July 17, 2017

Mr. Frank Haines
Legislative Finance and Budget Officer
Office of Legislative Services
State House Annex
P.O. Box 068
Trenton, New Jersey 08625-0068

Re: DMAVA Senate Budget Hearing - May 4, 2017

Sir:

Please accept the following as the New Jersey Department of Military and Veterans' Affairs' (DMAVA) response to questions posed by members of the Assembly Budget Committee during the DMAVA budget hearing on May 15, 2017. For your reference, the attached correspondence, dated May 26, 2017, contains the Committee’s questions.

Assemblyman Burzichelli:

Q1a. Please explain the admittance process and pre-qualifying list (waiting list) for the Vineland Memorial Home.
A1a. Please refer to N.J.A.C. 5A:5-4.1 for an explanation of admission process and waiting list placement.

Q1b. What criteria are used to determine eligibility and placement on the list?
A1b. Please refer to N.J.A.C. 5A:5-2.1 for an explanation of eligibility criteria.

Q1c. Please provide the status of the admittance and pre-qualifying list for the Vineland Memorial Home.
A1c. The Vineland Veterans Memorial Home has 349 qualified admission applicants. There are 194 veteran applicants. Of them, 77 are on the regular list and 117 have deferred admission. There are 155 veteran spouse applicants. Of them, 62 are on the regular list and 93 have deferred admission.
Q2a. Please explain the federal funding process for the State’s homes.
A2a. The Veteran Memorial Homes receive federal funding from two sources, Medicare and United States Department of Veterans Affairs per diem. In addition, the homes collect fees from residents known as Member Maintenance, representing the Daily Care Rate from those who are financially able.

Q2b. Is the state maximizing its federal funding?
A2b. DMAVA assesses all allowable federal reimbursements.

Q2c. Do federal funds pay for veterans, their spouses, and other beneficiaries of a veteran eligible for placement in one of the State’s Veteran Memorial Homes?
A2c. Medicare pays for all eligible residents, both veteran and non-veteran. VA per diem is only available for veterans.

Q2d. Does a veteran receive preferred placement on a pre-qualifying list, in front of a spouse of a veteran who is on the waiting list?
A2d. While veterans are given preference non-veterans can be admitted to veterans memorial homes provided the census of non-veterans does not exceed 25 percent of the total population. The following individuals, in order of priority, are eligible for admission consideration:
   1. A New Jersey veteran that meets the New Jersey residency requirement as described in paragraph 1 of the definition of "veteran" in N.J.A.C. 5A:5-1.2.
   2. A spouse of a New Jersey veteran who is eligible as a "spouse" or "surviving spouse" as described in paragraphs 2 and 3 of the definition of "eligible others" in N.J.A.C. 5A:5-1.2 and is a resident of this State.
   4. A veteran who is not a New Jersey resident.

Q2e. What percentage of operating costs of each home is state funding and federal funding, respectively?
A2e. The state provides appropriations of approximately $78 million (FY17) for the three Homes. Operating costs exceed the state appropriation by approximately $11 million, which represents federal Medicare receipts used to offset operations. The three Homes collect and deposit approximately $54 million directly into the state’s General Fund, which represents federal VA per diems and resident maintenance. Therefore the state’s outlay is $24 million net ($78 - $54) to cover operating expenses of $89 million ($78 + $11) which represents 27% ($24/$89) of the cost of operating the three Homes or $9 million per Home.

Q3a. Does the size of the pre-qualifying list for Vineland Memorial Veterans’ Home indicate a need for more beds?
A3a. No. The number of eligible New Jersey Veterans aged 70 and over has been declining annually.

Q3b. What percentage of the list is veterans and spouses of veterans, respectively?
A3b. The Vineland Memorial Home has 349 qualified admission applicants. 55.6% are veteran applicants and 44.4% are veteran spouses.
Q4. Does the department prioritize restructuring bed space in the homes to fit the demand for certain types of beds? How does this affect federal and State funding?
A4. No. There are currently Alzheimer’s/dementia wings at all three homes and the available space meets demand. The type of bed has no impact on funding.

Assemblyman McKeon.

Q1. How does the Trump immigration policy affect New Jersey National Guard members and their families?
A1. Please elaborate regarding which policy is being referenced, and the Department will attempt to provide an answer.

Q2. How many National Guard members have green cards?
A2. 307 New Jersey National Guard members have green cards.

Q3. If federal funding is increased for the Military, how would that affect the New Jersey National Guard?
A3. Absent the enactment of a federal budget it is difficult to predict any potential impacts at the state level.

Assemblywoman Muoio.

Q1. What programs have been established since 2015 to deter sexual harassment and assault in the National Guard?
A1. The United States Department of Defense mandates that all military services, which includes the New Jersey National Guard (NJNG), remain compliant with its Sexual Assault Prevention and Response (SAPR) Program. The SAPR Program provides accountability and oversight of military readiness to reduce and eliminate sexual assault in the military. The NJNG SAPR Program is managed by a designated Sexual Assault Response Coordinator (SARC). All New Jersey National Guard Soldiers and Airmen receive annual sexual assault and harassment training through the U.S. Department of the Army’s Sexual Harassment Assault Response Prevention Program (SHARP) which is a comprehensive integration of the SAPR Program and the Prevention of Sexual Harassment (POSH) efforts. SAPR and POSH programs address awareness and prevention, training, victim advocacy, reporting, and accountability.

Q2. Please provide an update on the effectiveness of the programs, the outreach, efforts, and how the New Jersey National Guard is handling the cases.
A2. While it is difficult to determine if every incident is being reported, effectiveness is measured by the outcome of each individual case reported. It is the Department’s goal to ensure every one of our soldiers and airmen are aware of all available programs and are empowered to seek assistance immediately when they experience or witness any level of harassment or assault. To achieve that goal our SARC and State Equal Employment Manager conduct Staff Assistance
Visits (SAV) to provide training, conduct annual unit level inspections, and conduct the Army Organizational Inspection Program (OIP) to demonstrate that SAPR and it related programs are used in the most effective means possible.

Q3. How many New Jersey National Guard sexual harassment and sexual assault cases have been reported in each year beginning in 2015.
A3. Since 2015, the New Jersey National Guard has received 16 sexual assault cases and 2 sexual harassment complaints.

Q4. Please provide all reports regarding sexual harassment and sexual assault involving the New Jersey National Guard since 2015.
A4. The New Jersey National Guard’s priority is to maintain victim confidentiality and safeguard the integrity of these programs and therefore, cannot disclose this information through this request.

Assemblywoman Rodriguez-Gregg.

Q1. Do you keep records of the sexual harassment and sexual assault incidents and cases?
A1. Information related to sexual harassment and sexual assault are entered into the Defense Sexual Assault Incident Database System and is monitored by National Guard Bureau.

Q2. Please provide statistics to the committee regarding the number of New Jersey National Guard related sexual harassment and sexual assault incidents and cases.
A2. Since 2015, the New Jersey National Guard (NJNG) has received 16 sexual assault cases and 2 sexual harassment complaints.

Q3. What number and level of staff are assigned to sexual harassment and sexual assault in the department? Does the staff work with the federal government and other governmental agencies to address this problem? If so, how?
A3. DMDA has three personnel assigned to address sexual harassment and sexual assault complaints. The NJNG has three Sexual Assault Coordinators (SARC) to assist with sexual assault complaints. In addition to the SARCs, the NJNG has 40 trained Victim Advocates who serve as first responders to victims of sexual assault.

Assemblyman Johnson.

Q1. Please provide the committee with a list of the armories that are being considered for designation as excess property of the State for the purpose of selling them. Please briefly explain the process the department goes through to designate an armory as excess property, how the property is valued, and the how the property is sold.
A1. If a DMDA-owned property becomes vacant or underutilized an assessment is done to determine if the property can be used by the agency for other purposes. If the property is no longer necessary to the department in meeting its mission, the Department of the Treasury is
notified. Current law establishes the procedure for its disposition which may include offering it to another State agency, selling it to county or local government, or putting it up for public auction.

Q2. How many soldiers/airmen attend the EEO school (in Florida) and many slots are available?
A2. The United States Department of Defense’s Defense Equal Opportunity Management Institute (DEOMI), located at Patrick Air Force Base in Florida, provides enhanced equal opportunity and human relations awareness training to our Service members in command or leadership positions nationwide. The New Jersey National Guard is but one of 50 state Guard components from which the National Guard Bureau authorizes enhanced training for individual service members.

Since 2015, National Guard Bureau has authorized the New Jersey National Guard to send six personnel to attend the DEOMI. The New Jersey Army National Guard sent one soldier in 2015, two in 2016, and one in 2017. The New Jersey Air National Guard sent two airmen in 2016.

Q3. Please discuss the department’s alternative energy projects. How many solar projects and other alternative energy projects has the New Jersey National Guard built? How many additional solar and other alternative energy projects are planned to be built? What is the value of the Solar Renewable Energy Credits (SRECS) that the department has received each year since 2007? Does the department have any energy sector partnerships with other governmental or private sector entities?
A3. The New Jersey Army National Guard has built nine solar arrays, which total 2.4 megawatts (MW) of generation capacity. In FY16, these systems generated 16% of the Department’s total electricity consumption. Currently, there are two new systems under construction at the Lawrenceville and Somerset locations. In addition, the Department has three systems under design at Fort Dix, Cherry Hill, and Mount Holly. The five new systems coupled with the nine existing arrays will produce more than 3 MW of total generation capacity. DMAVA’s solar development plan is to achieve 50% renewable energy by FY24. Since 2007, the value of the SRECs generated by the solar arrays is approximately $1.4 million. We do not have any official energy sector partnerships. However, DMAVA works closely with other states’ national guards and the New Jersey Board of Public Utilities.

Q4. Has the USAR closed or sold any of its buildings recently?
A4. As a state agency, DMAVA does not oversee federal properties of the United States Army Reserve.

Assemblyman DiMaio.

Q. Please provide the committee with the staffing levels of each one of the three Veteran Memorial Homes from FY 2012 through FY 2017.
A. The levels are as follows: Menlo Park, 383; Vineland 386; Paramus, 363. Those numbers are relatively unchanged since FY2012.
Assemblywoman Muoio and Assemblyman McKeon.

Q. Please provide the committee with the results of the lead contamination tests of the armories and please provide all reports related thereto.
A. Recent news articles have brought to light a potential lead exposure issue that occurred in National Guard Readiness Centers (RCs) around the country from the operations of Indoor Firing Ranges (IFR). In the past, States operated indoor firing ranges in RCs that were dual purposed for community uses which created a lead exposure risk to citizens utilizing the RC. The New Jersey National Guard has not operated an IFR in the last 15 years and almost all IFR’s have been closed for least 25 years.

In 2016 the National Guard Bureau (NGB) sent industrial hygiene specialists to do lead swipe samples at all of the National Guard Readiness Centers across the country. Surveys conducted in New Jersey indicated that 153 of 1000 samples exhibited lead levels in excess of the maximum permissible level; however these samples were located almost exclusively in areas of the facilities with limited or restricted access to the public. As an immediate result of the findings, the NJARNG has prohibited the public, including military members’ family, from entering non-operational facility areas where lead dust sampling tested in excess of permissible levels, as well as restricting access in those areas to NJARNG Soldiers and DMAVA employees.

Since that time the NJARNG has maintained a thorough and dedicated effort to remediate in accordance with State and federal regulations those areas of the non-operational RC facilities which have indicated excessive lead dust in accordance with state and federal environmental laws and regulations. As such, access is restricted until remediation is complete and military units occupying our facilities have been ordered to immediately cease conducting weapons cleaning within non-operational publicly accessible areas of the facilities. The NJARNG Safety Office maintains efforts to ensure employee lead awareness training is integrated into all unit safety programs to reduce the risk of employee exposure to lead and mitigate the further contamination of NJDMAVA facilities.

Respectfully submitted,

Michael L. Cunniff
Brigadier General, New Jersey National Guard
The Adjutant General