

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

James and Lorie Jensen, as parents,  
Guardians and next friends of Bradley J.  
Jensen, *et al.*,

Civil No. 09-1775 (DWF/FLN)

Plaintiffs,

v.

Minnesota Department of Human Services,  
an agency of the State of Minnesota, *et al.*,

Defendants.

<p><b>REPORT TO THE COURT: COMMUNITY SUPPORT SERVICES STAFFING</b></p>
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February 18, 2015

David Ferleger  
Court Monitor  
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## REPORT TO THE COURT: COMMUNITY SUPPORT SERVICES STAFFING

### SUMMARY

Expansion of community services, including oversight and support of counties and providers are essential responsibilities of DHS under the Court's orders. Largely responsible for that oversight and support is DHS' Community Support Services division. The Comprehensive Plan of Action requires that certain staffing be added to CSS and maintained without vacancies. DHS regularly reports to the Court on this staffing in the Compliance Updates which DHS docket.

The DHS November-December 2014 Compliance Update regarding CSS staffing appears to be inaccurate; it is incompatible with the consistent compliance status reported by CSS. The process for reporting the questionable information was different from prior practice. This staffing is an important consideration at this time; DHS is in the process of reorganizing its units, including CSS, with regard to oversight and support of community services.

### BACKGROUND

The 2011 Settlement Agreement required both local institutional reforms at METO and its successors, and expansion of community services. The 2014 Comprehensive Plan of Action order ("CPA")<sup>1</sup>, includes requirements for community services, principally in a section titled "*System Wide Improvements – Expansion of Community Support Services*." The first Evaluation Criterion in that section is CPA EC 67.

CPA EC 67 opens by noting "[t]he expansion of community services under this provision."<sup>2</sup> This expansion of CSS follows from (a) the METO/Cambridge institutional option is no longer available, and supports are now provided in the community, and (b) the *Olmstead* decision and *Olmstead Plan* order which reinforce the need to provide supports and services in the community rather than in separate settings.

Consistent with the CPA, the *Guiding Principles of Community Support Services* are:

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<sup>1</sup> *Comprehensive Plan of Action (Second Amended)* [Dkt. 283], approved and adopted by Order of March 12, 2014 (Dkt. 284).

<sup>2</sup> EC 67.1, which follows the language quoted in the text, summarizes CSS' mission, begins "Community Support Services (CSS) provides assessment, triage and care coordination so that persons with developmental disabilities can receive the appropriate level of care in the most integrated setting." The CPA continues with assignment to DHS' CSS office of multiple statewide responsibilities, for example, for supports, crisis intervention, training, long term monitoring of individuals, wrap-around response teams across the state.

Community Support Services (CSS) advances the DHS Direct Care & Treatment (DCT) mission by strengthening the community living of people with clinically complex challenges, through initiating and guiding innovative behavioral support, building collaborative support networks, and advocating for person-centered approaches.<sup>3</sup>

The CPA includes staffing requirements for CSS:

1. Beginning with the Settlement Agreement, and continued in the CPA, CSS was to have, and to maintain, an “additional fourteen (14) full-time equivalent positions” which had been added in 2011. CPA EC 76.
2. The positions may not be vacant. CPA EC 77.
3. These 14 FTE positions and any functionally equivalent positions to be filled “as quickly as possible and with qualified applicants.”(EC 77.1)

The requirement to fill functionally equivalent positions ensures that the total complement of staff is not diminished by moving staff from other functionally equivalent positions and using them to fill one or more of the named 14 FTE positions.

Since the CPA’s adoption, DHS’ Jensen Implementation Office receives and transmits update reporting on staffing from the Director of CSS, Mr. Steven Dahl. The consistent practice has been that the CSS information is reported to the Court.

## THE PURPOSE OF THIS REVIEW

Expansion of community services, including oversight and support of counties and providers are essential responsibilities of DHS under the Court’s orders. Various components of DHS affect these responsibilities. Imminent changes in at least two of those components prompt this effort to verify compliance with key elements of the CPA pertinent to CSS.

DHS recently informed the Court Monitor that it expects to combine (or merge or absorb) CSS into a newly established Minnesota LifeBridge (“MLB”) program, which has supported two community successors to MSHS-Cambridge and provided statewide mobile services for clients with developmental disabilities. Some of MLB’s functions overlap with those of CSS.<sup>4</sup> The Court Monitor has requested, but has not yet been provided with

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<sup>3</sup> CSS Procedure Number: 12000. *Administration: CSS Guiding Principles*. Effective Date: July 1, 2013 at 1.

<sup>4</sup> DHS Bulletin #14-76-01, *Transition of Minnesota Specialty Health System (MSHS) – Cambridge to Minnesota Life Bridge: Admission and Discharge Processes, Transition Planning and Community Mobile Support Services*. On the overlap between the CSS and MLB, see graphic, **Attachment 1** to this report.

details of the timing or precise nature of this combination, or a revised organizational chart. CSS has more than 70 staff dispersed in regional offices statewide. MLB has less than a dozen staff, with concentrated offices. The Court Monitor has requested but not yet received the reorganization information.<sup>5</sup>

In light of these changes, and because CSS staffing has a high profile in the CSS, the Court Monitor sought to verify CSS staffing items in the DHS Compliance Updates filed with the Court since the CPA.<sup>6</sup> Each Update covers two months; data such as staffing is reported as of the end of the period.<sup>7</sup>

The most recent Update covers November-December 2014 and it was filed February 13, 2015 [Dkt. 387]. *The information in the DRAFT Nov-Dec 2014 Update and those prior to the most recent Update* are shown on the chart on the next page.

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<sup>5</sup> On February 5, 2015, the Monitor wrote to DHS:

With deference to DHS' right and discretion regarding its organization, I urge attention to ensure that there is no impingement on, or diminution of, compliance with the CPA. Please provide me with any new organizational chart, and timing for its implementation and assurance of the continuation of CSS under the court-ordered CPA

<sup>6</sup> The Jensen Implementation Office's email response (Feb. 11, 2014) to the Court Monitor's February 6, 2015 request attached numerous emails exchanging information for the compliance updates. **Attachment 2** to this report (verbatim emails)

<sup>7</sup> The CPA requirements are:

EC 76	EC 76.3	EC 77
An additional fourteen (14) full time equivalent positions were added between February 2011 and June 30, 2011, configured as follows: Two (2) Behavior Analyst 3 positions; One (1) Community Senior Specialist 3; Two (2) Behavior Analyst 1; Five (5) Social Worker Specialist positions; and Five (5) Behavior Management Assistants.	Fill any vacancies in functionally equivalent positions, with the required qualifications. As necessary to fulfill this Comprehensive Plan of Action, fill any position.	None of the identified positions are vacant.

## CPA requirements and the Updates from DHS Filed Reports

<b>EC 76</b>	<b>EC 76.3</b>	<b>EC 77</b>
<b>November-December 2014 DRAFT Update. Not filed.</b>	<b>November-December 2014 DRAFT Update. Not filed.</b>	<b>November-December 2014 DRAFT Update. Not filed.</b>
<p>“There are no vacancies in CSS among the 15 positions (14 FTE) required by the JSA. There is one vacant CSS functionally equivalent position. There are no budget constraints that relate to hiring these particular positions.”</p>	<p>“There are no vacancies in CSS among the 15 positions (14 FTE) required by the JSA. There is one vacant CSS functionally equivalent positions. There are no budget constraints that relate to hiring these particular positions.”</p>	<p>“There are no vacancies in CSS among the 15 positions (14 FTE) required by the JSA. There is one vacant CSS functionally equivalent positions. There are no budget constraints that relate to hiring these particular positions.”</p>
<p><b>September-October 2014 Update, Dkt. 360.</b></p>	<p><b>September-October 2014 Update, Dkt. 360.</b></p>	<p><b>September-October 2014 Update, Dkt. 360.</b></p>
<p>“CSS currently has 9 vacant positions. CSS will be interviewing for the two Behavior Analyst 3 Supervisor vacancies the last week of Oct. 29-31, 2014.”</p>	<p>“CSS currently has 9 vacant positions. CSS will be interviewing for the two Behavior Analyst 3 Supervisor vacancies the last week of Oct. 29-31, 2014.”</p>	<p>“CSS currently has 9 vacant positions. CSS will be interviewing for the two Behavior Analyst 3 Supervisor vacancies the last week of Oct. 29-31, 2014.”</p>
<p><b>July-August 2014 Update. Dkt. 342</b></p>	<p><b>July-August 2014 Update. Dkt. 342</b></p>	<p><b>July-August 2014 Update. Dkt. 342</b></p>
<p>“During this reporting period, another position was vacated and two staff were hired.”</p>	<p>“Any vacancies are filled as quickly as possible. CSS works with HR to create postings for vacancies. Position descriptions detail the tasks to be done and the knowledge, skills, and abilities needed for the position. In general, applications for employment within DHS are processed by Minnesota Management &amp; Budget (MMB).”</p>	<p>“As of August 22, 2014: 7/76 positions in CSS are vacant: 2 BA3 Supervisors 3 Behavior Analyst 3s 1 Social Work Specialist 1 Behavior Modification Assistant The two Regional Managers were promoted from Team Leader positions (BA3 Supervisor), creating two new vacancies at the BA3 Supervisor level.</p>
<p><b>May-June 2014 Update, Dkt. 328.</b></p>	<p><b>May-June 2014 Update, Dkt. 328.</b></p>	<p><b>May-June 2014 Update, Dkt. 328.</b></p>
<p>“Two of the six vacancies in the approximately 66 positions within Community Support Services have been filled; hiring is not complete for the third. During this reporting period, another position within the approximately 66 was vacated. Both of those open positions have been posted for applications.”</p>	<p>“Any vacancies are filled as quickly as possible. CSS works with HR to create postings for vacancies. Position descriptions detail the tasks to be done and the knowledge, skills, and abilities needed for the position. In general, applications for employment within DHS are processed by Minnesota Management &amp; Budget (MMB).”</p>	<p>“As of June 30, 2014: 6/76 positions in CSS are vacant: 2 BA3 Supervisors 2 Behavior Analyst 3s 1 Social Work Specialist 1 Behavior Modification Assistant The two Regional Managers were promoted from Team Leader positions (BA3 Supervisor), creating two new vacancies at the BA3 Supervisor level. The other vacancies are due to normal turnover reasons. CSS is currently interviewing for the two Behavior Analyst 3 positions.”</p>

## FINDINGS

Except for the most recent update covering November and December 2014 [Dkt. 387, filed February 13, 2015] (“Nov-Dec 2014 Update”), the DHS update data results from the following process, which has been routinely conducted within DHS via email:

- The Jensen Implementation Office (“JIO”) requests the CSS Director for updated information.
- The CSS Director provides the updates.
- The Update filed with the Court repeats the information provided by the CSS

**The production of the compliance data in the Nov-Dec 2014 Update is discrepant with the above routine process. The CSS Director’s multiple reports that 1 of the 14 identified positions is vacant is contradicted by the Update filed with the Court which states that there are no vacancies.<sup>8</sup> Contrary to the filed Update, the CSS Director repeatedly and consistently reported to the JIO that 1 of the 14 required staff positions is vacant (and several other functionally equivalent positions are vacant).<sup>9</sup>**

Deputy Commissioner Anne Barry emailed that she recalled seeing a report a few weeks earlier saying “no vacancies” among the 14. Somewhat inconsistently, in the same email, she asked to be informed which of the 14 were “on hold.”<sup>10</sup> DHS counsel then stated that, based on Ms. Barry’s email, the response “should reflect” no vacancies among the 14, unless the CSS Director “makes us aware of something which would alter this.”<sup>11</sup> The CSS Director then responded that 1 of the 14 positions was “still vacant and on hold” and provided with his email the summary documentation (*see* two pages below). CSS and JIO then agreed that there was *1 vacancy* and 3 vacant CSS functionally equivalent positions.<sup>12</sup> However, the JIO draft report then stated *1 vacancy*. (excerpts from the emails are three pages below). The filed Nov-Dec 2014 Update also stated *1 vacancy* as shown here:

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<sup>8</sup> The reader will note another discrepancy among the reports. Except for the Nov-Dec 2014 report, none of the other Updates report vacancy numbers for the 14 required additional positions. The prior Updates report vacancies for CSS as a whole. The Nov-Dec 2014 Update Compliance Updates does not explain this major change in its reporting.

<sup>9</sup> The Update was preceded by multiple emails, including 4 on December 30 and 7 on December 31. No prior Update was accompanied by this high number of emails.

<sup>10</sup> Anne Barry, December 31, 2014 email, 9:48 AM.

<sup>11</sup> DHS Counsel, December 31, 2014 email, 10:11 AM.

<sup>12</sup> Jensen Implementation Office (Maggie Friend), December 31, 2004 email, 2:15 PM to CSS. CSS response at 2:20 PM email, same date.

**Staffing Compliance Reported in Nov-Dec 2015 Update [Dkt. 387]**

EC 76	EC 76.3	EC 77
<p><b>November-December 2014 Update, Dkt 387. Page 323.</b></p> <p><b>"2/13/2015 Update</b></p> <p>See 2/13/2015 response to Action Item 74.1"</p>	<p><b>November-December 2014 Update, Dkt 387. Page 326.</b></p> <p><b>"2/13/2015 Update</b></p> <p>See 2/13/2015 response to EC 76."</p>	<p><b>November-December 2014 Update, Dkt 387. Page 328.</b></p> <p><b>"2/13/2015 Update</b></p> <p>See 2/13/2015 response to EC 76."</p>
<p style="text-align: center;"><b>November-December 2014 Update, Dkt 387. Page 323.</b>  <b>THE INCORPORATED RESPONSE TO EC 74.1</b></p> <p><b>2/13/2015 Update</b>  This reporting period CSS hired no new staff with training responsibilities.</p> <p>There were internal discussions to clarify the information in the "Obstacles" from the 11/27/2014 Update and what was discussed with Martin Elks. <i>None of the JSA-mandated positions are on hold due to budget constraints; all the positions created to comply with the JSA are currently occupied.</i> [emphasis added]</p> <p>One of the positions was upgraded to accommodate an employee promotion, but the responsibilities remain with that position. There are other vacant positions in CSS which are vacant and on hold to be filled that are not part of the 14 FTEs.</p>		

There is another discrepancy in addition to the vacancy among the 14 specified staff. CSS enumerates several vacant functionally equivalent positions under the CPA and documents those in the attachment to the Director's email; they appear on the following page of this report. The Nov-Dec 2014 Update states that there is "one vacant CSS functionally equivalent position."

## JSA-Mandated Positions\* in Community Support Services (CSS)

Status as of December 3, 2014

#	Classification	Position Control #	CSS Team	Incumbent	Notes
1	Behavior Analyst 3	01018285	Brainerd	Valerie Smith	
2	Behavior Analyst 3	01011400	Metro	Ron Zuchora	
3	Community Services Program Specialist 3	01103333	Statewide	Megan Mulkey	
4	Behavior Analyst 1	01011798	Region 10	Marcus Padilla	
5	Behavior Analyst 1 → Behavior Analyst 3	01007530	Region 7E	Vacant	Reclassified for previous incumbent (JH), April 2013
6	Social Work Specialist	01103339	Brainerd	Carol O'Sullivan	
7	Social Work Specialist	01103335	Metro → Synergy	Jessica Palkovich	To align resources traded for Metro BA3, Oct. 2014
8	Social Work Specialist	01103337	Northeast	Shaina Connolly	
9	Social Work Specialist	01103334	Northwest	Sarah Reitmeier	
10	Social Work Specialist	01103338	Region 7E	Mai Khou Yang	
11	Behavior Modification Assistant	01103355	Region 7E	David Ruth	
12	Behavior Modification Assistant	01103343	Region 7E	Jessica Ruth	
13	Behavior Modification Assistant	01103345	Region 10	Renee Langford	
14	Behavior Modification Assistant	01103446	Region 10	Trisha Efta	
15	Behavior Modification Assistant	01008069	Region 10	Melissa Stoltz	

To achieve and maintain compliance with the terms of the JSA Comprehensive Plan of Action (CPA), CSS also must **"fill any vacancies in functionally equivalent positions** [emphasis added] **with the required qualifications. As necessary to fulfill this Comprehensive Plan of Action, fill any position" (CPA 76.3).** This point is reiterated in **CPA 77.1: "Fill as quickly as possible, and with qualified applicants, all vacancies in these and other functionally equivalent positions** [emphasis added]. **Provide sufficient salary, bonus, and other structures and incentives to ensure that the positions are filled."** Interpreting "functionally equivalent positions" to mean any CSS position with the same classification and role as those of the original JSA-Mandated positions (that is, positions primarily providing direct clinical service to individuals with intellectual or developmental disability), the following CSS vacancies are subject to the terms of the JSA and must be filled.

#	Classification	Position Control #	1768 #	CSS Team	Notes
1	Behavior Analyst 3	01007530	37695	7E	1768 initiated 4-24-14
2	Behavior Modification Assistant	01091976	43076	7E	1768 initiated 12-2-14
3	Behavior Modification Assistant	01107418	43077	Metro	1768 initiated 12-2-14
4	Social Work Specialist	New	(See Notes)	Region 10	Fill-behind for Janine Brady, BA3 Supervisor (WOC); working with HR Staffing to determine how to proceed to create this position.

\* Original positions stipulated in the Jensen Settlement Agreement, Section X.A.2

CSS STAFFING  
DOCUMENTATION

**Excerpts: EMAILS PROVIDED BY DHS TO COURT MONITOR**

TIME	FROM	TO	CONTENT
<b>December 30, 2014</b>			
2:46pm	Figueroa, Rick (DHS Counsel)	Friend, Maggie A	... regarding the 14 FTE's, it looks like from the document attached above there is only one vacancy among the 15 people required, so I suggest we clearly separate this from the functionally equivalent positions by stating that there is only one vacancy with respect to the required 15 persons, and there are three vacancies with respect to functionally equivalent positions.
5:57pm	Friend, Maggie (JIO)	Figueroa, Rick	As of 12/3/2014, there is one vacancy in CSS among the 15 positions required by the JSA, and three other vacant CSS positions subject to the terms of the JSA.
9:52pm	Dahl, Steven (CSS Dir)	Friend, Maggie A	Until I get further clarification from Rick, I'm not comfortable endorsing the statement that there are no budget constraints related to filling these vacancies
<b>December 31, 2014</b>			
9:08am	Figueroa, Rick	Friend, Maggie A	I would add in the first paragraph "three other vacant CSS functionally equivalent positions."
9:48am	Barry, Anne	Figueroa, Rick ; Dahl, Steven J	Thanks for copying me in Rick. As far as I am aware, all 14 positions required by the JSA are filled. We saw a chart a couple of weeks ago indicating the same. There are other CSS positions waiting to be filled and we have asked that staff put into supervisory positions be used to fill the 14 complement if necessary. It was never our intent to add staff by promoting staff and then adding 2 more staff to original 14 approved. ¶ Please let Connie Jones and I know specifically which positions of the original 14 are on hold and waiting for approval.
10:11am	Figueroa, Rick	Friend, Maggie A	Based on Anne's response below, the response to EC76 and sub-EC's should reflect that there are no vacancies on the 14FTE's (15 people).
10:18am	Friend, Maggie	Figueroa, Rick	So – this text? And do we then call it "Complete"?  1/15/2015 Update As of 12/3/2014, there no vacancies in CSS among the 15 positions (14 FTE) required by the JSA. There are three vacant CSS functionally equivalent positions.
10:23am	Figueroa, Rick	Friend, Maggie A	I think it's complete only as to the 14FTE's unless Steve makes us aware of something that would alter this.
2:08pm	Dahl, Steven	Figueroa, Rick ; Friend, Maggie A	I believe we're still incomplete even on the 14 FTEs because PCN #01007530 (BA3 on the Region 7E team) is still vacant and on hold. See attached. [This is the one page chart from the CSS Director included in the body of this report, "JSA-Mandated Positions in Community Support Services (CSS)."]
2:15pm	Friend, Maggie	Dahl, Steven J ; Figueroa, Rick	Good timing - I was just about ready to send the draft. How should those ECs / Action Items read? Please make edits: "As of 12/3/2014, there is one vacancy in CSS among the 15 positions (14 FTE) required by the JSA. There are three vacant CSS functionally equivalent positions."
2:20pm	Dahl, Steven	Friend, Maggie A	I would recommend the edit below in red... [the edit in red – above]

## CONCLUSION

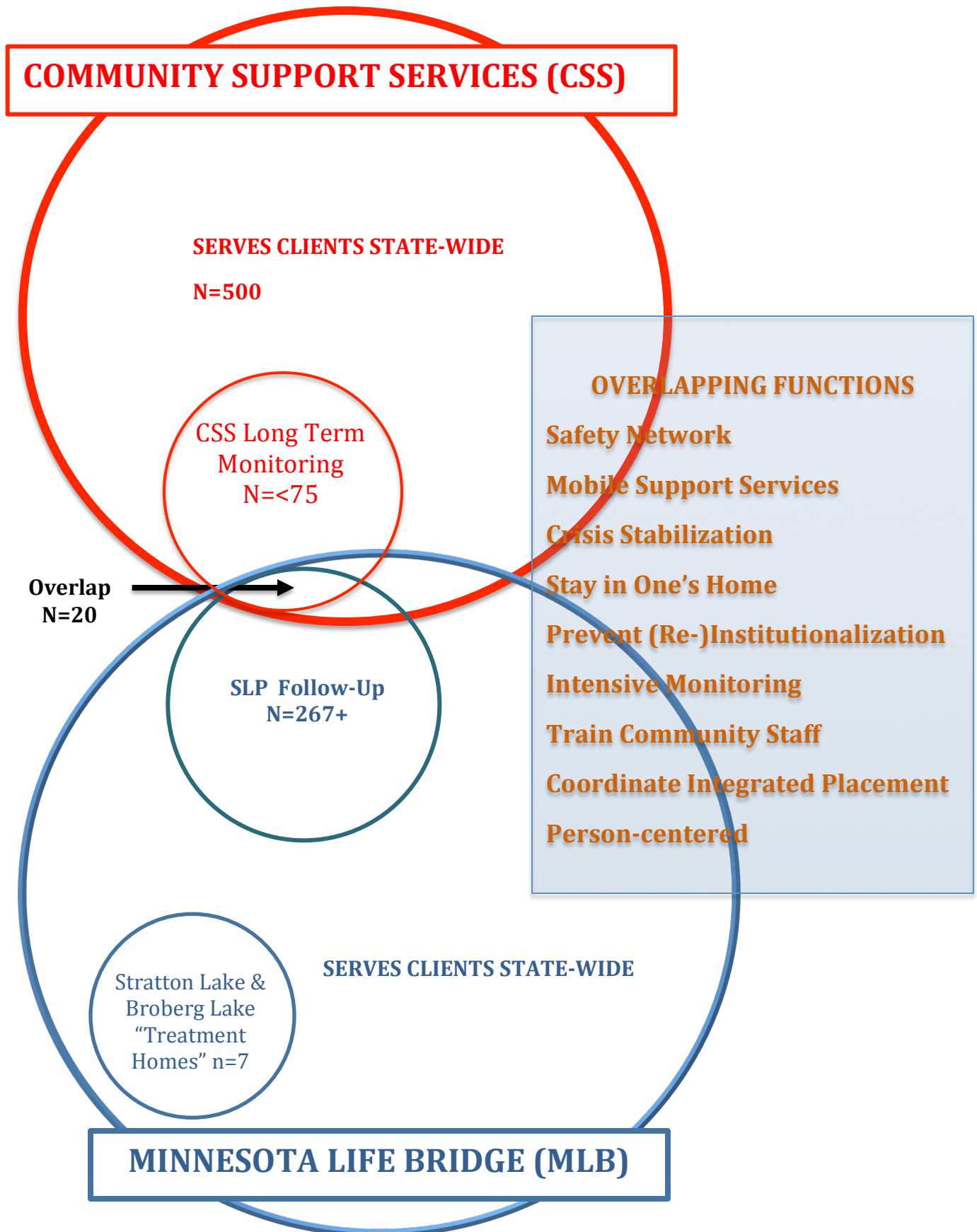
The Court Monitor finds that the DHS November-December 2015 Compliance Update [Dkt. 387] appears to be inaccurate with regard to Community Support Services staffing compliance with CPA EC 76 and 77. The DHS report that “all the positions are occupied,” is incompatible with the CSS report of a vacancy. All prior reports transmit CSS’ compliance data; this report does not.

The Court Monitor respectfully submits this report to the Court for its consideration.

Respectfully submitted,

David Ferleger  
Court Monitor

ATTACHMENT 1



## ATTACHMENT 2

## DHS EMAILS PROVIDED IN RESPONSE TO COURT MONITOR REQUEST

December 30, 2014				
TIME	FROM	TO	SUBJECT	CONTENT
2:46pm	Figueroa, Rick (DHS Counsel)	<p>Friend, Maggie A (DHS)</p> <p>Cc: Booth, Peg (DHS); Jensen, Steve A (DHS); Dahl, Steven J (DHS); Brostrom, Mark S (DHS); Moore, Timothy R (DHS); Byers-Draeger, Tiffany D (DHS); Akbay, Amy K (DHS); Baltes, Christina (DHS)</p>	<p>RE: 12262014 draft of Sixth Compliance Update Report - for your review</p>	<p>Thanks Maggie. I would like to make some initial observations on the draft responses so far.</p> <p>With respect to responses to EC76, 76.1 and 76.2 regarding the 14 FTE's, it looks like from the document attached above there is only one vacancy among the 15 people required, so I suggest we clearly separate this from the functionally equivalent positions by stating that there is only one vacancy with respect to the required 15 persons, and there are three vacancies with respect to functionally equivalent positions. Also, perhaps we want to highlight that there are no budget constraints as it relates to hiring these particular positions to clarify our prior 11/17/2014 update.</p> <p>With respect to EC98, I suggest that in 98.4 and 98.5 we insert (or better yet quote) language from the "Structure" section on page 1 of the CPA regarding DHS' ability to use alternative means to satisfy the EC as a basis for using a different tool.</p> <p>We will follow up with more suggested edits shortly.</p> <p>Rick.</p>
5:57pm	Friend, Maggie (Jensen Implementation Office)	<p>Figueroa, Rick (DHS)</p> <p>Cc: Booth, Peg (DHS); Jensen, Steve A (DHS); Dahl, Steven J (DHS); Brostrom, Mark S</p>	<p>RE: 12262014 draft of Sixth Compliance Update Report - for your review</p>	<p>Do these words work better?</p> <p>For 76, 76.2, and 76.3:</p> <p>1/15/2015 Update As of 12/3/2014, there is one vacancy in CSS among the 15 positions required by the JSA, and three other vacant CSS positions subject to the terms of the JSA.</p> <p>For three, the DHS-1768 form has been initiated. For the fourth position, CSS is working with HR Staffing to determine how to proceed to create this position (social work specialist). There are no budget constraints that relate to hiring these particular positions.</p> <p>1/15/2015 Update Next steps: Continue to aggressively recruit qualified candidates.</p> <p>1/15/2015 Update Incomplete</p> <p>For 98.4 and 98.5:</p> <p>1/15/2015 Update The priority list has been created, and is</p>

				<p>updated as information comes in to warrant a change.</p> <p>CPA Compliance Update Report Instruction 5 reads in part, "Compliance with an EC will be deemed to have been achieved if the EC's Actions are taken. However, the Department of Human Services may undertake alternate actions to achieve satisfaction of the EC. The Actions may be modified pursuant to the modification process set forth in the Order of August 28, 2013." A response to the Court Monitor's 12/5/2014 draft of a Community Reviewer Recruitment and Training Plan was sent on 12/23/2014. The department, along with Dr. Colleen Wieck and Roberta Opheim, has reconsidered the use of the <i>Community Review Tool</i>, and will use a validated Quality of Life tool that can be used for all people with disabilities, and which is included in the <i>Olmstead</i> Plan. This will allow DHS to compare changes over time, and to other people with disabilities in Minnesota.</p> <p>1/15/2015 Update</p> <p>Obstacles: Using an assessment tool that did not correlate to the tool used for the <i>Olmstead</i> Plan would create blocks of information that could not easily be compared.</p> <p>Next Steps: - Complete recruitment and training of the team - Finish preparation for the full assessments</p> <p>1/15/2015 Update Incomplete</p>
9:48pm	Dahl, Steven (CSS Director)	<p>Figueroa, Rick (DHS)</p> <p>Cc: Booth, Peg (DHS); Carlson, Patricia L (DHS)</p>	<p>RE: 1226201 4 draft of Sixth Compliance Update Report - for your review</p>	<p>Thanks for your help to clarify elements of EC76. I'm unclear, though, about the rationale for stating that there are no budget constraints related to filling these vacancies, as we reported in our last update. These positions have been on hold in the HR vacancy review process for several weeks, despite both Pat and I communicating the JSA mandates to fill these specific vacancies. Is there a non-budget-related reason that these vacancies have been on hold of which I'm not aware?</p>
9:52pm	Dahl, Steven	<p>Friend, Maggie A (DHS)</p> <p>Cc: Booth, Peg (DHS); Carlson, Patricia L (DHS)</p>	<p>FW: 1226201 4 draft of Sixth Compliance Update Report - for y</p>	<p>Sorry, Maggie—meant to include you on this too. Until I get further clarification from Rick, I'm not comfortable endorsing the statement that there are no budget constraints related to filling these vacancies. If the delay hasn't been due to budget constraints, I think we need to clearly explain what the barrier has been, and I'm unaware of any other reason that the 1768s to fill these vacancies have been on hold.</p>
<b>December 31, 2014</b>				
9:08am	Figueroa, Rick	<p>Friend, Maggie A (DHS)</p>	<p>RE: 1226201 4 draft of Sixth</p>	<p>Thanks Maggie. Under EC76, 76.2 and 76.3 I would add in the first paragraph "three other vacant CSS functionally equivalent positions."</p>

		Cc: Booth, Peg (DHS); Jensen, Steve A (DHS); Dahl, Steven J (DHS); Brostrom, Mark S (DHS); Moore, Timothy R (DHS); Byers-Draeger, Tiffany D (DHS); Akbay, Amy K (DHS); Baltes, Christina (DHS)	Compliance Update Report - for your review	Rick.
9:15am	Figueroa, Rick	Dahl, Steven J (DHS)  Cc: Booth, Peg (DHS); Carlson, Patricia L (DHS); Barry, Anne (DHS)	RE: 12262014 draft of Sixth Compliance Update Report - for your review	Thanks Steve. I have copied Anne Barry here. I could be wrong but It has been my understanding that while positions to be filled for purposes of the Jensen settlement agreement are being scrutinized closely, they are not subject to a hiring freeze. As to why the vacancy review process is not moving through HR faster, I do not know.  Rick.
9:48am	Barry, Anne	Figueroa, Rick (DHS); Dahl, Steven J (DHS)  Cc: Booth, Peg (DHS); Carlson, Patricia L (DHS); Mack, Brownell E (DHS); Jones, Connie L (DHS)	RE: 12262014 draft of Sixth Compliance Update Report - for your review	Thanks for copying me in Rick. As far as I am aware, all 14 positions required by the JSA are filled. We saw a chart a couple of weeks ago indicating the same. There are other CSS positions waiting to be filled and we have asked that staff put into supervisory positions be used to fill the 14 complement if necessary. It was never our intent to add staff by promoting staff and then adding 2 more staff to original 14 approved.  Please let Connie Jones and I know specifically which positions of the original 14 are on hold and waiting for approval. Anne
10:11am	Figueroa, Rick	Friend, Maggie A (DHS)  Cc: Booth, Peg (DHS)	FW: 12262014 draft of Sixth Compliance Update Report - for your review	Hi Maggie, Based on Anne's response below, the response to EC76 and sub-EC's should reflect that there are no vacancies on the 14FTE's (15 people). Rick

10:18am	Friend, Maggie	<p>Figueroa, Rick (DHS)</p> <p>Cc: Booth, Peg (DHS); Dahl, Steven J (DHS)</p>	<p>RE: 12262014 draft of Sixth Compliance Update Report - for your review</p>	<p>So – this text? And do we then call it “Complete”?</p> <p>1/15/2015 Update As of 12/3/2014, there no vacancies in CSS among the 15 positions (14 FTE) required by the JSA. There are three vacant CSS functionally equivalent positions.</p> <p>For three, the DHS-1768 form has been initiated. For the fourth position, CSS is working with HR Staffing to determine how to proceed to create this position (social work specialist). There are no budget constraints that relate to hiring these particular positions.</p> <p>1/15/2015 Update Next Steps: Continue to work with HR to fill vacancies as soon as possible with qualified candidates</p>
10:23am	Figueroa, Rick	<p>Friend, Maggie A (DHS)</p> <p>Cc: Booth, Peg (DHS); Dahl, Steven J (DHS)</p>	<p>RE: 12262014 draft of Sixth Compliance Update Report - for your review</p>	<p>I think it's complete only as to the 14FTE's unless Steve makes us aware of something that would alter this.</p>
2:08pm	Dahl, Steven	<p>Figueroa, Rick (DHS); Friend, Maggie A (DHS)</p> <p>Cc: Booth, Peg (DHS)</p>	<p>RE: 12262014 draft of Sixth Compliance Update Report - for your review</p>	<p>I believe we're still incomplete even on the 14 FTEs because PCN #01007530 (BA3 on the Region 7E team) is still vacant and on hold. See attached.</p>
2:15pm	Friend, Maggie	<p>Dahl, Steven J (DHS); Figueroa, Rick (DHS)</p> <p>Cc: Booth, Peg (DHS)</p>	<p>RE: 12262014 draft of Sixth Compliance Update Report - for your review</p>	<p>Good timing - I was just about ready to send the draft. How should those ECs / Action Items read? Please make edits:</p> <p>“As of 12/3/2014, there is one vacancy in CSS among the 15 positions (14 FTE) required by the JSA. There are three vacant CSS functionally equivalent positions.”</p> <p>Maggie</p>
2:20pm	Dahl, Steven	<p>Friend, Maggie A (DHS); Figueroa, Rick (DHS)</p> <p>Cc: Booth, Peg (DHS)</p>	<p>RE: 12262014 draft of Sixth Compliance Update Report - for your review</p>	<p>I would recommend the edit below in red... [the edit in red – “one vacancy” is in the email thread at the 2:15 PM email to Mr. Dahl from Ms. Friend]</p>

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