you kind of referred to this, you were complementary to this idea but said it wasn't the right approach. Which begs the question, what is the right approach?

**SCOTT FRAKES:** Well, we've got a, we got some statutory requirements and a system based around comparables. So that is one area that the state certainly could take a look at. We do have a negotiations process that is part of all this. And I understand that there's discord there, but that's a process that's still in motion. So that's another part of the solution, and I think further conversations. I might not be sitting here testifying in opposition if there had been a different conversation a few months ago to explore options. So that's part of the challenge. People ask me, what do I need? Well, part of what I don't need is to have solutions in essence forced upon me that I don't think are the right solutions for my agency, which then puts me in the position time and time again of sitting here in opposition. And I don't want to be seen as the guy who opposes everything, but that is today's situation.

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**M. HANSEN:** OK. So following up on that, I guess, I guess, so I'm approaching from the perspective of you testified here today, you testified in Business and Labor which [INAUDIBLE], you know, these bills are introduced by Senator Bolz and Senator Wishart, that's two members of the Appropriations Committee. If we just gave you some money just flat out to go into negotiations with a better, higher offer, would you take that money and would you do that?

**SCOTT FRAKES:** So you don't want to give it to me because I don't sit in negotiations. I don't lead the negotiations process. I influence it and I give input on it and I explain what my needs are. But I'm not there at the table and not part of that process. So don't give that money to me.

**M. HANSEN:** OK. Yet, you're the person who comes in and, so I guess-- OK, So--

**SCOTT FRAKES:** This, this bill would directly affect my operations. This is a policy level kind of direction. And again, I don't think it's the right approach. It creates more complexity and more challenges than it does to try and solve a problem.

**M. HANSEN:** OK, so let me walk this back around. If we gave, we as a Legislature, gave the Executive Branch, do you think that would be to use to kind of create increased wages to make this, maybe the starting wage at Nebraska Department of Corrections closer to some of the county department of corrections? Is that something you would be supportive of, be encouraging of, have good conversations along that process?

**SCOTT FRAKES:** So I'd have to know more about what we're discussing. Again, is it something that I should have direction and responsibility for?

**BREWER:** All right, Senator La Grone.

**La GRONE:** Thank you, Chairman Brewer. And thank you, Director Frakes, for being here. So obviously we've heard a lot today about, you know, the structure of how the system works and obviously this is a structural change. So I guess my question would just be when we're looking at changing the legal structure surrounding the employment, do you think that there needs to be a change to that structure to achieve



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the goals that you have laid out of wanting to achieve in terms of staff retention?

**SCOTT FRAKES:** I think, if I understand your correction-- if I understand your question correctly, and this being an example, what you're talking about, no, I don't think this is the necessary or the right approach. I believe that it is possible to create some type of a compensation system, which my understanding is the efforts that have been occurring actually there was language in the previous contract that's still in effect now. It was negotiated with NAPE, that opens the door. There is language in contract that provides step raises specifically for nursing staff. This current negotiations added a component built around merit. I understand that the numbers connected to that are part of the issue that's being discussed right now and definitely not in agreement. So I think the negotiations process for the staff that are specifically addressed in this bill very much could solve the problem. And that's again where labor and management come together and find a workable solution.

**La GRONE:** So I guess, if I'm hearing you correctly, you're saying that you have the current statutory framework that, to address the issues is just a matter of getting the process within the agency of correcting them. Is that, and I know you've just--

**SCOTT FRAKES:** I believe so, yes.

**BREWER:** OK, additional questions. I got you cornered, and we will go a few here. I understand your position. And, you know, being a military guy, I sometimes struggle to understand the structure and how things work. Because your system is different, I mean, ours is kind of made so you move up or you move out. But then we tend to keep guys for just two or three years and then they're gone because it's just the system. But I can't help but feel for what Senator Bolz is doing because she's, she's trying to figure out a way to fix this problem before it becomes, you know, a situation where we've got a crisis or something that happens that directly correlates to what we have or haven't done here. And I kind of really feel the same way as the question that Senator Hansen asked is there's things in this world we can do, but they're kind of limited. We can make some laws, which may make your life more miserable instead of helping you. We can move some money around so that there's the resources you need to do things. Of course, you pick the absolute, in my opinion, the worst year because we're trying to figure out how to add a few more beds. We do have pretty much everybody in the state of Nebraska want to hang us with a rope

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for, for having too high a property tax. We're expanding Medicaid, we're, we're doing a lot of things that costs money and we're, we've got less money coming into Nebraska. So it's almost the perfect storm of things that make life really difficult here. But I think if there's any way we can figure out how to help fix that situation, that's got to be pretty high because the last thing we can afford to do is, is turn out more Niko Jenkins and having things happen that, you know, are just in the category of wrong that there is no words for. But how do we, how do we get all this to line up right? And, and if Senator Bolz's solution isn't the best solution, how do we get to that best solution? What does it look like? I mean, and I know you can't answer that now, but understand that's, that's a quandary we're in where we're getting ripped from a number of different directions and we don't know what right looks like. Not because we don't want to know what right looks like, it's because it's, it's a, it's a puzzle that's hard to put together. I mean, is there like, off the top of your head, a direction that we haven't thought of or something that we should be considering so that we can help give a end state to this that's going to help make sure that people get paid what they deserve and the system that we force upon you or don't force upon you is, you know, is something that you can live with? And I'm open for ideas, but I'm not sure where to go with it right now.

**SCOTT FRAKES:** Believe me, I appreciate deeply everything you just said, and can relate to much of what you just said. It seems like there's not a decision I make that someone doesn't tell me it was the worst decision I could have possibly made. Because we are still in negotiation, in fact now about to be before CIR, I can't dive into a conversation right here about conversation, about compensation.

**BREWER:** No, and that's fair. And I never thought about that. I, I, and I don't want to put you in a terrible position, because there is a lot of jobs in this whole world I might want. Yours is not one of them. Just as a last issue here, when it comes to that working group, Doug mentioned that there wasn't any results yet. Is that something that's inbound at some point?

**SCOTT FRAKES:** I have mind to give you a date, yeah. But, yes, we've had a preliminary meeting to get some report out. I've asked him to go back and look at some other things and come back again. But I don't have a specific date to hand you yet. I'll--

**BREWER:** No, it's, it's in motion. I just think that will probably be helpful in just getting a snapshot of where some things are and where

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we're at with some issues. All right, before you-- oh, Senator La Grone.

**La GRONE:** Just real quick, that prompted something. We've heard about other comparable states today, are other states experiencing similar issues like we're facing here?

**SCOTT FRAKES:** Yes, unfortunately, nationwide there are a few states that, through a variety of issues, have elevated their wages. And so at this moment in time they seem to have less of a problem, especially states where, of course this is now in question, those states where they have what I call a closed shop or a union shop. Where union membership was a requirement. The state I left behind, Washington, as an example. That definitely contributed to the ability to negotiate different wage packages. But I'm going to say that at least half of the systems right now in America are having some kind of struggles with retention, recruitment, wage-related issues, along with all the other challenges of the reflection of what happened starting in the 1980s through the early 2000s of greatly increasing the number of people in prison and all of that structure that came around that. Now here we are today trying to figure out how we're going to continue to finance that in the years ahead.

**BREWER:** OK. Any additional questions? All right, seeing none, thank you for your testimony, sir.

**SCOTT FRAKES:** Thank you.

**BREWER:** All right, any additional opponents? Neutral? Senator Bolz, come on up and close for us, please.

**BOLZ:** Well, thank you for your kind attention, committee members, and thank you to all the hardworking employees who decided to, to make the Government, Military and Veterans Affairs Committee their Valentine today. So thank you for that. I want to address a few things that came up today, and I thought it was a constructive conversation and a really good hearing. The first is to the folks who testified from the Lincoln Regional Center. I think some of the reason that those folks came to testify today is because they do negotiate and bargain with the Fraternal Order of Police. This bill didn't address those mental health specialists that were discussed today. I'm certainly open to that conversation. The reason that we drafted the bill and in this manner is not because we don't recognize those needs or, or support them, because I do. It is, it's simply because this comes out of the

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work of the LR34 committee and the LR127 committee and the LR424 committee. This comes from six years of experience working on the oversight committees in corrections. So those conversations I think we should continue to have. And in fact, we'll have a bill up next week in front of the Executive Board related to LRC, and I hope those folks will come back and join us. The second issue that I wanted to discuss is the cost. Yes, a step raise increase, a longevity pay plan will cost the state millions of dollars. Correct. Accurate. It costs millions of dollars to keep Nebraskans safe. This is expensive work. It is our responsibility. We need to pay our employees, we need to pay our bills. I understand that these sound like big numbers and they are, but, but every year that I have served on the Appropriations Committee we have had big expenditures. Let me give you some examples: \$19 million to update our hepatitis C medications; \$16 million to pay for a mistake that was made in Health and Human Services in negotiating with the-- not negotiating, in working with the Center for Medicaid and Medicare services. We have paid \$5.7 and then \$2.27, \$9 million so far on a mistake that was made between the Division of Developmental Disabilities and Medicaid, and the Centers for Medicaid and Medicare Services. So I don't mean to, to ramble about costs and expenditures, but I do need to say the fact that this might cost a significant amount of money shouldn't prevent us from doing what's right. Could address a couple of other things. One is that I do appreciate what Director Frakes said around creating disparities with other classifications and other employees. I, I understand that. I think that that will create tensions with other kinds of employees that work in the Department of Corrections, maybe somebody who works in property management but doesn't necessarily have the title of corporal, sergeant, or case manager. I don't think that not being able to solve for everything means that we shouldn't solve for what we can solve for. The reason that we chose these three positions is because these three positions have a significant amount of direct interaction with inmates who are directly related to both safety and doing some of the important jobs in terms of modeling behavior and rehabilitation that was, was referenced by the, the eloquent correctional officers here today. So I appreciate that. I don't think it's an argument not to move forward. Regarding the creation of complexity within the, the implementation of this legislation, I just want us to take a beat and look at the actual language of the bill. This bill argues that there should be different positions and that those positions should be assigned different pay grades. There's a lot of room to figure out how that works in establishing an appropriate way of implementing this legislation. That it doesn't direct that each of these different

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positions should have significantly different jobs, significantly different job descriptions. The only direction in the legislation says that they shall be assigned to a different pay grade within the salary or pay plan. I want to address Director Frakes' discussion about not having legislation brought for him or brought upon a system that he is responsible for. I respect that and I empathize with that, and no one is trying to make what is already a difficult job harder. However, it has been six years. It's been six years that we've had an ongoing dialogue and discussion between the Department of Correctional Services and the Legislature, and before that too. But in a in a specific, targeted, intentional way, we have been working on this for six years. So there has been plenty of opportunity for dialogue. There has been plenty of opportunity for proposals and ideas and policy options and alternatives. This has been addressed in multiple oversight committee reports; and I think not only have we illustrated a willingness to listen, we have executed that willingness to listen in hearings and meetings and tours. And to date, I don't think that anything that is specifically addressing what I think is an acute problem articulated by the people here today in a manner that moves the dial. If there were something, if there's something else out there that this committee or the Judiciary Committee or some other committee is hearing that is a better idea that has been brought forward by the administration to solve this problem, please tell me what it is. I would like to co-sign. I'll do it tomorrow. I'd be happy to support any other initiative that's moving forward. But, but I haven't seen that put, put forward. I do, I always want to be respectful and I always want to be diplomatic. But I do want to also share information and share insight and previous experience. And so I brought for you a transcript from the Appropriations Committee on February 13, 2018. And it's an exchange that I had with Director Frakes. Senator Bolz: Director Frakes, what are your future intentions with the pay for performance plan? Director Frakes: To implement, implement it consistent with the plan that we rolled out. Senator Bolz: So forgive me for not knowing the details off the top of my head, but is that plan you expect to be implementing in 2019 and 2020 and 2021 and 2022? Director Frakes: Starting 2019, yes. Senator Bolz: Starting 2019 and into the future? Director Frakes: Yes. Senator Bolz: So it's an ongoing thing? Director Frakes: Yes. Senator Bolz: So your appropriations request in front of this committee will include aspects of the pay for performance plan in our next biennial budget? Correct. Senator Bolz: Thank you. So I think some of what you heard today is an intention to include that pay for performance plan, but I don't know that it's clear in exactly how that's moving forward. I don't know

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that we know exactly how long it's going to last or how, how we're going to pay for it. I, I don't know that that was brought up explicitly. I don't know that it was brought in the form of a bill. And I don't know that it is being articulated in a way that is telling the folks in the seats behind me that they can count on a commitment from the state of Nebraska to recognize their experience through appropriate compensation. So it's Valentine's Day, it's been a long hearing, it's been a long day. I'm sorry to have a super long closing. I appreciate your time and your attention. But I think a lengthy closing only illustrates that this has already been a lengthy conversation and it is time for action. I'd be happy to work with the committee and continue to work with Director Frakes to find solutions.

**BREWER:** All right, thank you, Senator Bolz. All right, questions? Well, I got some. What was the, what was the cost? Because it, it, it wasn't absolutely clear. It, was it over so many years?

**BOLZ:** So the, if you look at the fiscal note, the fiscal note says that to implement the multiple tiers for the multiple positions would initially cost \$14 million and then another \$4 million would be needed to address basically pay compression, which I think is a fair observation. I am not disputing the fiscal note. I think there are probably ways that we could adjust the legislation or adjust a strategy to, to mitigate the impact of the fiscal note, maybe choosing different positions or decreasing the tiers. But it's \$14 to implement the initial pay plan and then another \$4 to address the fact that you'd squeeze up other folks who have higher rank. So you would have to compensate them additionally as well. And then of course into the future you, there would be a rolling fiscal impact because you would have to continue to pay at that level and recognize those increases.

**BREWER:** Has, in all the task force, has there been a study to look at, of the people that we hire, how long we have them and how many we lose to Sarpy, Douglas, and Lancaster, and what that cost is?

**BOLZ:** It's a, it's a good question. I can look through some of my files. The, there is information in your handout, and I can give you more detailed information about the, the people and their longevity that we are losing over time. I don't know that I can say on the mike this afternoon to whom we are losing them or what other positions we are losing them to, or precisely what the cost of the initial training that we'll be losing by losing those folks, especially those who, who leave within the first year.

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**BREWER:** And we may not collect that. It may when they leave, we don't know for sure where they do go, so I don't know if that is even available.

**BOLZ:** I'd be happy to follow up with the department and, and the OIG just to see what is available. I think it's a fair question.

**BREWER:** All right, one more time. Any additional questions? All right, thank you.

**BOLZ:** Thank you.

**BREWER:** That will close our hearing on LB109 with one proponent, the ACLU Nebraska. None in opposition. None in neutral. So that we'll close our hearings on LB109 and our Government, Military and Veterans Affairs Committee hearing today.