



Ohio Department of Veterans Services



WELCOME

John R. Kasich, Governor
Chip Tansill, Director

Newly Appointed Veterans Service Commissioners' Training



Presented By Ohio Department of Veterans Services (ODVS)



Our goal today is to provide you with valuable information to assist you in your job performance as a newly appointed County Veterans Service Commissioner (CVSC)

The mission of your appointment and Veterans Service Office (VSO) should be a dedication to assist veterans and their family members in obtaining benefits, services and resources our military families deserve



The Trusted Voice for Veterans.™

AGENDA

The budget process as it pertains to the Veteran Service Commission as described by the Ohio Revised Code (ORC)

The Ohio Sunshine Laws that govern public records and open meetings of public bodies of government

The duties, functions, and responsibilities of a veteran service commissioner as described by the ORC, 5901 - Title 59

The professional ethics and responsibilities of a Veterans Service Commission

The annual training guidance as distributed by ODVS, including the dates and location of training sessions planned for the year



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BUDGETS

Veterans Service Commissioner Training



Budgets



Responsibility

Timeline

Process

Composition

Implementation

References

ORC 5901.03 – Budget Responsibility

The commission's duties shall include but are not limited to the following:

ORC 5901.03 (D) –Causing the budgets of the veterans service commission and veterans service office to be presented to the board of county commissioners for approval:

Budgets



Responsibility

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ORC 5705.05 – Budget Responsibility

Purpose and intent of general levy for current expenses is to provide one general operating fund derived from taxation from which any expenditures for current expenses of any kind may be made.

ORC 5705.05 (E) –In the case of counties, the amounts necessary for.....the relief of honorably discharged soldiers, indigent soldiers, sailors, and marines.....

Budgets



Responsibility

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ORC 5901.11 – Budget Timeline

- On or before the last Monday in May the Veterans Service Commission meets and determines:
 1. Probable amount necessary for aid and financial assistance
 2. Amount necessary for the operation of the veterans service office for the next year
- Must use format specified by division (C) of section 5705.28 of Revised Code to Board of County Commissioners (BoCC)
- Submit to BoCC for review
- By 1 October, the Veterans Service Commission may submit a written request to BoCC...to discuss the budget with the hearing NLT 14 days prior to adoption

Budgets



Responsibility

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References

ORC 5901.11 – Budget Process

- Limitations on expenditures
 - No more than 5/10s of a mil per dollar of the assessed value of the property of the county
 - Varies throughout the state
 - \$93,000 to \$5 million

Budgets



Responsibility

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Surplus Funds

- ORC 5705.40 requires unexpended funds to go back to the general fund

Insufficient Funds

- Reduce expenses
- Request additional funds
- Transfer from other line items
 - Use caution when doing this!

Budgets



Responsibility

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So **WHAT** should be covered in your Budget?

- Salaries and Benefits
- Office Expenses
- Financial Assistance
- Transportation
- Travel/Training
- Miscellaneous

Budgets

Account	Expenditure Classification	Exp Last year	Current Approp	Next Year Request	Amount approved by BOCC	Actual thru 12.31	Approp next year
	Veteran's Services						
001.0903.51001	Official Salary						
001.0903.51002	Employee Salary						
001.0903.51003	Supplies						
001.0903.51004	Fuel						
001.0903.51005	Equipment						
001.0903.51006	Services						
001.0903.51007	Travel						
001.0903.51008	Allowances						
001.0903.51009	Unemployment						
001.0903.51010	Work Comp						
001.0903.51011	PERS						
	Soldier's Relief						
001.0903.51013	Van Drivers Salary						
001.0903.51014	Other Expense						
001.0903.51015	Burial Plots						
001.0903.51016	Grave Markers						
001.0903.51017	Memorial Day Exp						
001.0903.51018	Work Comp						
001.0903.51019	PERS						

Budgets



- Responsibility
- Timeline
- Process
- Composition
- Implementation
- References

Implementing the approved budget

- Purchase order
 - Two types (must be in writing)
 - 1. Contractor (one time purchase)
 - 2. Line item accounts (recurrent expenditures)
- County Auditor charges expense to proper line item
- County Treasurer issues payment

Budgets



Responsibility

Timeline

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References

References

- ORC 5705.38 – Annual and supplemental appropriations
- ORC 5705.39 – Budgeted expenses limited to estimated revenue
- ORC 5705.392 – County Spending plan allows for quarterly spending plans
- ORC 5705.40 – Information on amending or supplementing budgets
- ORC 5705.41 – Appropriation and expenditure of money



Ohio Sunshine Law In a Nutshell

Presented by
Ohio Attorney General Mike DeWine

Angela M. Sullivan
Senior Assistant Attorney General



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Disclaimers

- This is a brief overview of the Sunshine Laws as it relates to the Commissions and is not legal advice
- Contact your local prosecutor with specific questions regarding Sunshine Laws



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Overview of Veterans' Services Commissions' Enabling Statute

- R.C. Chapter 5901 governs the Commissions
- Commission is a “creature of statute” and have “no more authority than that specifically conferred upon [it] or clearly implied by the statute.” *In re Guardianship of Spangler*, 126 Ohio St.3d 339, 342-343 (2010).



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Overview of Commissions' Enabling Statute

- R.C. 5901.03 – Duties of Commissions
 - Lists numerous various duties of the Commissions
 - “Any other actions required by law” – e.g. applications for financial assistance – most relevant when discussing the Sunshine Laws



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Definitions

Public Record:

R.C. 149.43(A)(1)

“Public Record’ means records kept by any public office. . . . “Public Record’ does not mean any of the following:”



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Definitions

Record:

- 1) Fixed medium
- 2) Created, received by, or coming under the jurisdiction of the public office
- 3) Documents organization, functions, policies, decisions, procedures, operations or other activities



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Looking Deeper: What is a Record?

Information stored on a **fixed medium**:



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Looking Deeper: What is a Record?

Created, received by, or **coming under the public office's** jurisdiction:

- "Public office" includes "any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government."
- R.C. 149.43 must be construed liberally in favor of broad access, and any doubt should be resolved in favor of disclosure of public records." *State ex rel. Strothers v. Wertheim*, 80 Ohio St.3d 155, 156 (1997).



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Looking Deeper: What is a Record?

Does it **document the activities** of a public office?



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Electronic Records

Email

- Handle electronic records just like any other tangible record
- Electronic “paper”
- Analyze based on **content**, rather than storage medium



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Personal Notes



- Can be “records” but if so, are usually transient
- Generally not records if :
 - 1) Kept as personal papers, not official records
 - 2) Kept for personal convenience; e.g., to recall events
 - 3) Other employees do not use or access them



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Drafts

If a draft meets the definition of a record, it is subject to both the Public Records Act and records retention laws.



A public office can address the length of time that drafts must be kept in its records retention schedules.



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What is a Public Record as Applied to Veterans Commissions?

“Public record” **does not mean** any of the following:

R.C. 149.43(A)(1)(a) – (bb)!

Every item that meets the “record” test that is kept by a public office is a “public record” **UNLESS** it fits within one of these exceptions.



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Looking Deeper: What is a Public Record?

“Public record” does not mean any of the following:

R.C. 149.43(A)(1)(v) – “Records the release of which is prohibited by state or federal law”



R.C. 5901.09(A)–(C) – applications and accompanying documents submitted for financial assistance are not public records



Looking Deeper: What is a Public Record?

R.C. 5901.09(A)–(C) - the following are not public records:

- Statement concerning income, real and personal property, investments, mortgages
- Application for financial assistance
- Documents accompanying the statement or application
- Any other documents used by the Veterans’ Services Commission that may affect eligibility
- Interviews of applicants for financial assistance



Consent to Release Information

- Under R.C. 5901.09(E), an applicant or recipient may consent to the release of information in an application or statement by signing a separate release form each time the specific information is to be released.



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Other exemptions to Public Records Law:

One exception is R.C. 149.43(A)(1)(v) – “records the release of which is prohibited by state or federal law”

- Also includes records that are privileged under the attorney-client privilege
 - Privilege extends to agents working on behalf of legal counsel - *State ex rel. ESPN, Inc. v. Ohio State Univ.*, 132 Ohio St.3d 212 (2012)



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Rights and Obligations

- **Any “person”** can make a public records request, including corporations, other governmental agencies, and people from out of the state/country
- **No special format or special language** required
- A request may be **written** or **verbal**
- The requester’s motive **is not relevant**.
- A public office cannot require the requester to put it in **writing** or reveal his/her **identity**



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Rights and Obligations

No obligation to:

- Create new records – including electronic records
- Store records on particular media



- Provide complete duplication of the voluminous files of a public office
- Provide internet access to electronic public records



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Redaction of Private Information

- Redaction = obscuring or deleting private information from a document that otherwise is a “record”
- Must notify requester of any redaction or make the redaction clearly visible – e.g. black box
- Must cite to legal authority for redaction
- May only redact part of record, unless the redacted information is “inextricably intertwined” with the entire record



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Rights and Obligations under Public Records Law

- **Prompt/reasonable** period of time
- **Regular business hours**
- Copies at **“cost”**
- Payment **in advance** (optional)
- Methods of **delivery**



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S.B. 321

- On September 26, 2016, a new public records process goes into effect
- Dissatisfied requester can choose to file a complaint in the Court of Claims
- Very expedited time schedule – usually includes mediation, but if parties do not resolve the issue, the agency has ten business days to respond and the matter is decided by a Special Master
- Need to be aware of time schedule requirements.



Liabilities for Violating the Public Records Act

- **Mandamus Action** by “person aggrieved” by violation of Division 149.43(B) of the Public Records Act
A legal action in common pleas, appellate court, or the Ohio Supreme Court to enforce the Act
- **Civil Damages** (only if violation caused actual lost use of records)
- **Attorney’s fees** and court costs
- **Possible reduction** of damages and fees



Who is Subject to the Open Meetings Act and When? Definitions



Public Body:

Any decision-making body of the state, its political subdivisions, and school districts (including any committee or sub-committee of each body)

- Meeting:**
- (1) **Prearranged** gathering of
 - (2) a **majority** of members of public body
 - (3) conducting or discussing **public business**



Looking Deeper: What is a Meeting?

- **Discussion/Deliberation vs. Information Gathering:**
 - Discussion and deliberation involve the weighing of reasons for and against a course of action and **must be conducted in open**
 - Gatherings **solely** to receive factual information **may** not be meetings – **but consult legal counsel first!**
- **Work sessions:**
 - **Prearranged** work sessions, retreats, etc. where **public business is discussed** among a **majority of the members** of the public body are “meetings” and must be noticed and open as any other meeting



Obligations

Give appropriate **notice**
R.C. 121.22(F)

Take action & deliberate on public
business in **open** session
R.C. 121.22(C)

Take & file **minutes**
R.C. 121.22(C)



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Obligation 1: Notice (by rule)

Types of Meetings and the Notice Required

**Regular
Meetings** →

Meetings held at prescheduled intervals
Notice = time and place

**Special
Meeting** →

Any meeting that is not a regular meeting
Notice = at least 24 hrs advance notice
of time, place, and purpose

**Emergency
Meeting** →

Requiring immediate action
Notice = immediate to news media



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Obligation 2: Openness

Take Action & Deliberate in Public

Where must public meetings be held?

- In a public forum within the area that the public body serves

Does the public have a right to speak at public meetings?

- Not required by the OMA, but may otherwise be permitted or required

Can members of the public record proceedings?

- Yes, if it does not disrupt the meeting



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Obligation 2: Openness

Take Action & Deliberate in Public

Commission must deliberate in public:

- “R.C. 121.22 prohibits any private prearranged discussion of public business by a majority of the members of a public body regardless of whether the discussion occurs face to face, telephonically, by video conference, or electronically by e-mail, text, tweet, or other form of communication.” *White v. King*, Slip Op. No. 2016-Ohio-2770, syllabus.



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Obligation 3: Minutes

“The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to the public.”

– R.C. 121.22(C)

- Minutes do not have to be a verbatim transcript of the proceedings but must be accurate and enable the public to understand the rationale behind the public body’s decisions.
- Minutes must be kept for all meetings, including committee meetings



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Obligation 3: Minutes

- There is no requirement to keep minutes of executive sessions.
- Minutes must “reflect the difficult decision-making process involved, and hopefully bring the public to a better understanding of why unpopular decisions are necessary.”
- Meeting minutes must be more than simply recording the roll call votes.
- Minutes must be readily accessible to the general public – on-line or at the office for copying/inspection



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Executive Sessions

Proper Procedures:

- Must be preceded by specific motion, second, and **roll call vote**
- Motion should state the specific permissible topic(s) to be discussed
- Meetings must always begin & end in open session (cannot adjourn the meeting from within executive session)
- No vote to end executive session – simply open doors



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Executive Sessions

Acceptable Topics for Discussion:

- Personnel (**must** state specific type of personnel matter to be discussed, but **not** identity of the person)
- Property
- Court action (only with the body's attorney)
- Collective bargaining
- Matters confidential by law
- Security arrangements
- County hospitals' trade secrets



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Executive Sessions

Present in executive sessions:

Who may members include?

- anyone who is invited to stay
- If the subject is “pending or imminent court action,” duly appointed counsel for public body must be present

Who may the members exclude?

- any other members of the public



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Restrictions on Executive Sessions

- There can be **no decision-making**
- **No voting**, including “straw polls”
- Non-permitted matters may **not** be discussed in executive session, even if intertwined with permitted matters



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Executive Sessions - Records

- Executive Sessions provide private space for discussion, but they do not **make** any materials confidential, including documents that are handed out
- Handing records to members of public in Executive Session may waive any exceptions that might apply
- No minutes need to be taken (and probably shouldn't be) of executive session discussions
- Minutes should simply reflect the motion and roll call vote, general subject of the executive session, and what time the Board entered and left executive session.



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Miscellaneous Topics: Virtual Participation

- A member “**shall be present in person** at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting”
– R.C. 121.22(C)
- Virtual participation (teleconferencing) is only permitted when it is **specifically authorized by law**
- The Commissions are not permitted to teleconference



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Penalties for Violating the OMA



Fines

Injunction

Court Costs

Attorney Fees

Action Invalidated

Removal from Office



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Questions & Answers

Sunshine Laws Web Page:

www.ohioattorneygeneral.gov/Sunshine

Yellow Book Online:

www.ohioattorneygeneral.gov/YellowBook

Sunshine Law Informational Videos:

<http://www.ohioattorneygeneral.gov/Media/Videos/Sunshine-Law-Videos.aspx>

For Additional Information ...

Ohio Attorney General Mike DeWine

Public Records Unit Phone:

614-466-2872



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Commission Duties

The various duties, functions, and responsibilities of a veteran service commission (VSC) are chiefly described within the Ohio Revised Code (ORC) 5901 (Title 59)



In addition to the ORC, the Ohio Administrative Code (OAC) helpful in the operation of your commission will be used and noted



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Commission Duties

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports



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Commission Duties

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports



In 1886, the General Assembly created the Soldiers and Sailors Relief Commission for the purpose of assisting honorably discharged veterans and their dependents in dire need

1986, it was renamed the Veterans Service Commission (VSC)

VSCs are located in each of the 88 counties and funded through a small portion of each county's property tax (five-tenths mil per dollar of assessed property value)



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Commission Duties



A VSC has a responsibility to:

- The County Veterans
- The Appointing Judge
- The County Commissioners
- The Citizens



The VSC is **SOLELY** responsible for the Veterans Service Office, its workings, and its staff

The VSC is **SOLELY** responsible for determining who shall receive financial assistance and in what amount



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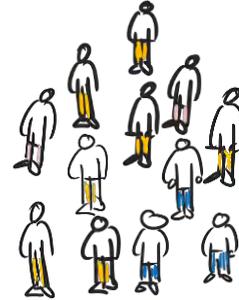
Commission Duties

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports



Since VSCs are funded based on each county's property values, available funds per commission vary significantly

Available commission funds will influence the amount of resources, staff size and level of support, so you may have one employee playing the role of many, while some VSOs are fully staffed



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Commission Duties

The main role and objective of a VSC is to administer programs for their veterans within the county

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports

Ohio Revised Code (ORC)
5901- Title 59

Outlines the parameters of membership and describes the duties of the commission

Each VSC consists of a board of 5 honorably discharged veterans who are appointed by the judges of the Court of Common Pleas

The commission shall meet at least once each month



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5901.03 58

Commission Duties

The veterans service commission shall select one of its members as:

5901.02
5901.03

- Commission History
- Commission Role**
- Commission Duties
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports



President
Vice - President
Secretary

A judge of the Court of Common Pleas may remove, for cause, any member of the commission appointed under section 5901.02 and shall fill vacancies occurring under that section for the unexpired terms



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Commission Duties

5901.03



(A) Employing the necessary staff to carry out your commission's duties, and set their compensation



(B) Establishing policies & procedures to administer the commission & the VSO



(C) Establishing policies & procedures for the administration of financial assistance



(D) Submitting budgets from your commission to the board of county commissioners for approval



(E) Establishing programs of outreach and coordination with other agencies to enhance available services to your county's veterans



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Commission Duties

(F) Promoting, monitoring, and providing funding for ongoing education and training for yourself and staff

(G) Providing reports to the organizations represented on the commission and to others upon request

(H) Establishing transportation for veterans within your county to and from VA medical centers

(I) Participating in memorial and commemorative activities to help promote patriotism and veterans services

(J) Taking any other actions required by this chapter



5901.03

Commission Duties

5901.03



Currently, VSCs with less county funding available should work creatively to partner with other agencies and attend events as opportunities to promote veteran services



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Commission Duties

ORC 5902.02 (R) (S)

- Commission History
- Commission Role
- Commission Duties**
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports



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(R)(S)– “..... to innovate and otherwise improve efficiency in delivering benefits and services.... and to report successful innovations to the director of veterans services;

Publishing and encouraging adoption of successful innovations and efficiencies achieved in delivering benefits and services to veterans and their dependents;



Commission Duties

ORC 5902.02 (R) (S)

- Commission History
- Commission Role
- Commission Duties**
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports



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Led by the United Way, 2-1-1 is a free-to-call confidential health and human services referral gateway for all Ohioans, which connects people with community resources and plays an important role in connecting Ohio's military veterans and their families with available services. You can make one call to find the right resource. Studies show that in areas without 2-1-1, a person can make up to 10 calls to find just one needed service

Click the map below to find 2-1-1 resources in your county



Currently, 91% of Ohio's population can dial 2-1-1 and reach a trained professional 24 hours a day, every day of the year, through a network of local 2-1-1 centers serving 67 Ohio counties



<http://ouw.org/211-map/>

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Ohio United Way **LIVE UNITED** GIVE ADVOCATE VOLUNTEER HOME ABOUT US ADVOCATE YOUR UNITED WAY **2-1-1 MAP** VOLUNTEER GIVE

Click the map below to find 2-1-1 resources in your county

2-1-1 is an easy to remember 3-digit dialing code, available 24 hours a day, 7 days a week, 365 days each year, which connects callers to a trained specialist. Using a robust database, callers are provided with information regarding local programs and community based organizations, Ohio Benefit Bank services, faith-based initiatives and government agency services. The service is free to the caller. United Ways across Ohio provide over 50% of the costs to operate the system's call centers, which handled over 13 million calls and nearly 600,000 web visits in 2015. Ohio United Way and its members continue to push for the expansion of 2-1-1 into the counties without service.

Commission Duties

5901.03

- Commission History
- Commission Role
- Commission Duties**
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports



"Promote, monitor, and provide funding for ongoing education and training for veterans service commissioners and staff"

This is an investment in the future ability of your office to work for your Veterans!



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Commission Duties

5901.03

- Commission History
- Commission Role
- Commission Duties**
- Commissioner Compensation
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- Policies and Procedures
- Records & Reports

The laws governing the VA's operations change without warning. State laws **can and will** change and the only way your staff can keep up with the effects these changes will have on your operations... is to attend required training



<http://www.va.gov/vetdata/expenditures.asp>



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Commission Duties

5901.04

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation**
- Commission Staffing
- Policies and Procedures
- Records & Reports



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Some VSCs want to offer themselves pay raises, thinking they have the right to set those rates

Title 5901.04 is pretty detailed in the rates of pay for the members of the VSCs



As a CVSC, your pay is determined by the Board of County Commissioners (BoCC)

"...the board of county commissioners shall allow persons composing the veterans service commission their reasonable expenses incurred in the performance of their duties, and shall fix a fair compensation for their services."

Commission Duties

5901.04

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation**
- Commission Staffing
- Policies and Procedures
- Records & Reports



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If you wish a raise in your pay, make sure you have good communications with your County Commissioners

Then make sure you understand who has the right to approve or disapprove this line item



Commission Duties

Staffing Your Office

5901.03

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing**
- Policies and Procedures
- Records & Reports



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You are responsible to employ the staff necessary to carry out the various commission duties and also set their compensation



Hire Good People

Pay Them Appropriately



Commission Duties

5901.03

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing**
- Policies and Procedures
- Records & Reports



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Although ORC 5901.03 allows you the ability to determine your employees compensation, VSCs should consider:



The county financial environment



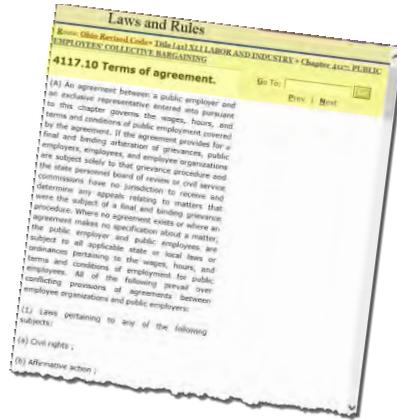
Local government funds



The rate of inflation

Commission Duties

4117.10 We recommend you become familiar with Union Compensation Rules – ORC 4117.10 – This chapter will provide content relevant to determining the hiring of Public Employees and bargaining agreements applied



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Commission Duties

5901.06

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing
- Policies and Procedures
- Records & Reports

May also employ an Executive Director/Director (**must be a veteran**), and support staff necessary to perform the duties of the commission - Investigators, Clerks, etc.



Support staff shall be a veteran or, if a qualified veteran is not available, the spouse, surviving spouse, child, or parent of a veteran



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Commission Duties

5901.07

Outlines the authority to hire at least one CVSO (**must be a Veteran**) and sufficient staff (**Veteran preferred**) to perform the duties of the Commission

Commission History

Commission Role

Commission Duties

Commissioner Compensation

Commission Staffing

Policies and Procedures

Records & Reports



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Commission Duties

5902-1-03

Commission History

Commission Role

Commission Duties

Commissioner Compensation

Commission Staffing

Policies and Procedures

Records & Reports



CVSO



"The Trusted Voice for Veterans."

Commission Duties

5902-1-03

Minimum Qualifications

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing**
- Policies and Procedures
- Records & Reports

A) Shall be a veteran with an honorable discharge/separation

B) Shall be a high school graduate or equivalent

C) Shall satisfactorily complete a background investigation by a local law enforcement agency

D) Service connected disabled veterans shall be given special consideration

R.C. 119.032 review dates: 04/03/2008 and 04/03/2013
 Promulgated Under: 119.03
 Statutory Authority: RC 5902.02(C)
 Rule Amplifies: RC 5902.02(C)
 Prior Effective Dates: 1/18/97



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Commission Duties

5901.07

VSC will notify DVS in writing when a new CVSO is hired or promoted

Within 60 days of employment, shall file a copy of the officer's DD214 with DVS

Once DVS has been notified, this will then start the training period for the new CVSO



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Commission Duties

- Commission History
- Commission Role
- Commission Duties
- Commissioner Compensation
- Commission Staffing**
- Policies and Procedures
- Records & Reports

When it's time for your Commission to conduct interviews, there's one thing you should remember...

Interviews qualifies as a "special meeting" and there are rules to follow to do it properly



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Ohio Sunshine Laws 2016: Executive Session, Chapter Three, Pg. 101

Questions?

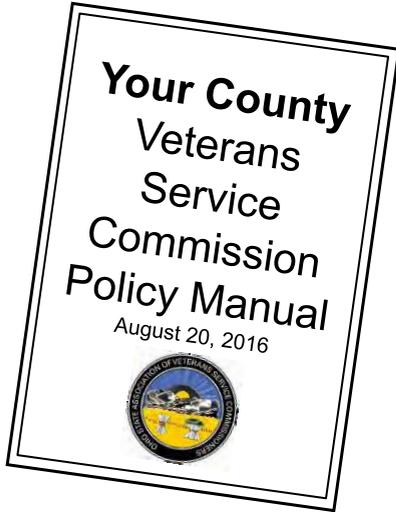


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Policies and Procedures – Title 59

5901.03 (B)(C)

Establish Policies and Procedures for the Commission and the Office



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Policies and Procedures – Title 59

Why is it so important to have a set of Policies and Procedures?



1) The law requires it



2) Can protect you if things go wrong



3) The "county's rules" **RULE** if you don't have your own

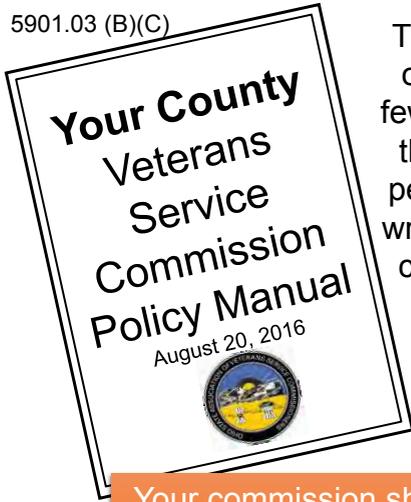


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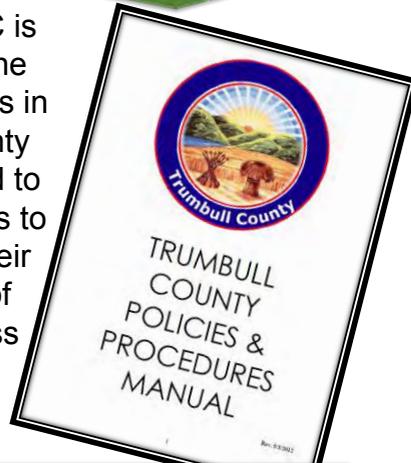
82

Policies and Procedures – Title 59

5901.03 (B)(C)



The VSC is one of the few offices in the county permitted to write rules to cover their order of business



Your commission should either establish your own written personnel policies or formally adopt in writing the county's existing policies and procedures



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Policies and Procedures



Prior to implementation, and AFTER voted and approved in Open Session by your commission, it is recommended VSC should forward for review all locally developed policies and procedures through:

- Your Local County Prosecutor
- County HR Department
- Board of County Commission (BoCC)
- County Auditor



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Policies and Procedures

All VSC employees should sign and date a statement acknowledging they have been made aware of workplace rules, restrictions, and requirements and acknowledging their responsibility in becoming familiar with the policies

ACKNOWLEDGEMENT

On this date I received a copy of the Trumbull County Policy Manual. I understand that I am responsible to familiarize myself with the information in these directives and that I am governed by them. In the event there is a conflict between this manual and any other applicable laws or collective bargaining agreements or Appointing Authority policies, the applicable law or full text of the written law or collective bargaining agreement shall prevail.

Since the information in these directives is subject to change, it is understood that I will be notified of such through the usual channels of dissemination.

Jane F. Brown
Signature of Employee

Jane F. Brown
Printed Name

Department

Date



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Policies and Procedures



Your commission may consider consulting with subject matter experts (e.g., county prosecutor, human resources) when dealing with employee policies (hiring, firing, disciplinary actions, etc.)



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Policies and Procedures

It is recommended that all employees have a written job description and at an minimum, an annual performance evaluation

- **Duties:**
- Advise and assist people, and their families, as to eligibility for federal, state, and local benefits, according to specific legal requirements.
 - Analyze, investigate and process emergency applications for assistance.
 - Coordinate efforts to assist with other local, county, state, and federal agencies.
 - Know how to deal with recurrent complex issues.
 - Advise, prepare, and process all forms necessary for local, county, state, and federal benefits.



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Policies and Procedures

Commission Recommendations:

...develop and maintain a mission statement



...ensure the office has a customer feedback system in place which will allow veterans and their families to provide feedback directly to the VSC commissioners



...have an active email account with an address on file with DVS
Per suggestion from the AGO, personal email accounts should be separate from commission email accounts as your personal email account will be considered "public record" if used for commission purposes (Sunshine Laws)



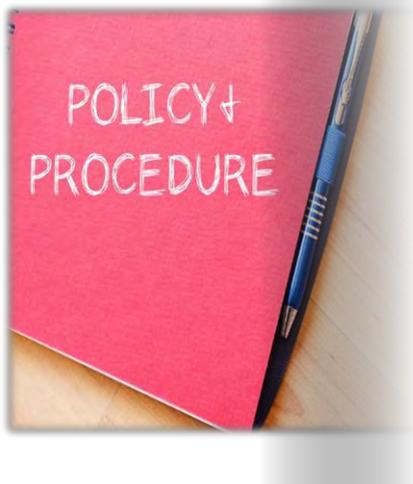
...work with local emergency management for emergency preparedness



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Policies & Procedures



Other suggestions
for inclusion in
your commission's
Policy and
Procedure
Manual....



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Policies and Procedures – Title 59

First....you must be
proactive in writing
rules or exceptions to
rules that you need to
cover your
operation...

You cannot write a
policy to cover
something that has
already happened



*You can, however,
write rules for things
you **EXPECT** to
happen...*



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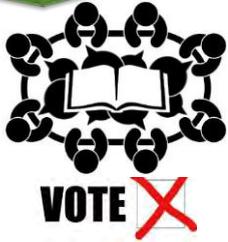
Policies and Procedures



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Policy and Procedures

PLEASE NOTE: Policies or changes to those policies must be voted on in Open Session. You cannot make changes secretly or in Executive Sessions



Once your VSC policies or changes to policies have been approved by the members of your Commission...



Your rules will then take precedence over the county's policy manual...per the particular section agreed upon by your commission



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Policies and Procedures

THIS ACCOUNT IS NOW OVERDUE

BILL: \$2
PAID

Yes
 No

93

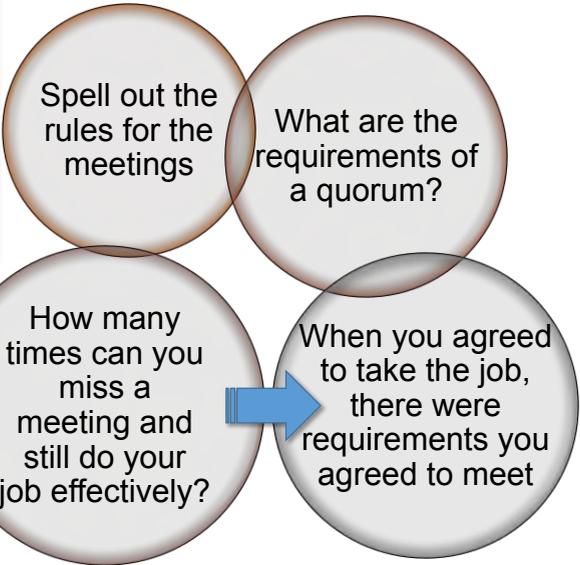
Policies & Procedures



- Application Process
- Program Limit and Restrictions
- How Often Can a Veteran Apply?
- Eligibility and Income Requirements
- Standard/Emergency Procedures
- Delivery of Assistance
- Appeals Process
- Waiver of Policies



Policies & Procedures



Policies & Procedures

You cannot be a Snowbird spending your winters in Florida



...or voting by phone which is not proper



If you cannot attend meetings, don't plan on staying on the board

When you don't attend meetings, you will be forcing other members to take care of your Veteran's needs



Policies & Procedures



DAILY OPERATIONS

Days/Hours

Who is Responsible for Daily Operations/Decisions?

Office Dress Codes

Who Hires?

Minimum Qualifications

Compensation?

Travel/Training/Reimbursements



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Policies & Procedures

TRANSPORTATION

Eligibility

Method of Transportation

How Drivers are Reimbursed/Paid

Pick-up/Destinations

Restrictions

Scheduling

Limitations



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Policies & Procedures



Unless there are some really unusual circumstances, your county's policy may work well here..

PERSONNEL

- Ethics
- Discrimination/Harassment
- Disciplinary Procedures
- Offenses
- Seriousness of Offenses
- Possible Actions to Be Taken
- Appeals
- Social Media
- Internet, Email, Online Services Use & Abuse
- Drug-free Workplace



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Policies & Procedures

Public Records & Records Retention

This is another area you may want to include in your Policies and Procedures
 Spell out the official rules regarding your VSC records



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Policies & Procedures



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Our offices are not the usual office



We have the histories and lives of our Veterans in our files

Policies & Procedures



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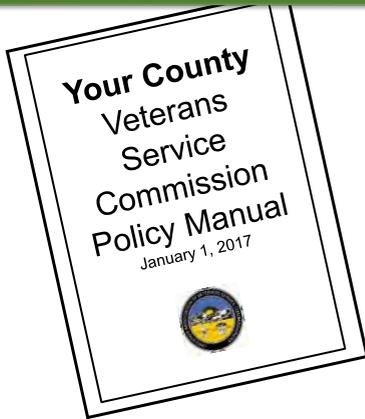
When do you remove the paper files?

What do you do with them and how often are they reviewed for removal?

What do you do with the DD 214's, the birth and death certificates, marriage documents, divorce decrees when the Veteran passes and there are no known family members?

You need a plan to cover this, too!

Policies & Procedures



Finally, you need a signature page and an effective date of the policy manual

APPROVED AND ADOPTED AS WRITTEN IN OPEN MEETING HELD DECEMBER 16, 2016, to be effective on January 1, 2017

_____	PERRY L WINSTON, President
_____	RAQUEL K MILLER, Vice-President
_____	JEREMY C BENNETT, Jr., Secretary
_____	ROBIN F HENRY, Member
_____	MARY J WILSON, Member



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Questions?



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Records and Reports

Records are traditionally written and maintained by the office staff



Each office is different and will determine its own needs based on the individual office historical requirements and needs

It is not the function of this session to tell you what you must record or how it is to be recorded, but there are some minimum needs....



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Records and Reports

Minutes of Meetings

At a minimum, you should document your meetings, from beginning to end. This should **NOT** be a verbatim copy of every conversation, report, or contact

However, anyone should be able to reconstruct what financial assistance was offered to whom, where they reside, for what purpose, for what amount, and any waiver of procedure that was mandated

Minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection ORC 121.22 (C)



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Records and Reports

ORC 121.22



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Records and Reports

Office Files

- Equipment Inventory
- Consumables
- Plant/Major Purchases
- Vendors
- Invoices/Orders
- Purchase Orders
- Payment Records
- Vehicle Records
- Contact Records



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Records and Reports

Reports are a necessary component with working with public money and vital in maintaining open lines of communications both up and down the chain of command



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ORC 5901.03 (G)
115

Records and Reports

As a commission, you have various reports you are responsible to maintain and submit to various groups, both **INTERNAL** & **EXTERNAL**

Veterans Service Commission (VSC)

County Commissioners

DVS

Service Organizations

Appointing Authorities

Media

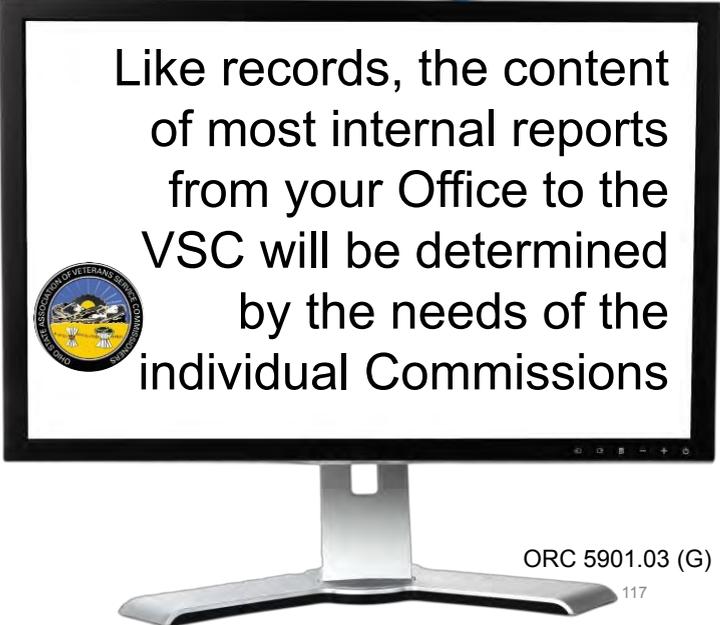


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ORC 5901.03 (G)
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Records and Reports

Office to:
Veterans
Service
Commission
(VSC)



Records and Reports

What do you really want to have reported to you or the Board?

Some internal reports are required for the state, some are required for local purposes

Internal Reports may also identify areas that may need more funding or areas that might be over-funded

The question is, How much detail do you really need to know to determine if your staff is really working hard?



You will ultimately decide what works best for you and your Board. Make it work for you!



ORC 5901.03 (G)
118

Records and Reports

Office/VSC to: County Commissioners



Tell them how you are serving the Veteran community and ask for suggestions for improvements

Tell them how much money is being brought into the county because of your office



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ORC 5901.03 (G)
119

Records and Reports

Office to: DVS

There are monthly, quarterly and annual reports due to DVS...



Some of which are:
A quarterly County Activity Report
A yearly VSC Personnel and Financial Report



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ORC 5901.03 (G)
120

Records and Reports

VSC Members to: Service Organizations

When it comes to the various Service Organizations, inform them of what is happening within your office

Tell them how you are serving the Veteran community and ask for suggestions for improvements



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ORC 5901.03 (G)
121

Records and Reports

VSC to: Appointing Authority

Judges may request an annual report regarding the activities of the commission and monthly copies of the minutes of the commission meetings



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ORC 5901.03 (G)
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Records and Reports

Office/VSC to: Media

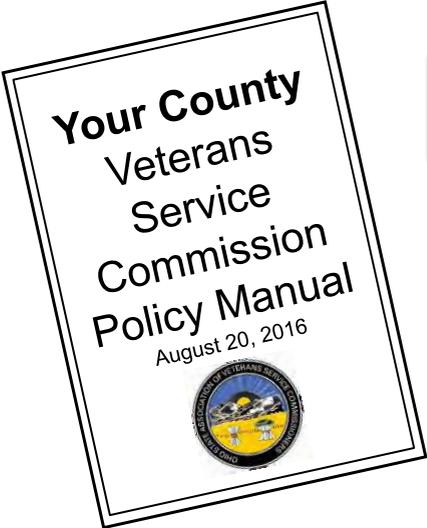
There may be the occasion to speak publicly about your office and its various functions
Learn what your office does and how it does it, and your interview will go a lot easier



ORC 5901.03 (G)
123



Records and Reports – Title 59



Include in your office's Policies/Procedures



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Questions?



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Ethics for Veterans Services Commissioners

Sean McCarthy
Chief Legal Counsel

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Who is Regulated?

- Public officials and employees at every level of government
- Those who:
 - are doing/seeking to do business with public officials and employees
 - are regulated by government
 - have specific interests before agency



CONFLICT OF INTEREST

No need to chase ambulances when you're the one who calls them

motifake.com



- Using authority or influence to secure something of value
- Soliciting or accepting something of value

Image: scottchan / FreeDigitalPhotos.net

102.03(D)

Use of Authority or Influence



ABSTAINING/RECUSAL

- Voting
- Deciding
- Discussing
- Deliberating
- Recommending
- Reviewing
- Inspecting
- Investigating
- Any Other Action



"I'm going to have to recuse myself."



EXAMPLES?



"So, I'm the only one who sees a conflict of interest here?"

- Inspecting Brother's Business
- Investigating private employer on behalf of agency
- Business with Official's Employer
- Consulting/Outside Employment
- Job Seeking
- Requiring staff to take my community college class



102.03(E) Solicit or Accept



**R.C. 102.03(F) PROHIBITS PRIVATE SECTOR
PARTIES FROM:**



Promising or giving something of value to a public employee



WHAT IS "THING OF VALUE?"



conicusso / FreeDigitalPhotos.net



Apikhombonwaroot / FreeDigitalPhotos.net



SUBSTANTIAL AND IMPROPER



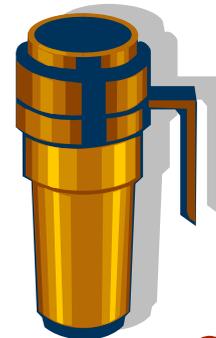
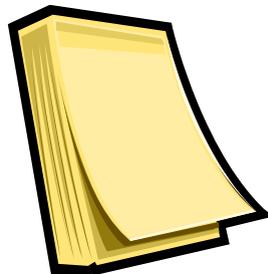
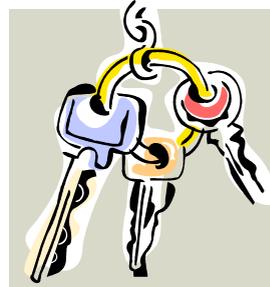
Image: renjith krishnan / FreeDigitalPhotos.net



“NOMINAL” OR “DE MINIMIS”



Substantial?





Substantial?



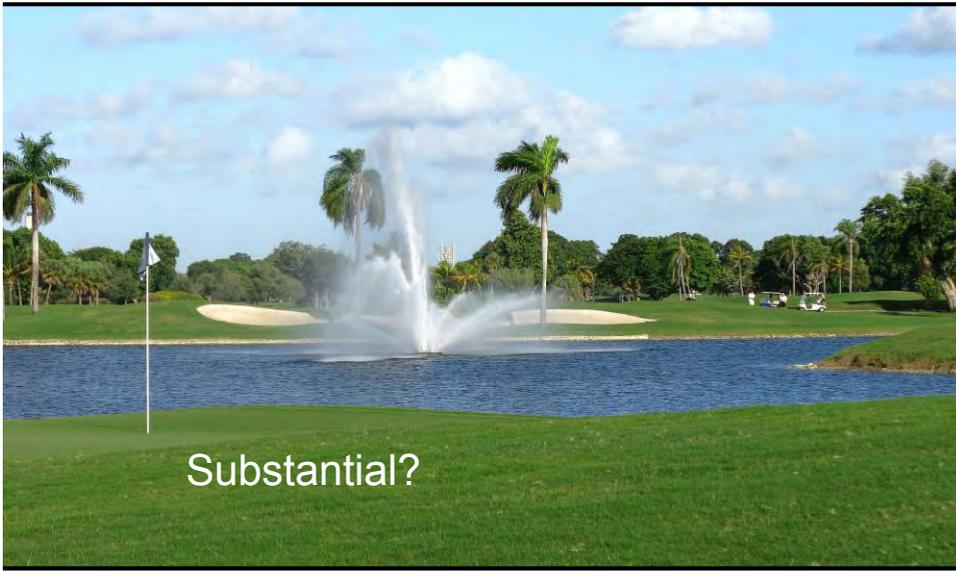
Image: Suat Eman / FreeDigitalPhotos.net

“SUBSTANTIAL”



Substantial?





Substantial?

Image: FreeDigitalPhotos.net



Substantial?

Image: Tim Beach / FreeDigitalPhotos.net



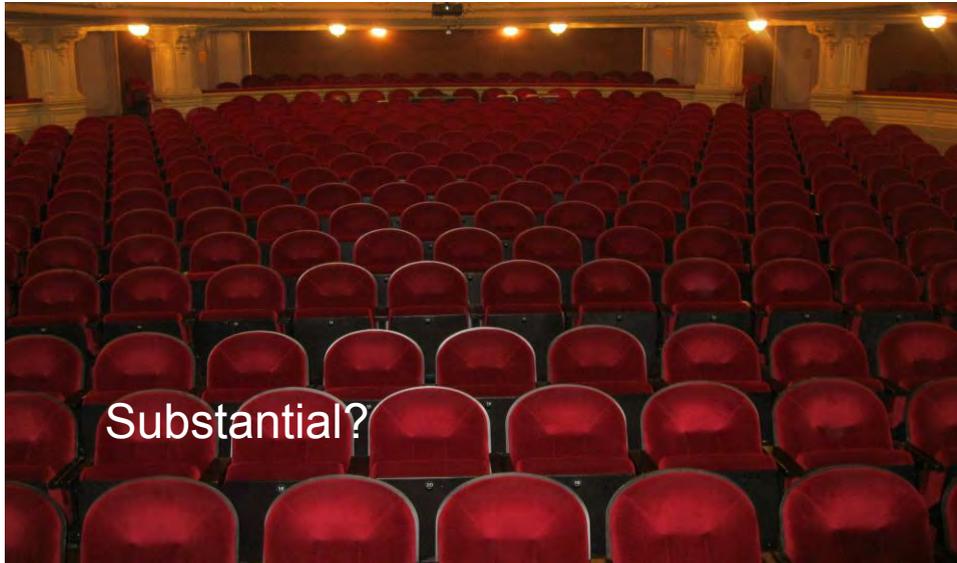
Substantial?

Image: cbenjasuwan / FreeDigitalPhotos.net 



Substantial?

Image: cbenjasuwan / FreeDigitalPhotos.net 



SUBSTANTIAL AND IMPROPER



Questions?



A state official can take her family for a week-long spring break vacation in Mexico and stay in a condo (with a deep-sea fishing boat) owned by a grantee of her county department if she pays him \$500, which the grantee says is ‘fair market value.’



A state employee, who is getting married, may accept a resort beach package from his childhood friend, Vinny, even though Vinny is a representative of an industry his agency regulates.



A member of a public regulatory board is attending a conference in Pittsburgh. He can attend a behind-the-scenes tour of the PNC Park, paid for by a corporation regulated by the board, because the event is “part of” the conference.





Image: Rawich / FreeDigitalPhotos.net



A state building permit reviewer is prohibited from seeking a job from a company with building permits pending before the state.



Image: scotchman / FreeDigitalPhotos.net





A state employee attending a conference (as part of his/her job) is prohibited from accepting a flat screen TV that was donated to the agency by a vendor even if the winner is selected in a random drawing.

Image: graur razvan ionut / FreeDigitalPhotos.net



To assist to making the best purchasing decision, an IT supervisor can accept travel expenses from an IT company to go to Los Angeles to see the IT product in use.

Image: Stuart Miles / FreeDigitalPhotos.net

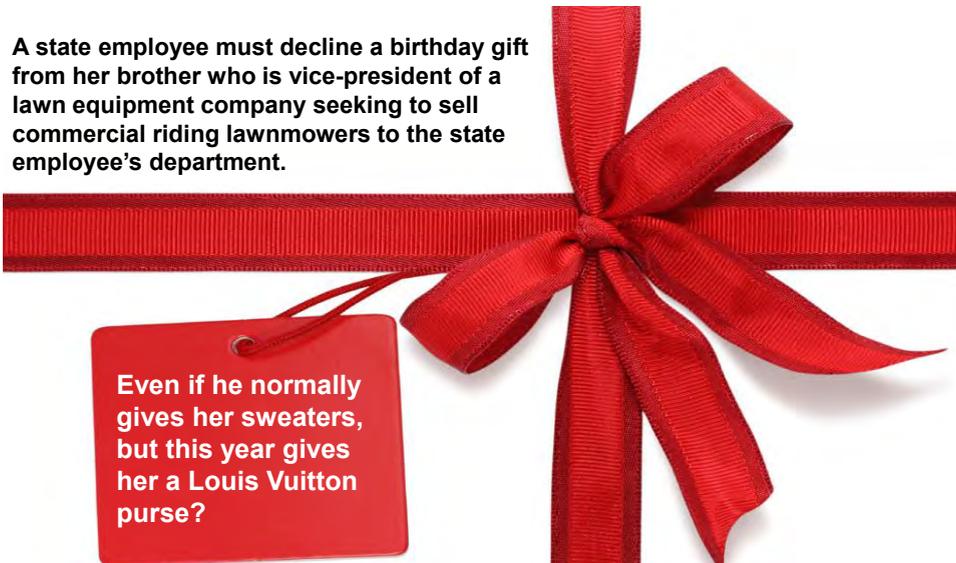




An employee at the State Library of Ohio may contract with library vendors for the local bookstore she owns.



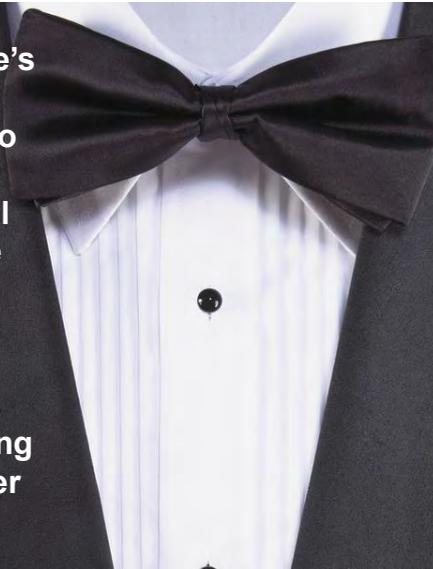
A state employee must decline a birthday gift from her brother who is vice-president of a lawn equipment company seeking to sell commercial riding lawnmowers to the state employee's department.



Even if he normally gives her sweaters, but this year gives her a Louis Vuitton purse?



A public employee's husband receives front row tickets to a traveling Broadway musical from his job . The employee may accompany her husband to the theatre even if his company is seeking a contract from her department.



A member of a state board, who is also an architect, must abstain from the board's consideration of a matter affecting a client of her firm, even if she did not perform any services on the matter.



A snowplowing company who contracts to plow corrections facilities may plow the ODRC director's driveway as long as the contract negotiations are complete.



State employees who travel for state business can take along their spouses provided that the state would not incur any additional cost as a result of their spouses' travel.



Image: Rawich / FreeDigitalPhotos.net



PUBLIC CONTRACTS



Image: jscreationzs / FreeDigitalPhotos.net



RESTRICTIONS: 2921.42(A)(1)



- **Authorization or use of authority for official, family member or business associate**

Image: photostock / FreeDigitalPhotos.net



RESTRICTIONS: 2921.42(A)(4)



- Having an interest in profits/benefits of public contract with “connected” agency



RESTRICTIONS: 2921.42(A)(3)



- Profiting from approval of contract



NEPOTISM



Image: posterize / FreeDigitalPhotos.net



“FAMILY MEMBER”



- Spouse
- Sibling
- Parent/Step-parent
- Grandparent
- Child/Step-children
- Grandchild
- Anyone else related by blood or marriage and residing in the same household



CALL BEFORE YOU ACT!



The Ohio Ethics Commission
30 West Spring Street, L3
Columbus, Ohio 43215

Phone: (614) 466-7090

Fax: (614) 466-8368

Website: www.ethics.ohio.gov



Questions?

Sean McCarthy

sean.mccarthy@dvs.ohio.gov

(614)728-2142



Resources – Additional References and Links

- Attorney General Opinions <http://www.ohioattorneygeneral.gov/About-AG/Organizational-Structure/Opinions.aspx>
- Code of Federal Regulation (CFR) Title 38 <http://www.benefits.va.gov/warms/bookc.asp>
- Ohio Administrative Code (OAC) <http://codes.ohio.gov/oac/>
- Ohio County Commissioners Handbook <http://www.ccao.org/county-commissioners-handbook>
- Ohio Ethics Commission <http://ethics.ohio.gov/>
- Ohio Department of Veterans Services <http://dvs.ohio.gov/>
- Ohio Revised Code (ORC) <http://codes.ohio.gov/orc/>
- Ohio Sunshine Law <http://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws>
- Web Automated Reference Materials System (WARMS) <http://www.benefits.va.gov/WARMS/>
- U.S. Department of Veterans Affairs <http://www.va.gov/>
- United States Code (USC) <http://uscode.house.gov/>



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