

*Approved on December 8, 2023*

**Nebraska Commission for the Deaf and Hard of  
Hearing Full Commission Board Meeting  
Held at – 4600 Valley Rd, Room 4A, Lincoln NE  
68510-4844**

**November 27, 2023 Meeting Minutes**

**A. Welcome**

Chairperson Frances Beurivage called the meeting to order for the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) Full Commission Board on November 27, 2023, at 10:30 a.m. at 4600 Valley Rd, Room 4A, Lincoln NE.

**B. Notice of Open Meeting**

Chairperson Frances Beurivage announced that the notice of the meeting was duly given, posted, published, and tendered in compliance with the Open Meetings Act, and all board members received notice simultaneously by email. Publication of official notice of the meeting appeared in the November 20, 2023, edition of the Omaha World Herald, a legal newspaper of general circulation in this state, as required by the Open Meetings Act. The agenda was kept current in the Nebraska Commission for the Deaf and Hard of Hearing's office and on the NCDHH website. The materials generally used by the Board for the meeting today are on a table in a public folder that is available to the general public for the purpose of this meeting in accordance with the Open Meetings Act {Neb. Rev. Stat. §84-1412 (8)}. A copy of the Open Meetings Act is available for the duration of the meeting.

**C. Roll Call**

For the record, board Members Ms. Candice Arteaga, Ms. Frances Beurivage, Ms. Brooke Fitzpatrick, Ms. Valerie "Vali" Hitz, Mr. Jonathan Scherling, Ms. Sandra Shaw and Ms. Peggy Williams were all present for roll call. Ms. Diane Schutt entered the meeting at 10:37 a.m. NCDHH staff members present were Ms. Arlene Garcia Gunderson, Executive Director, Ms. Kelsey Cruz, Marketing & Communications Specialist and Ms. Kim Davis, Advocacy Specialist. Sign Language Interpreters present were Ms. Sharon Sinkler and Ms. Meghann Cassidy. Inclusive Communication Access Nebraska provided Communication Access Realtime Translation (CART) services by zoom.

Mr. John Jelkin, Assistant Attorney General, was present as was Ms. Nicole Nath, HR Business Partner II. Individuals present in the audience were, Mr. Linsay Darnall Jr, Mr. Jonathan Arteaga, Mr. Jeremy Daffern and Ms. Jennifer Harbart. Participating by zoom was Ms. Briana Stradinger and Ms. Carol Manning.

**D. Review of Agenda**

Director Garcia Gunderson reviewed the agenda with the board members.

## **E. Acceptance of Agenda**

Ms. Candice Arteaga moved to accept the agenda as presented. Ms. Valerie “Vali” Hitz seconded the motion. Mr. Scherling asked for clarification that the purpose of this meeting is discussing the job performance of the Executive Director and the board, making sure that this also includes the board working in collaboration with Director Garcia Gunderson.

Director Garcia Gunderson requested to speak to the board. Chairperson Beurivage acknowledged the request and gave Director Garcia Gunderson the approval. Director Garcia Gunderson shared that since the September 8, 2023 board meeting, she has been emailing bi-weekly reports to the board members, noting that she never receives a response back from the board members except from Ms. Brooke Fitzpatrick and Ms. Peggy Williams. Director Garcia Gunderson noted that at the September 2023 board meeting she did not receive a copy of her evaluation report. Director Garcia Gunderson also added that she has more hearing staff, and they tend to be the ones that take their concerns directly to the board members. Director Garcia Gunderson wanted the opportunity to respond to the comments that have been made. Director Garcia Gunderson also referenced the four-page letter she provided at the October board meeting. Director Garcia Gunderson reported she feels this letter has been ignored. Director Garcia Gunderson shared there are a lot of errors in the October 27, 2023 board meeting minutes, with several things missing, for example, Ms. Valerie “Vali” Hitz calling Director Garcia Gunderson “mean” five times. Director Garcia Gunderson used the terminology “deaf spectrum”, referencing it like black people having different colors of skin. The same with Deaf, some can hear, some can speak, some are hard of hearing, Deaf-blind, Deaf disabled. Director Garcia Gunderson added that American sign language (ASL) is her primary language. Director Garcia Gunderson reported she feels she has been denied the full collaboration with the board in her language. Director Garcia Gunderson also expressed her concern this meeting was scheduled without having sign language interpreters arranged first, and she noted this is where communication was denied to her as the Director. Director Garcia Gunderson reported believing Ms. Sharon Sinkler should not be one of the assigned interpreters for this meeting. Director Garcia Gunderson added she accepts the boards errors and hopes to get the same in response.

Ms. Arteaga asked Mr. Scherling if he wanted to make an amendment to the agenda to add the board to this. Mr. Scherling responded that the strategic plan includes both the Executive Director and the board, adding his comment was just for clarification.

Ms. Candice Arteaga moved to accept the agenda as presented. Ms. Valerie “Vali” Hitz seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw and Ms. Williams all voting aye.

## **F. Chairperson of the Board’s Report**

### **1. Development of Strategic Plan for Job Performance Improvement**

Chairperson Beurivage asked the members to please identify themselves when

speaking so it reflects correctly in the transcript of the meeting minutes. Chairperson Beurivage confirmed with the group everyone was able to see the sign language interpreters. Discussion on whether the interpreter will be signing for the Deaf person so they can stay seated. Decided it would be a case-by-case basis depending on what is being said. Ms. Hitz added she wanted to make sure the interpreters are given appropriate breaks since this means they will be working the entire time. Chairperson Beurivage asked Director Garcia Gunderson if she agrees with the communication agreement that is being discussed. Director Garcia Gunderson replied it's not accessible, but she will make it work, and requested Deaf people to stand when signing.

Chairperson Beurivage shared the following as a recap to the members, outlining the issues that have been brought to the board's attention. The purpose of this meeting is to discuss a plan to assist Director Garcia Gunderson in improving her performance. When the board hired Director Garcia Gunderson, they were all very pleased to be getting a Deaf female Director. A reminder was given that the board members are all volunteer, consisting of Deaf and hard of hearing individuals, or people who have an interest or knowledge of deafness and hearing loss. Chairperson Beurivage added that the members of the board are not trained or expected to train a director on the day-to-day management of the agency. Director Garcia Gunderson was hired with the intention she would come with a skill set to be able to learn the rules and state regulations and to be able to abide by them. It is the boards place to oversee and serve as the leadership for deciding on the programs the agency will implement. Chairperson Beurivage added the board consists of the policymakers, determining the goals and programs that direct the actions of the Director and staff.

Chairperson Beurivage discussed budget related issues; these have been a concern under Director Garcia Gunderson's leadership. Number one was the intent to set out and remodel the Omaha office. The board has a written directive from previous Chairperson Mr. Robert Feit to Director Garcia Gunderson on May 11, 2023, to follow the budget in place, specifically that the \$450,000 surplus in the budget cannot be spent as she wishes. Work began anyway by Director Garcia Gunderson and her staff on a remodeling plan for the Omaha office. In one of the meetings between Chairperson Beurivage and Director Garcia Gunderson, Chairperson Beurivage asked where the money was coming from. Director Garcia Gunderson said excess funds from the budget carryover were going to be used. In June 2023, the agency Budget & Finance Manager had conversations with the State Budget Office and was told it was not possible to secure those funds for the purpose of a remodel, stating State Statute 81-138-01 through 81-138-04. At the September 8, 2023, board meeting the members received a plan with the budget of \$350,000 for remodeling the Omaha office.

At the June 16, 2023 meeting, the board received information regarding a complaint about a staff member that was included in handouts and distributed during an open meeting where the staff person's title was mentioned. It was reported the problems with this staff person have been consistent, yet the members have never been updated

on anything relating to this situation.

Chairperson Beurivage shared the incident of the \$1,000 received from Registry of Interpreters for the Deaf (RID) had to be cleared up. This took some time to do this, but it eventually was taken care of. Chairperson Beurivage added this incident points out the lack of understanding of how the state budget procedures are handled.

The mileage issue has been an ongoing discussion. The board has made it clear they want Director Garcia Gunderson in the Lincoln office 51% of her time.

At the September 8, 2023 meeting, the board was in closed session that lasted approximately an hour.

Ms. Cruz, who was present at the meeting, was asked by Director Gunderson to adjust how the captioning is appearing on the screen.

A majority of the staff comments to the board were related to a lack of communication with them or the occurrence of disrespectful and unprofessional communication and a lack of understanding of the state rules and regulations. In addition are concerns regarding the lack of support or interest in programs for the hard of hearing community. Chairperson Beurivage added the comments continue to be shared with the board, as recent as the morning of the meeting, they received an email. The comments are concerning as it is the responsibility of the board to ensure the Commission is being run in a manner safe for the staff. It was decided at the end of the closed session on September 8, 2023, that the board would not go over the evaluations report with Director Garcia Gunderson at the meeting due to the meeting running long. Chairperson Beurivage was asked to go over the results with Director Garcia Gunderson later at one of their meetings, which was completed. Chairperson Beurivage added it was not that the board purposely did not give Director Garcia Gunderson an opportunity to respond. Director Garcia Gunderson has since responded to the board members in writing them regarding the things that were shared during that meeting.

During the National Leadership Training Conference (NLTC), the board had reports of public intoxication regarding Director Garcia Gunderson, not only by staff, but also by a stakeholder at the conference.

On November 7, 2023 Chairperson Beurivage received an email from two Deaf individuals, one was a previous board member that wanted to share their concerns regarding Director Garcia Gunderson's behavior. Chairperson Beurivage spoke with these two individuals via Zoom on November 8, 2023. They both participated in a three-day workshop hosted by NCDHH the first week in October and at the culmination of the workshop, various participants, including Director Garcia Gunderson, went to dinner. They reported Director Garcia Gunderson became quite intoxicated, adding at one

point, she got up at the table and made a gesture they both believed to be inappropriate. These two Deaf individuals have very serious concerns about how the agency is being represented.

Chairperson Beurivage discussed the issue related to attendance and sick leave reporting. Chairperson Beurivage added she has sent multiple requests to Director Garcia Gunderson in writing and discussed during their one-on-one meetings that she must inform Chairperson Beurivage of her leave as this has been problematic for some time. Chairperson Beurivage inquired with HR that Director Garcia Gunderson had not reported some sick leave dates. HR back dated the sick leave dates that were not reported. On September 15, 2023, Chairperson Beurivage emailed Director Garcia Gunderson to see if she was taking sick or vacation leave, reiterating that she needs to notify herself along with cc Ms. Kelsey Cruz. Ms. Cruz is the one who is designated as approving Director Garcia Gunderson's leave time in the state's accounting system for payroll processing. On October 17, 2023, Chairperson Beurivage sent an email to Director Garcia Gunderson in regard to her working from home, stating that the nature of the Executive Director position requires on-site supervision. The absences and the lack of reporting of leave time has continued as recently as this past week with Director Garcia Gunderson not being in either office on November 21<sup>st</sup> or November 22<sup>nd</sup>. No communication was made to any of the board members regarding this leave time. Chairperson Beurivage indicated leaving town without notice and expecting the staff to run the daily operations is not the best way to run this agency.

Chairperson Beurivage sent an email to the executive committee on August 21, 2023 outlining the conversation that she had with Director Garcia Gunderson about working from home, as Chairperson Beurivage was informed Director Garcia Gunderson had only been in the Lincoln office two days since the June board meeting.

Director Garcia Gunderson was asked at the September 2023 board meeting to reach out to Senator Anna Wishart to begin working on the Commission's legislative requests. As of today, this communication has not taken place between Senator Wishart and Director Garcia Gunderson.

Chairperson Beurivage shared that the staff was informed at the most recent staff meeting that contacting the board with complaints is not helpful to the work culture. Chairperson Beurivage noted that the staff are always welcome to contact the board with their concerns.

Chairperson Beurivage shared that Director Garcia Gunderson needs to represent the board's opinions, not her own. The board has not been informed about the Deaf Mentoring Project, nor have they considered the project and what it entails. Yet, Director Garcia Gunderson stated during a recent Deaf Mentoring Meeting that NCDHH will get the grant money from Early Hearing Detection & Intervention (EHDI). This is a program that requires the board's approval, and Director Garcia Gunderson has not

represented the board's stance on the Deaf Mentoring Project. Conversation ensued between the board members regarding the Deaf Mentoring Programs active in other states, specifically in New Mexico which is stellar.

Chairperson Beurivage noted NCDHH has already lost one staff person, adding she has heard that there are additional staff members who are thinking about whether to stay with the agency or not. Chairperson Beurivage also shared Director Garcia Gunderson shared with two staff members they should seek counseling to help them decide if they are Deaf or hard of hearing.

At the October 27, 2023 meeting, it was decided the board would meet to put together a plan to improve performance for Director Garcia Gunderson. Chairperson Beurivage stated the board needs to try to come to an agreement to guide Director Garcia Gunderson and help the board maintain the integrity of this agency. The board has worked with the HR department to put together some ideas to formulate this plan, also Mr. Scherling has come to the meeting with a plan proposal for the board to consider. Ms. Nath came forward to connect her laptop to the TV screen to share the plan that Mr. Scherling has developed.

A five-minute break was taken for set up.

Chairperson Beurivage shared with the members that they each have two different performance improvement plans that have been handed out, asking for discussion regarding each of these plans.

Mr. Scherling shared the purpose behind the plan he developed is to create collaboration between the board and the Executive Director, as this is a key part of NCDHH's operational mission. Transparency is needed in this plan for it to be successful, making sure that there is open communication with everyone involved. This would involve Director Garcia Gunderson developing her own advisory committee. Also discussed was mentoring for Director Garcia Gunderson. It was suggested to have previous Executive Director, Dr. Peter Seiler work with Director Garcia Gunderson in day-to-day operations for the agency. Also, it was suggested to have Mr. Linsay Darnall, Jr. work with Director Garcia Gunderson in a mentoring role. Conversation ensued between the members regarding having Dr. Seiler come to Nebraska. Mr. Scherling also discussed leadership development, adding it would be ideal to have this training for the board members as well. Conversation ensued regarding what the leadership training process might look like for the board members, Executive Director and the NCDHH staff. Mr. Scherling added there is a Deaf-owned company called Innivee Strategies, which is a consultancy and coaching service. Ms. Williams asked Mr. Scherling for clarification on the development of the advisory committee. Mr. Scherling replied Director Garcia Gunderson feels she is not getting proper feedback, so having an advisory committee would give Director Garcia Gunderson the feedback she is missing. Mr. Scherling indicated this team would provide support to her. Mr. Scherling also added it would be

nice to have additional members of the board involved, instead of just the executive committee. Chairperson Beurivage asked for clarification on who would be a part of this committee. Mr. Scherling replied the committee would consist of board members and could possibly include staff. Director Garcia Gunderson added to the conversation she already has her management team in place that consists of Ms. Kim Davis, Ms. Kelsey Cruz, and Ms. Sharon Sinkler. Director Garcia Gunderson states she had requested to meet with the Chairperson Beurivage along with her management team, but this request was denied. Ms. Peggy Williams asked for Director Garcia Gunderson to request permission first before addressing the board and Director Garcia Gunderson acknowledged.

Chairperson Beurivage asked to move on to the other plan developed with HR. HR was included to ensure the agency is not violating any state policies. This plan was regarding prioritization for expanding resources, support, and advocacy. The main priority is the legislative issue discussed in detail at the September 8, 2023 meeting. This plan also requests for an outline of the presentations being completed by the Advocacy Specialists, as this has not been done on a consistent basis. The plan also addresses leadership and understanding state government processes and procedures. Discussion ensued regarding the communication expectations for both the executive director and the staff of the agency. Staff are encouraged to report their complaints, questions, or concerns to anyone within their chain of command, including the board. The work schedule outlined for Director Garcia Gunderson is 8 a.m. to 5 p.m. Monday – Friday, with 51% of Director Garcia Gunderson’s time in the Lincoln office. In January 2024, another 360 review will be completed regarding Director Garcia Gunderson’s performance. The board expects significant improvement. Conversation ensued between the members regarding the plan. Ms. Hitz added she would like to see something added to the plan that involves Director Garcia Gunderson’s behavior. Director Garcia Gunderson asked for the opportunity to respond to what is being discussed, adding she wants to take the opportunity to sign her four-page letter to the board. This request was denied due to the board members having already received a copy of the report prior to the meeting. Chairperson Beurivage reiterated the meeting is intended for the board’s work on the plan that needs to be implemented, adding the board will not have any further interruptions. Communication ensued between the members comparing both plans. Chairperson Beurivage confirmed with the board something needs to be added to the plan to address Director Garcia Gunderson’s behavior with outside stakeholders, at various conferences, etc. Ms. Hitz’s added her concern is for the staff to feel safe, and for the agency to not have any additional turnover in staff. Conversation ensued between the members regarding additional changes to either plan. Chairperson Beurivage asked Ms. Nath for her input on where to add the behavior concerns to the plan. It was decided behavior will be added under communication before work schedule. Ms. Fitzpatrick asked Ms. Nath if there is training offered by the state that would cover the communication expected when you are in a managerial position. Ms. Nath responded that the state has a wealth of resources available, including a leadership training that meets once a month for an entire day,

lasting 12 months. Continued discussion ensued regarding both plans presented for review.

Chairperson Beurivage asked to regroup. Conversation ensued regarding the board members receiving correspondence monthly from the agency business & finance manager outlining how the funds of the agency are being spent. The suggestion was made to also have a monthly report from Ms. Kim Davis outlining what the Advocacy Specialists are doing in their daily job duties. This would cover presentations, booths, etc. In addition, it was suggested to have a monthly report from Ms. Ashley Wulf, Youth and Family Advocacy Specialist, on her activities. The reasoning behind these asks is to receive reporting from various members of the staff to ensure what is taking place within the agency. Director Garcia Gunderson commented she is sending bi-weekly reports to the board members, but she seldom receives a response. Director Garcia Gunderson asked members to respond to her bi-weekly email correspondence. Director Garcia Gunderson also added she testified at a legislation hearing, but this has not been recognized. Director Garcia Gunderson asked for the board to recognize her work and the work of her wonderful team. Conversation ensued between the board regarding responding to the bi-weekly emails from Director Garcia Gunderson. Board members discussed if they would like to continue to receive bi-weekly reports or monthly. The decision was made to go to monthly emails for consistency with the other reports being requested. Ms. Nath asked if the board wants to provide anything additional under “training”, or are behavioral expectations summarized for the mentoring piece of this plan? Mr. Scherling emphasized for Director Garcia Gunderson taking emotional intelligence training with Linsay Darnall Jr., as he can provide the training that he has provided to several other leaders.

Chairperson Beurivage addressed each board member to see if he/she had any additional comments to make regarding what has been discussed during the meeting. Ms. Peggy Williams requested wording be added to address Director Garcia Gunderson’s behavioral expectations in public while representing NCDHH. Discussion ensued between the members regarding Director Garcia Gunderson’s alcohol consumption while representing the agency at various activities. Mr. Scherling added he feels the alcohol consumption issue will be covered under mentoring.

Ms. Peggy Williams made the motion for the two plans to be pulled together into one document and reviewed at the December 8, 2023 meeting for final review and voting to adopt the plan. Ms. Candice Arteaga seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw and Ms. Williams all voting aye.

Chairperson Beurivage reminded the members the next meeting will be on December 8, 2023, same location.

Ms. Arteaga asked Ms. Cruz if possible, to arrange to have the room across the hall due



to the issue with the glare coming in the windows. Ms. Cruz replied we can visit with the building to see what options we have and added the classroom 4B is smaller than classroom 4A.

**G. Adjourn**

Ms. Peggy Williams moved to adjourn the meeting at 12:25 p.m. Ms. Sandy Shaw seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beaurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw and Ms. Williams all voting aye.

**Next Meeting Date**

- December 8, 2023 – 4600 Valley Rd, Room 4A, Lincoln.