

Preliminary Performance Review

Women's Commission

**The Women's Commission Needs Sufficient Funding
and a Stronger Legislative Initiative in Order to be an
Effective Advocate for Women's Issues**



**January 2006
PE 05-27-370**

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John Sylvia
Director

January 9, 2006

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J.D. Beane
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Preliminary Performance Review of the *Women's Commission*, which will be presented to the Joint Committee on Government Operations on Monday, January 9, 2006. The issue covered herein is "*The Women's Commission Needs Sufficient Funding and a Stronger Legislative Initiative in Order to be an Effective Advocate for Women's Issues.*"

We transmitted a draft copy of the report to the Women's Commission and the Department of Health and Human Resources on December 30, 2005. The Women's Commission and the Department of Health and Human Resources opted not to have an exit conference. We received the agency response from the Department of Health and Human Resources on January 5, 2006 and the agency response from the Women's Commission on January 6, 2006.

Let me know if you have any questions.

Sincerely,

John Sylvia
John Sylvia

JS/tlc

Joint Committee on Government and Finance

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Executive Summary

Issue 1: The Women’s Commission Needs Sufficient Funding and a Stronger Legislative Initiative in Order to be an Effective Advocate for Women’s Issues.

West Virginia consistently ranks low in national women’s statistics.

West Virginia consistently ranks low in national women’s statistics, which shows there is a need to address women’s issues in West Virginia. Although the Women’s Commission was created in 1977 “*for the broad purpose of improving the status and opportunities of women in the State,*” the Commission is unable to do so because of insufficient funding. The primary means for the Commission to meet its mandate is through educating the public on women’s issues, studying women’s issues, making recommendations to better women’s status, and recognizing the achievements of women.

The Commission’s limited budget will soon be significantly decreased by a reduction of DHHR funding. Prior to this year, the Commission has consisted of three staff positions, two of which were funded out of DHHR designated general revenue. However, DHHR will no longer be subsidizing any of the Commission’s staff positions. As a result, the Commission now has only two staff positions (an executive director and a clerical secretary), and will begin absorbing the cost of its clerical secretary into its own general revenue budget in FY 2007.

Insufficient funding has limited the Commission’s performance in several ways.

Currently, the Commission is designated roughly \$130,000 in general revenue per year. Financial records show that almost all of that money is used to pay basic operational expenses of the Commission, including the salary and benefits of the executive director, which leaves the Commission with only a few thousand dollars of general revenue to use toward services to West Virginia women each year. Furthermore, in FY 2007, when DHHR discontinues funding for the clerical position, the Commission will not have sufficient funds to absorb the cost of the position unless the Legislature increases funding to the Commission.

Insufficient funding has limited the Commission’s performance in several ways. The Commission’s publications have not been updated as needed. It does not conduct a significant amount of research concerning women. It does not provide a significant amount of services that make a noticeable impact on women in the state. **If the Legislature does not intend to fund the Women’s Commission substantially above its current amount, the Legislative Auditor recommends that the Women’s Commission be terminated.**

If the Legislature decides to continue the Commission with adequate funding, the Legislative Auditor recommends that the Legislature consider the following issues to facilitate the success of the Commission:

- **Members and staff of the Commission support independence from DHHR.** Independence from DHHR would allow the Commission to take an objective approach to DHHR policies that could result in a conflict of interest between DHHR and the Commission, since DHHR administers several programs that affect women.
- **Restricting the number of terms of Commission membership may be beneficial.** The addition of term limits could foster fresh ideas and approaches to Commission activities.
- **The salary set for the Commission's executive director may be too low.** The Code sets the salary for the executive director at \$31,000. Since 2001, the Commission has had four executive directors. The low salary may have contributed to the turnover in executive directors of the agency.

If the Commission is continued, the Legislative Auditor recommends that the Commission take steps to improve the following areas: The Commission continues to lack legislative initiative; and The Commission's use of its policy statements and the media is insufficient.

Recommendations:

1. *If the Legislature does not intend to fund the Women's Commission substantially above its current amount, the Legislative Auditor recommends that the Women's Commission be terminated.*
2. *If the Legislature decides to continue the Commission with adequate funding, the Legislative Auditor recommends that the Legislature consider the following issues to facilitate the success of the Commission:*
 - *Members and staff of the Commission support independence from DHHR;*

-
- *Restricting the number of terms of Commission membership may be beneficial; and*
 - *The salary set for the Commission's executive director may be too low.*

3. *If the Commission is continued, the Legislative Auditor recommends that the Commission should take steps to improve in the following areas:*

- *The Commission continues to lack legislative initiative; and*
- *The Commission's use of its policy statements and the media is insufficient.*

Review Objective, Scope and Methodology

Objective

This Preliminary Performance Review of the West Virginia Women's Commission is required and authorized by the West Virginia Sunset law, Chapter 4, Article 10, Section 5 of the West Virginia Code as amended. The objective of this review is to determine if the Women's Commission is needed, and if its existence is justified.

Scope

The scope of this report covers the time period from FY 2001 through December 2005. Consulted resources included, but were not limited to, the Commission, its supporting agencies, and related records and data.

Methodology

Information compiled in the review was acquired from West Virginia laws, Commission and DHHR records, and interviews with Commission members, staff, and former staff. This review was conducted in accordance with the Generally Accepted Government Auditing Standards.

Issue 1

The Women’s Commission Needs Sufficient Funding and a Stronger Legislative Initiative in Order to be an Effective Advocate for Women’s Issues.

Issue Summary

The 1999 performance review recommended that the Commission be terminated or be continued for three years to give it the opportunity to produce a more effective and non-duplicative function.

In a 2001 performance review, the Legislative Auditor found that the Commission had complied with recommendations of the 1999 report.

The stagnant performance of the Women’s Commission can be attributed to a lack of funding and a lack of consistent leadership.

West Virginia consistently ranks low in national women’s statistics. The Women’s Commission was created in 1977 “for the broad purpose of improving the status and opportunities of women in the State.” In a 1999 performance review, the Legislative Auditor noted that since the creation of the Commission, other state programs came into existence that were mandated to address many women issues. The 1999 performance review recommended that the Commission be terminated or be continued for three years to give it the opportunity to produce a more effective and non-duplicative function. The Commission was consequently continued. In a 2001 performance review, the Legislative Auditor found that the Commission had complied with recommendations of the 1999 report, such as seeking supplemental funding through grants, and focusing on issues that did not significantly duplicate efforts of other state programs. However, despite the Women’s Commission’s efforts to improve its performance as reflected in the 2001 report, the Legislative Auditor finds that the Commission’s performance has been stagnant since then. The Commission has received over \$10,000 in grant funding to update its publication, Women and the Law, but the publication has yet to be updated. Two other publications have become outdated as well. The Commission has not conducted any unique research or studies of women’s issues, it does not promote women’s issues through the media, and to some extent it continues to duplicate the efforts of other state programs.

The stagnant performance of the Women’s Commission can be attributed to a lack of funding and a lack of consistent leadership. The Commission has had four different executive directors in the past four years. In addition, the Department of Health and Human Resources (DHHR), which has been subsidizing the Commission for several years, will no longer pay for two of the three staff positions it has provided in the past. Consequently, the appropriation (approximately \$130,000) it receives from the Legislature will be sufficient to only provide for two of the three staff positions, and the remaining funds will be adequate to cover only necessary administrative expenses. Funding will not be available to staff the program coordinator position or to perform research or other meaningful services. The Legislative Auditor finds that the current funding for the Commission is inadequate for it to be effective. **If the Legislature does not intend to fund the Women’s Commission substantially above its current amount, the Legislative Auditor recommends that the Women’s Commission be terminated.**

West Virginia Consistently Ranks Low In National Women's Statistics.

West Virginia recently received low rankings in five key indicators ranking women nationally. The Institute For Women's Policy Research published the following findings in February of 2005:

Table 1* How West Virginia Ranks on Key Indicators In Women's Statistics	
Indicators	National Rank **
Composite Political Participation Index	46
Women's Voter Registration, 1998 and 2000 (64.4% registered)	35
Women's Voter Turnout, 1998 and 2000 (44.4% Voted)	43
Women in Elected Office Composite Index, 2004	39
Women's Institutional Resources, 2004	22
Composite Employment and Earnings Index	51
Women's Median Annual Earnings, 2002 (\$24,900)	48
Ratio of Women's to Men's Earnings, 2002 (72.6%)	39
Women's Labor Force Participation, 2002 (48.8% are in the labor force)	51
Women in Managerial and Professional Occupations, 2001 (30.5%)	34
Composite Social and Economic Autonomy Index	48
Percent with Health Insurance Among Nonelderly Women, 2001-02 (81.2%)	39
Educational Attainment: Percent of Women with Four or More Years of College, 2000 (14.0%)	51
Women's Business Ownership, 1997 (27.1% of businesses are owned by women)	12
Percent of Women Above the Poverty Level, 2002 (83.1%)	46
Composite Reproductive Health Index	24
Composite Health and Well-Being Index	48
* Source: The Institute For Women's Policy Research, February 2005	
** The national rankings are of a possible 51, referring to the 50 states and the District of Columbia, except for the Political Participation indicators, which do not include the District of Columbia.	

The Purpose of the Commission Is to Improve the Status and Opportunities of West Virginia Women.

Such statistics show that there is a need to address women's issues in West Virginia. The Women's Commission was created "for the broad purpose of improving the status and opportunities of women in the State." The Commission consists of 18 members, seven of whom are non-voting ex-officio members from various state agencies. The primary means for the Commission to meet its mandate is through educating the public on women's issues, studying women's issues, making recommendations to better women's status, and recognizing the achievements of women. According to WVC § 29-20-2, it is the duty of the Commission:

The primary means for the Commission to meet its mandate is through educating the public on women's issues, studying women's issues, making recommendations to better women's status, and recognizing the achievements of women.

- (a) To review and study the status of women in this state;*
- (b) To recommend methods of overcoming discrimination against women in public and private employment and in the exercise of their civil and political rights;*
- (c) To promote more effective methods for enabling women to develop their skills, to continue their education and to be retrained;*
- (d) To strengthen home life by directing attention to critical problems confronting women as wives, mothers, homemakers and workers;*
- (e) To make surveys in the fields of, but not limited to, education, social services, labor laws and employment policies, law enforcement, health, new and expanded services of benefit to women, legal rights, family relations and volunteer services;*
- (f) To secure appropriate recognition of women's accomplishments and contributions to this state;*
- (g) To disseminate information for the purpose of educating the public as to the existence and functions of the commission and as to matters of general beneficial interest to women; and*
- (h) To advise, consult and cooperate with other offices of the department of health and human resources and other agencies of state government, and to receive assistance therefrom, in the development of activities and programs of beneficial interest to women and on matters relating generally to women.*

Funding Issues Make The Commission Unable to Be Effective.

As of FY 2007, the Commission's budget will be significantly reduced because DHHR will no longer contribute any general revenue funds not specifically designated by the Legislature to the Commission.

The Commission's limited budget will soon be significantly decreased by a reduction of DHHR funding. As Table 2 below indicates, the Commission has operated on roughly \$230,000 per year for the last few years. However, a significant portion of the budget has come from a subsidy from DHHR. As of FY 2007, the Commission's budget will be significantly reduced because DHHR will no longer contribute any general revenue funds not specifically designated by the Legislature to the Commission. Prior to this year, the Commission has consisted of three staff positions: an executive director, paid for by the Commission, and a program manager and clerical secretary, paid for by DHHR. However, DHHR made the decision to cease funding any of the Commission's staff positions. As a result, the Commission no longer has a program manager position, and beginning in FY 2007 the clerical secretary position will have to be paid for through the appropriation it receives from the Legislature. According to the Assistant to the Deputy Secretary of DHHR,

The Governor and Secretary Walker are requiring all offices live within their budgets. For DHHR, this extends to boards and commissions. The Women's Commission will begin paying the salary of the secretary position in FY 2007. Previous to FY 2006, the Women's Commission did not pay the salaries of any other positions outside of the executive director - the budget was subsidized by other DHHR offices.

Source	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Commission Designated General Revenue	\$137,392	\$130,909	\$133,271	\$133,381	\$133,942
DHHR Designated General Revenue*	\$66,830	\$67,592	\$65,032	\$84,656	\$53,691
Special Revenue	\$26,479	\$30,763	\$34,461	\$21,000	\$18,350
Total Budgeted Each Year	\$230,701	\$229,264	\$232,764	\$239,037	\$205,983
* All of the money contributed from DHHR general revenue was allocated to covering the cost of the Commission's program manager and clerical secretary positions.					

A FY 2006 tentative expenditure schedule prepared by DHHR for the Commission details the following:

Expense	General Revenue Funding
Personnel and Benefits	\$45,693
Administrative, Advertising, Hospitality, Rental, Training, and Travel	\$83,749
Total	\$129,442

The funding scenario faced by the Commission means that an estimated \$129,442 of the Commission's \$133,942 in general revenue appropriations will be used towards basic operational expenses this year. This will leave only a few thousand dollars for providing services to women.

The Commission has had four different executive directors in the last four years.

The funding scenario faced by the Commission means that an estimated \$129,442 of the Commission's \$133,942 in general revenue appropriations will be used towards basic operational expenses this year. This will leave only a few thousand dollars for providing services to women. Furthermore, in FY 2007, when DHHR discontinues funding for the clerical position, the Commission will not have funds sufficient to absorb the cost of the clerical position unless the Legislature increases funding for this position.

The Commission's Overall Performance Is Mixed Since 2001.

Although the Commission offers some services, and despite the Commission's efforts, insufficient funding limits the Commission's effectiveness. Also, the Commission has had four different executive directors in the last four years. This has contributed to inconsistent leadership during this time. Some areas concerning the Commission's performance are as follows:

- The Commission's publications have not been updated as needed;
- The Commission does not conduct a significant amount of research concerning women; and
- The Commission does not provide a significant number of services that make a noticeable impact on women in the state.

The Commission publishes four main publications, which are informative, but are in need of updating. The following table shows the last time each of the Commission's four main publications were updated:

Publication Title	Year of Last Update
Women In Perspective	1995
Women and the Law	1994
WV Women's Resource Directory	2003
WV African-American Women of Distinction	2002

The Commission publishes four main publications, which are informative, but are in need of updating.

The Commission attributes the lack of updating to insufficient staffing, lack of funding and lack of volunteers to gather much of the information in some of the publications. Still other services of the Commission suffer or are not offered at all because the Commission is insufficiently funded.

The Commission Has Applied For Outside Funding.

The Commission has adopted the practice of applying for grants in an effort to fund its activities.

As noted in the 2001 review of the Commission, the Commission has adopted the practice of applying for grants in an effort to fund its activities. The Commission applied for and received a Flex-E-Grant to fund its Nontraditional Career and College Fair in 2003, 2004, and 2005. Additionally, the Commission has applied for grants to fund the printing of a 3rd edition of the Women and the Law Handbook. To date the Commission has received \$10,000 from the Governor's Office in 2004, \$5,000 from the Department of Education, \$1,000 from the Defense Trial Counsel of WV, and \$1,000 from a private donor. However, the Commission is still in need of more funding to complete the updating of the publication. Furthermore, the Commission applied for several other grants which it did not receive.

Without Proper Funding The Commission's Existence Is Not Justified.

If the Legislature does not intend to fund the Women's Commission substantially above its current amount, the Legislative Auditor recommends that the Women's Commission be terminated. The current funding level has resulted in the loss of the program coordinator position, and anticipated reductions of DHHR funding will make the

Commission unable to perform its duties adequately. Consequently, there would be no justification for continuing the Commission under the current condition.

If the Commission Is Continued Several Other Obstacles Should Be Addressed in Order for the Commission to Be Effective.

Prior to 1991, the Women's Commission was an agency of the Governor's Office.

If the Legislature decides to continue the Commission with adequate funding, the Legislative Auditor recommends that the Legislature consider the following issues to facilitate the success of the Commission:

- **Members and staff of the Commission support independence from DHHR** and inclusion under the Governor's Office. Prior to 1991, the Women's Commission was an agency of the Governor's Office. In a survey of staff and members of the Commission, there is support for independence from DHHR (see Appendix B). DHHR is responsible for many policies that impact women. Independence from DHHR would allow the Commission to take an objective approach to DHHR policies that could result in a conflict of interest between DHHR and the Commission.
- **Restricting the number of terms of Commission membership may be beneficial.** The Code mandates that Commissioners shall serve three-year terms. However, the Code does not stipulate a limit to the number of terms a Commissioner can serve. Some present members, ex-officio representatives, and former staff have expressed support for the addition of term limits to the Code, noting that new membership could foster fresh ideas and approaches to Commission activities.
- **The salary set for the Commission's executive director may be too low.** The salary for the executive director is set at \$31,000 by WVC §6-7-2a(b). One former executive director stated that the current salary, "*is too low to attract and retain a highly qualified professional.*" The low salary may have contributed to the turnover in executive directors of the agency. Since 2001, the Commission has had four executive directors. The Legislature may wish to consider either removing the executive director's salary from Code, or changing the Code in order to allow the Commission to offer a higher salary to its executive director.

The Code does not stipulate a limit to the number of terms a Commissioner can serve.

The salary for the executive director is set at \$31,000 by WVC §6-7-2a(b). One former executive director stated that the current salary, "is too low to attract and retain a highly qualified professional."

If the Commission is continued, the Legislative Auditor recommends that the Commission take steps to improve in the following areas:

The Code does give the Commission the authority to be involved in the legislative process. The Commission has the authority to monitor legislative activities, and could serve as a resource to the voters of West Virginia by providing information about legislation that impacts women of West Virginia.

The Commission continues to utilize press releases to inform the public about upcoming events and meetings, but does not use releases to educate the public about issues facing women or to inform the public about services and publications available through the Commission.

- **The Commission continues to lack legislative initiative.** This was noted in the January 1999 review and is now reiterated that the Commission must become more involved in the legislative process. The Code does give the Commission the authority to be involved in the legislative process. The Commission has the authority to monitor legislative activities, and could serve as a resource to the voters of West Virginia by providing information about legislation that impacts women of West Virginia. According to a legal opinion offered by Legislative Services, “*The duties of the Women’s Commission in W.Va. Code §29-20-2, particularly those in (b), (c), (d), (f) and (h), can be interpreted as authorization to promote legislation that would assist in carrying out those duties...WVC §6B-3-1(7)(B)(vi) [gives the Commission authority to] draft and promote legislation if the legislation is necessary for the efficient conduct of the public business or made in the proper performance of official duties, if those persons do so through proper official channels. Proper official channels’ is not defined in the code. While there may be additional interpretations of ‘proper official channels’, it is well recognized that advancing legislation as a Governor’s bill would be through proper official channels, and advancing legislation as an agency-sponsored bill would be through proper official channels.*” The Commission should monitor legislative activities and provide information to the public about legislation related to women through newsletters, its website, and/or other communications. Currently, the Commission does not offer any such service to the voters of West Virginia. The Commission does not use press releases to promote support for legislative change.
- **The Commission’s use of its policy statements and the media is insufficient.** The May 2001 review of the Commission stated, “*The West Virginia Women’s Commission does not have direct press contact and has not utilized the media to broadly inform the community about its concerns for women...The Commission relies on internal means to publicize itself...The reliance on mailing, email lists, and speaking to established groups has the effect of limiting its audience.*” **The Commission has not improved in this area.** The Commission continues to utilize press releases to inform the public about upcoming events and meetings, but does not use releases to educate the public about issues facing women or to inform the public about services and publications available through the Commission. The

Commission has added public policy statements to its website, but the statements are brief and do not contain enough information to educate the public about the full parameters of the issues.

Conclusion

West Virginia consistently ranks low in national women's statistics. There is a need to address women's issues in West Virginia. Although the Commission was created to improve the status and opportunities of women in the state, the Commission is unable to do so because of insufficient funding. The amount of money currently allocated to the Commission from general revenue is only enough to pay for the Commission's executive director position and basic operational expenses, and leaves the Commission with only several thousand dollars to provide services. Until recently, DHHR had subsidized two staff positions for the Commission from its own general revenue. DHHR has decided to no longer provide such subsidies and consequently the Commission has lost one staff position, and will absorb the cost of its clerical secretary into its already limited budget in FY 2007. Some of the ways that insufficient funding has contributed to the Commission's ineffectiveness are:

There is a need to address women's issues in West Virginia. Although the Commission was created to improve the status and opportunities of women in the state, the Commission is unable to do so because of insufficient funding.

- The Commission's publications have not been updated as needed;
- The Commission does not conduct a significant amount of research concerning women; and
- The Commission does not provide a significant number of services that make a noticeable impact on women in the state.

If the Commission is funded and continued, several other issues should be addressed in order for the Commission to be effective.

Without proper funding the Commission's existence is not justified. **If the Legislature does not intend to fund the Women's Commission substantially above its current amount, the Legislative Auditor recommends that the Women's Commission be terminated.**

If the Commission is funded and continued, several other issues should be addressed in order for the Commission to be effective. Members and staff of the Commission support independence from DHHR. Independence from DHHR would allow the Commission to take an objective approach to DHHR policies that could result in a conflict of interest between DHHR and the Commission. It may be beneficial if restrictions, such as term limits, were placed on Commission membership. The Commission's ability to retain an executive director may be improved if the limit on the executive director's salary is removed from or amended in Code. The Commission lacks legislative initiative, and should improve in that area. The Commission should also make

better use of its policy statements and the media.

Recommendations:

1. *If the Legislature does not intend to fund the Women's Commission substantially above its current amount, the Legislative Auditor recommends that the Women's Commission be terminated.*

2. *If the Legislature decides to continue the Commission with adequate funding, the Legislative Auditor recommends that the Legislature consider the following issues to facilitate the success of the Commission:*

- *Members and staff of the Commission support independence from DHHR;*
- *Restricting the number of terms of Commission membership may be beneficial; and*
- *The salary set for the Commission's executive director may be too low.*

3. *If the Commission is continued, the Legislative Auditor recommends that the Commission should take steps to improve in the following areas:*

- *The Commission continues to lack legislative initiative; and*
- *The Commission's use of its policy statements and the media is insufficient.*

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John Sylvia
Director

December 30, 2005

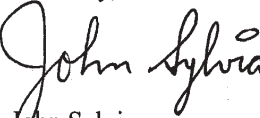
Kathy Pauley, Executive Director
Women's Commission
State Capitol Complex
Building 6, Room 850
Charleston, West Virginia 25305

Dear Ms. Pauley:

This is to transmit a draft copy of the Preliminary Performance Review of the Women's Commission. This report is scheduled to be presented during the January 8-10 interim meetings of the Joint Committee on Government Operations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

We need to schedule an exit conference to discuss any concerns you may have with the report. We would like to have the meeting on Wednesday, January 4, 2006. Please notify us to schedule an exact time. In addition, we need your written response by 4:00 p.m. on Wednesday, January 4, 2006 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 5, 2006 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

John Sylvia

Enclosure
c: Emily Hopta

Joint Committee on Government and Finance

Appendix B: Commissioner and Former Staff Comments Regarding Removal from DHHR

It is often hard for the Commission to utilize the media because getting approvals for press releases and things of that nature take time through DHHR..If it were properly funded, I would be in support of the Commission becoming independent from DHHR. The resources of DHHR are useful, but I think independence could help the Commission be more effective and efficient.

I would support the Women's Commission being an independent agency. From my experience, the Commission was more effective as independent. The bureaucracy of DHHR impedes the progress of the Women's Commission.

We do have to get approval[s] from [DHHR], however, in the past we have gotten good support from DHHR.

The Commission used to have its own legislative agenda, but they no longer do that. I believe that is because DHHR requires the Commission to get anything from press releases to legislative initiatives reviewed by the Secretary's Office. Sometimes DHHR can take weeks to review such things, and that slows the Women's Commission down...In my opinion, the Commission was much more effective when it was independent from DHHR. If the Commission were made independent from DHHR it could still be placed under the Governor's office. The Commission would still have needed resources—such as legal advice and budgeting guidance—through both the Governor's office and the expertise of the Commission's ex-officio members and representatives.

While DHHR has offered many valuable services to the Commission, I feel that the greatest benefit would be seen if the Commission was autonomous from other agencies...DHHR is in charge of setting many of the State's policies on women, yet the Women's Commission must have DHHR approval before it can express views on state policies that affect women. The relationship between DHHR and the Commission creates a natural conflict of interest...DHHR takes a very active role in the Commission, sometimes at the expense of the Commission. DHHR does everything from mandate what we can say to the media to when and where we have our meetings.

Because the Women's Commission is part of DHHR, it is sometimes difficult for the Commission to support women's issues because the Commission has to be sure not to conflict with the internal philosophy of DHHR...[I would suggest that] the Commission report directly into the Governor's Office.



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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Martha Yeager Walker
Secretary

January 4, 2006

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PERFORMANCE EVALUATION AND
RESEARCH DIVISION

Mr. John Sylvia, Director
Performance Evaluation and Research Division
Legislative Auditor's Office
State Capitol Building, Room W-314
Charleston, West Virginia 25305

Dear Mr. Sylvia:

This letter is in response to the Preliminary Performance Review of the West Virginia Women's Commission, received on December 30, 2005. The West Virginia Department of Health and Human Resources is in agreement with the findings and accepts this report with the following comments. The Women's Commission has indicated that it will submit a separate response.

Recommendations:

1. ***If the Legislature does not intend to fund the Women's Commission substantially above its current amount, the Legislative Auditor recommends that the Women's Commission be terminated.***

This is a decision to be made by the Legislature, and it is not appropriate for the Department or Commission to comment on funding.

2. ***If the Legislature decides to continue the Commission with adequate funding, the Legislative Auditor recommends that the Legislature consider the following issues to facilitate the success of the Commission:***
 - a. *Members and staff of the Commission support independence from DHHR;*
 - b. *Restricting the number of terms of Commission membership may be beneficial; and*
 - c. *The salary set for the Commission's executive director may be too low.*

Mr. John Sylvia
January 4, 2006
Page Two

Should the Commission be removed from the West Virginia Department of Health and Human Resources and placed under the umbrella of another department or office, or given independent status, appropriate provision must be made for the services the Department currently provides. These include but are not limited to budget and finance, public relations and media, graphic design, legal, purchasing, travel, administrative support and human resources/personnel.

Restricting the number of terms a Commissioner may serve would increase the recruitment of members and allow more women in West Virginia the opportunity to serve on a state government entity.

The salary of the executive director is set in code.

3. ***If the Commission is continued, the Legislative Auditor recommends that the Commission should take steps to improve in the following areas:***
- a. ***The Commission continues to lack legislative initiative; and***
 - b. ***The Commission's use of its policy statements and the media is insufficient.***

The Commission has developed policy statements. Increased use of the media would benefit the Women's Commission.

Thank you for the opportunity to respond to this report.

Sincerely,



Martha Yeager Walker
Secretary

cc: Kathy Pauley
Wendy Thomas
Elaine Harris



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

JOE MANCHIN III
Governor

West Virginia Women's Commission
State Capitol Complex, Building Six, Room 850
Charleston, West Virginia 25305
Telephone: (304) 558-0070 Fax: (304) 558-5167

Martha Yeager Walker
Secretary

January 6, 2006

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PERFORMANCE EVALUATION AND
RESEARCH DIVISION

Mr. John Sylvia, Director
Performance Evaluation and Research Division
Joint Committee on Government and Finance
State Capitol Building, Room W-314
Charleston, West Virginia 25305

Dear Mr. Sylvia:

Thank you for the opportunity to respond to the draft report on the Preliminary Performance Review of the West Virginia Women's Commission and for extending the response time.

While several of the Commissioners who have been working on this process have not had an opportunity to review the report due to the mining tragedy earlier this past week, it is the intent of this response to reflect their opinions and concerns.

On behalf of the Commissioners of the West Virginia Women's Commission, the following comments are submitted.

This response to the Performance Evaluation and its recommendations is made up of three parts:

- 1) A brief review of the statutory role of the commission as defined in Section 29-20-2 of the West Virginia Code.

(a) *To review and study the status of women in this state;*
(b) *To recommend methods of overcoming discrimination against women in public and private employment and in the exercise of their civil and political rights;*

- (c) To promote more effective methods for enabling women to develop their skills, to continue their education and to be retrained;*
- (d) To strengthen home life by directing attention to critical problems confronting women as wives, mothers, homemakers and workers;*
- (e) To make surveys in the fields of, but not limited to, education, social services, labor laws and employment policies, law enforcement, health, new and expanded services of benefit to women, legal rights, family relations and volunteer services;*
- (f) To secure appropriate recognition of women's accomplishments and contributions to this state;*
- (g) To disseminate information for the purpose of educating the public as to the existence and functions of the commission and as to matters of general beneficial interest to women; and*
- (h) To advise, consult and cooperate with other offices of the department of health and human resources and other agencies of state government, and to receive assistance therefore, in the development of activities and programs of beneficial interest to women and on matters relating generally to women.*

2) Goal attainment.

We acknowledge and agree with the findings of the review as it relates to the Women's Commissions' abilities to carry out the goals and objectives set forth during this past review period. We acknowledge that a lack of funding and consistent staff leadership continues to impede this process.

When the Legislature enacted legislation creating the Commission, it did not contain specific language giving the Commission the responsibility for improving women's status. It recognized that a single state agency of two to three full time employees cannot, on its own, improve the status of all of the women and families of West Virginia.

The West Virginia Women's Commission, operating within the current DHHR supplemented budget, cannot literally improve the status of any one group of West Virginians. However, the Commission can, with adequate funding, consistent leadership of an appropriately compensated executive director, and an organizational structure that facilitates efficient execution of goals and objectives, carry out the responsibilities of meeting its codified mandates.

3) Where do we go from here?

The fact that the women of West Virginia continue to lag behind the nation in important areas, as reflected in the report from the Institute for Women's Policy Research (attached), is the single most important reason for the West Virginia Women's Commission to exist.

John Sylvia
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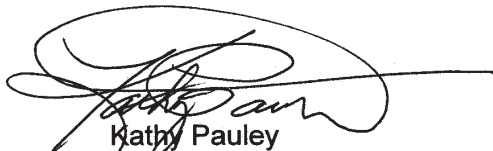
Recent strategic planning meetings have identified future goals to address these inequalities. It is our goal to become the number one informational, research and referral center for issues relating to women and families throughout West Virginia.

The Women's Commission strives to become a valued asset to our Governor, members of the Legislature, other State agencies and, in particular, all citizens of West Virginia.

We can only accomplish this with the help and support of those in a position to do so.

In closing, we would like to thank your office for the time spent conducting this thorough and objective review of the West Virginia Women's Commission. We especially wish to acknowledge the professionalism displayed by your Legislative Analyst, Dusty Johnson.

Respectfully submitted,



Kathy Pauley
Executive Director



Wendy Thomas
Chair

Cc: Martha Walker, Secretary DHHR
Commissioners
Ex-Officio Members

