

MINUTES

SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

December 17, 1992

PRELIMINARY BUSINESS

The December 17, 1992, meeting of the Service Committee of the Legislative Council was called to order by the Chairperson, Senator Michael Gronstal, at 2:42 p.m. in Room 22 of the Statehouse, Des Moines, Iowa. Members of the Committee who were present at the meeting, in addition to Chairperson Gronstal, were as follows:

Representative John Connors, Vice Chairperson
Senator Wally Horn
Senator Jack Rife
Representative Kay Chapman
Representative Harold Van Maanen

Also present at the meeting were Senator Leonard Boswell; Ms. Diane Bolender, Director of the Legislative Service Bureau; Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau; Mr. Sanford Scharf, Director of the Legislative Computer Support Bureau; and Mr. William Angrick, Citizens' Aide/Ombudsman. Also present were members of legislative staff and other interested persons.

Representative Connors moved that the minutes of the November 10, 1992, meeting of the Service Committee, which had been previously distributed to the Committee members, be approved as distributed. There were no objections and the minutes were approved as distributed on a unanimous voice vote.

PROPOSED POLICIES FOR PERSONNEL GUIDELINES

Chairperson Gronstal recognized Mr. Richard Johnson, Deputy Director of the Legislative Service Bureau, for a description of the contents of the proposed policies which, if adopted, will be added to the Personnel Guidelines for the Central Legislative Staff Agencies. Copies of the proposed policies are on file in the Legislative Service Bureau. Mr. Johnson noted that the proposed gifts policy is designed to implement the law relating to gifts. The only difference, he noted, is the provision relating to reports of gifts which can be accepted, with reports being made to the agency director. The proposed provisions relating to sales of services are also designed to implement the new ethics statutes, he added, and also contain

a provision for approval of certain sales made by employees. The proposed substance abuse policy, Mr. Johnson stated, is similar to the policy for the executive branch of government, although more narrowly drawn. He noted that the policy has provisions for discipline and discharge of employees, absent mitigating circumstances. However, he noted that it is not proposed that the Committee act on the substance abuse policy at this time, since it is recommended that more study of some of the related issues occur before action is taken.

The proposed sexual harassment policy is designed to implement the legislation passed during the 1992 regular session, Mr. Johnson said. It utilizes the statutory definition of sexual harassment and sets out basic employer and employee responsibilities on the issue of filing of complaints and investigation, and makes the Service Committee in some circumstances, instead of the agency director, the body with which complaints are to be filed, he concluded. He noted that complaints are to be confidential and the standard of proof is based on what a reasonable person of the same sex would believe. If an employee is not satisfied with the harassment complaint results, a grievance can be filed, he added. Mr. Johnson mentioned that it has been suggested that filings of complaints about lobbyists be filed with the ethics committee of either the Senate or the House of Representatives, in the same manner as the provisions currently deal with complaints against members of the General Assembly.

Representative Chapman asked whether the suggestion regarding lobbyists has been made because the ethics committees are responsible for establishing the rules governing lobbyists. Mr. Johnson responded in the affirmative. Representative Connors queried what the ethics committees could do if they found that a lobbyist did sexually harass an employee. Representative Chapman noted that when the ethics committee has dealt with other complaints against lobbyists, they have acted to restrict the ability of a lobbyist, who has been found to have committed an offense, to lobby before the General Assembly.

Mr. Johnson next described the proposed conflict of interest policy and the three factors to be considered in determining whether a conflict of interest exists. The provision provides for consultation by an employee with the employer to determine whether a conflict of interest exists. Representative Chapman asked about the application of certain internal procedures designed to reduce the appearance and existence of improprieties involving employees' personal and work relationships. Mr. Johnson noted that there has been some experience with use of those types of procedures.

Representative Connors noted that he has some concerns about the proposed substance abuse policy. Chairperson Gronstal noted that, since it was suggested that the Committee not go forward with action on the policy at this time, he would recommend that the Committee defer action on the substance abuse policy until a later meeting and said that any person with concerns about the proposal should

communicate those concerns to the Legislative Service Bureau. There were no objections to Chairperson Gronstal's recommendation.

Representative Connors indicated that he would recommend changing the provision in the proposed policy relating to sexual harassment contained in the first unnumbered paragraph under letter "C. Employee's Responsibility." from "(A)n employee ... is encouraged to first notify the harasser ..." to "(A)n employee ... is required to first notify the harasser ...". The Committee discussed the proposed change to the paragraph, with Representative Chapman noting that, given the way in which the definition contained in lettered paragraph "A. (2.)" is drafted, the only time in which the alleged harasser might not be told by the alleged victim about the person's wishes or objections to the conduct or speech is when the alleged harasser is in a position of authority over the alleged victim. The Committee then voted upon the motion by Representative Connors. The motion passed on a voice vote with "no" votes by Representative Chapman and Chairperson Gronstal. Chairperson Gronstal then asked if there were objections to adding the language relating to sexual harassment by lobbyists by unanimous consent. There were no objections to the addition. Representative Connors then moved that the Committee adopt the policy relating to sexual harassment. The motion passed on a unanimous voice vote.

The Committee then took up the policies relating to gifts and sales by employees. Representative Connors moved that the proposed policy be adopted. The motion passed on a unanimous voice vote. The Committee next considered the policy relating to conflicts of interest. Representative Connors moved that the policy be adopted. The motion passed on a unanimous voice vote.

PERSONNEL REPORT OF THE LEGISLATIVE FISCAL BUREAU

Chairperson Gronstal recognized Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, for presentation of his personnel report. A copy of the report is on file in the Legislative Service Bureau. Mr. Prouty noted that each of the Committee members' packets contains an updated version of his personnel report and lists the proposed grades and steps associated with the proposed promotions in the report. Representative Connors moved that the report and the recommendations contained in the report be approved. The motion carried on a unanimous voice vote.

PERSONNEL REPORT OF THE LEGISLATIVE SERVICE BUREAU

Chairperson Gronstal recognized Ms. Diane Bolender, Director of the Legislative Service Bureau, for presentation of her personnel report. A copy of the report is on file in the Legislative Service Bureau. Ms. Bolender began her report by

introducing Ms. Carolyn Lumbard, a new legal counsel in the Legislative Service Bureau, to the members of the Committee. Ms. Bolender then informed the Committee that her report consists of notification of merit increases, hiring of part-time personnel, and various proposed promotions, one of which is proposed to be retroactive to December 4, 1992. Representative Van Maanen asked how much of an increase in pay level is represented by a promotion. Ms. Bolender explained that promotions of three or more grades include an increase of two steps; promotions of one or two grades include an increase of one step under the personnel guidelines. Representative Connors then moved that the Committee adopt the report and the recommendations contained in the report. The motion passed on a unanimous voice vote.

PERSONNEL REPORT OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Gronstal next recognized Mr. William Angrick, Citizens' Aide/Ombudsman, for presentation of his office's report. A copy of the report is on file in the Legislative Service Bureau. Mr. Angrick stated that two of the matters contained in his report, relating to the award of merit increases to two employees, are reports of personnel actions, while three of the items, which relate to the reclassification of three employees, require approval by the Committee. He noted that two of the employees are being recommended for promotion to a new grade at a negative one step, due to the requirements relating to implementation of the employee reclassification system changes. Representative Connors moved adoption of the report and the recommendations contained in the report. The motion passed on a unanimous voice vote.

PERSONNEL REPORT OF THE LEGISLATIVE COMPUTER SUPPORT BUREAU

Chairperson Gronstal recognized Mr. Sanford Scharf, Director of the Legislative Computer Support Bureau, for presentation of his personnel report. A copy of the report is on file in the Legislative Service Bureau. Mr. Scharf noted that he is proposing to hire Ms. Virginia Rowen as a Computer Systems Analyst Trainee and that he will be needing approval for an increase in his budget to cover the cost of paying her salary. He added that approval is also being sought for the reclassifications of three employees. Mr. Scharf noted that his report also contains a report of the granting of merit increases to two other employees. Representative Chapman moved that the report and any recommendations contained in the report, including the increase in the budget of the Computer Support Bureau for the fiscal year beginning July 1, 1992, be approved. The motion passed on a unanimous voice vote.

CONSIDERATION OF ESTABLISHMENT OF ENVIRONMENTAL OMBUDSMAN
IN OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Gronstal directed the Committee's attention to a memorandum that had previously been mailed to members of the Committee regarding establishment of an office of ombudsman for small business under the Federal Clean Air Act in the Office of Citizens' Aide/Ombudsman. Chairperson Gronstal noted that the Committee had discussed the matter at the last meeting of the Committee and questioned whether there was any further discussion of the matter. There was no further discussion and Representative Connors moved that the Citizens' Aide/Ombudsman be authorized to proceed with the development of the position within the Office of Citizens' Aide/Ombudsman. The motion carried on a unanimous voice vote.

CONSIDERATION OF PROPOSED BUDGET OF THE LEGISLATIVE FISCAL BUREAU

Chairperson Gronstal recognized Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, for presentation of his proposed fiscal year 1994 budget for the Legislative Fiscal Bureau. A copy of the proposed budget is on file in the Legislative Service Bureau. Mr. Prouty indicated that his proposed budget does not contemplate additional or new personnel over that indicated in last year's budget. He indicated that it does, however, restore the five percent across-the-board budget reduction that was made during the last fiscal year's budget and contains money for a four percent cost-of-living adjustment for personnel, assuming that much of an adjustment is bargained for by the executive branch employees.

Representative Connors moved that the budget as proposed, be approved. Representative Van Maanen asked why Mr. Prouty restored the moneys that were cut from the previous year's budget and asked whether the Legislative Fiscal Bureau needs all of the 26.5 FTE positions. Mr. Prouty indicated that the reason that he was able to operate with the five percent budget cut during the previous fiscal year was due to resignations and not filling the positions until recently. The amount in his budget, he stated, represents an additional \$50,000-60,000 in funding and is necessary to support the 26.5 positions and the current level of services provided. He noted that he needs all of the persons represented by the 26.5 positions, also that the .5 position is the Legislative Fiscal Bureau's page position which is filled during session. Representative Van Maanen expressed concern that restoration of all of the across-the-board budget reductions will have the effect of exhausting any new moneys generated as a result of action during the last legislative session. The Committee then voted on the proposed budget which was approved on a voice vote, with Representative Van Maanen voting "no".

CONSIDERATION OF PROPOSED BUDGET OF THE LEGISLATIVE SERVICE BUREAU

Chairperson Gronstal recognized Ms. Diane Bolender, Director of the Legislative Service Bureau, for presentation of her proposed fiscal year 1994 budget for the Legislative Service Bureau. A copy of the proposed budget is on file in the Legislative Service Bureau. Ms. Bolender noted that her revised FY 1993 budget appears larger than her proposed FY 1994 budget, partially because of the difference in the cost of printing the Code in 1993 and the Code Supplement in 1994. Absent the printing costs, she stated her budget contemplates a 4.8 percent increase to cover the cost of a four percent cost-of-living adjustment and various merit increases.

Representative Connors moved that the proposed budget be adopted. Representative Van Maanen noted that the increase in the budget over FY93 is approximately 4.8 percent and that, although the overall amount of the budget is less than last year's budget, the reduction in overall cost can be attributed to printing costs. Ms. Bolender affirmed this remark. Senator Horn noted the figure in the Legislative Service Bureau's budget and the Legislative Fiscal Bureau's budget for outside repairs and asked why the Fiscal Bureau's budget figure increased in that category and what the category represented. Ms. Bolender noted that the category represents maintenance contracts. Mr. Prouty responded that the reason for the increase in his budget was due to a previous delay on payment of a major service agreement in order to balance the Legislative Fiscal Bureau's budget. Representative Van Maanen asked what is represented by the category of outside services. Ms. Bolender responded that outside repairs and services represents the maintenance agreements on equipment. There was no further discussion of the budget and the Committee voted on the budget. The motion to approve the budget carried on a unanimous voice vote.

CONSIDERATION OF PROPOSED BUDGET OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Gronstal recognized Mr. William Angrick, Citizens' Aide/Ombudsman, for presentation of his proposed fiscal year 1994 budget for the Office of Citizens' Aide. A copy of the proposed budget is on file in the Legislative Service Bureau. Mr. Angrick noted that his budget contains a 9.2 percent increase over last year's budget and includes funds for increases in personnel costs due to cost of living adjustments, promotions, and merit increases. He indicated that he has reduced his budget in areas where he has discretion and has provided for increases in areas such as office supplies and equipment where he has anticipated growth in costs.

Representative Connors moved that the proposed budget be approved. There was no discussion on the budget and the motion carried on a unanimous voice vote.

CONSIDERATION OF PROPOSED BUDGET OF THE LEGISLATIVE COMPUTER SUPPORT BUREAU

Chairperson Gronstal recognized Mr. Sanford Scharf, Director of the Legislative Computer Support Bureau, for presentation of his proposed fiscal year 1994 budget for the Legislative Computer Support Bureau. A copy of the proposed budget is on file in the Legislative Service Bureau. Mr. Scharf indicated that there is an increase in the personal services category due to the addition of Ms. Virginia Rowen to the staff of the Bureau. He noted also that his budget contains the service agreements on all of the computers throughout the legislature. He noted, upon a comment by Representative Chapman, that his service agreements do not cover the copiers or other equipment contained in other bureaus but that he does cover service on their computers and printers.

Representative Connors moved that the proposed budget be adopted. Representative Van Maanen asked about the status of the computers that were used for reapportionment. Mr. Scharf responded that the two large ones are currently being used as file servers, but that the remainder of the machines are still located in the various caucus offices. He responded to another question by Representative Van Maanen by stating that the machines are on-line and fully compatible with the current personal computer system and are being used to supplement and support the current system. There was no further discussion of the motion and the Committee then voted on the budget as proposed. The motion carried on a unanimous voice vote.

ADJOURNMENT

There was no further business to come before the Committee. Representative Connors noted that this was Representative Chapman's last Service Committee meeting and that this was Chairperson Gronstal's last meeting as Committee chairperson and thanked them for their service to the Committee. Representative Connors then moved that the Committee adjourn and the Committee adjourned at 3:26 p.m.

Respectfully submitted,

LESLIE E. W. HICKEY
Legal Counsel