

M I N U T E S  
SERVICE COMMITTEE  
OF THE  
LEGISLATIVE COUNCIL

June 21, 1989

PRELIMINARY BUSINESS

The June 21, 1989, meeting of the Service Committee of the Legislative Council was called to order by Representative John Connors, Chairman, at 10:02 a.m. in Room 22 of the Statehouse, Des Moines, Iowa. Members present in addition to Chairman Connors were:

Senator Calvin O. Hultman  
Senator Bill Hutchins  
Senator Joe J. Welsh  
Representative Kay Chapman  
Representative Delwyn Stromer

Also present were: Ms. Diane Bolender, Acting Director of the Legislative Service Bureau; Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau; Mr. Sanford Scharf, Director of the Computer Support Bureau; Mr. William Angrick, Citizens' Aide/Ombudsman, and other interested persons and staff.

Senator Hultman moved that the minutes of the last meeting, which had been previously distributed, be approved as distributed. The motion was seconded by Senator Welsh. The motion carried on an unanimous voice vote.

PERSONNEL GUIDELINES OF THE CENTRAL STAFF AGENCIES

The first item on the agenda was the Committee review of the personnel guidelines for the central legislative staff agencies. Representative Chapman suggested that the Committee use the copy of the guidelines which contains the guidelines text and a commentary. The Committee proceeded with its review by Chairman Connors calling out page numbers of the guidelines and asking if there were questions or comments as he stated the page numbers. A copy of the personnel guidelines is on file in the Legislative Service Bureau.

There were no questions or comments on pages one through four of the guidelines. Representative Stromer did note that, under comparable worth, no step in a grade is to exceed step six. On page five, line 20, Representative Chapman asked whether the six-month probationary period applies only to entry level positions for new employees or whether it also applies when a person is reclassified or promoted. A discussion ensued in which it was concluded that the six-month probationary period did not apply to ordinary merit step increases that did not entail new job responsibilities or qualifications. If a promotion did involve a change to a new job classification, with new job responsibilities or qualifications, it was determined that a six-month probationary period may be required by the director of the agency and that the employee would be eligible for a step increase at the conclusion of the probationary period.

Representative Chapman asked, with regard to page six, line 19, whether the cumulative length of service provisions only applied to the central legislative staff agencies. Chairman Connors replied that they only applied to those agencies. Chairman Connors also noted that the language on page six, line 28, relating to overtime or compensatory pay for central legislative staff employees was such that the individual employee has no choice as to the method of compensation for extra hours of work. Senator Hultman noted that the language was identical to the language contained in the pay resolution.

On page seven, line eighteen, Representative Chapman asked whether the provisions needed to include a reporting requirement, so that the Service Committee could be informed of the number of employees who have earned the maximum number of compensatory time hours. She noted that the various agencies already keep track of the hours earned. Senator Hultman suggested that, on page seven, line 19, the words "and shall state the compensatory time earned by each employee" be added. There was no objection to the addition of the language, and the language was adopted for inclusion in the guidelines.

Regarding the provisions on page eight, Representative Stromer queried whether the legal employer-employee relationship established in those sections was different from the law on other employer-employee relationships. Chairman Connors and Representative Chapman both stated that the guideline provisions, to which Representative Stromer was referring, merely reflected current law on employer-employee relationships.

There were no questions or comments on pages nine and 10. On page 11, Representative Chapman asked whether the sick pay provisions parallel the Department of Personnel provisions exactly, so that an employee can accumulate, carry over, and convert sick leave to vacation time. Mr. Prouty explained the Department of Personnel provisions to the Committee.

Representative Chapman expressed concern that if an employee could accumulate sick leave, carry it over, and convert the leave to vacation, upon termination of employment of that employee, the Legislature could potentially owe the employee quite a large sum of money, since the usual practice upon termination of employment is to pay an employee for accumulated unused vacation time. It was explained that there is a maximum number of vacation hours that can be accumulated under both the Department of Personnel's and these guidelines and that there is a maximum number of hours that can be converted to vacation time. (A person's maximum vacation leave allowance can be increased by no more than 96 hours through conversion of sick leave.) Mr. Prouty estimated that the maximum number of days that can be accumulated is approximately 60 days.

On page 12, Chairman Connors asked whether the provisions relating to holiday time were agreed upon. Ms. Bolender explained that those were the consensus provisions and that they simply provide that if an employee is unable to take a guaranteed holiday on the day that it occurs, as is the case during a legislative session, that the employee would be allowed to take that time later.

On pages 13 and 14, Senator Hutchins asked about the inclusion of the business leave provisions. Ms. Bolender explained that these were consensus provisions and that the discussion centered around the difference between overtime worked as a result of attending a public hearing and overtime incurred as a result of attending a conference, such as the N.C.S.L. annual meeting. She stated that the compromise that was reached was that, if an employee was in-state, the employee would be compensated for travel and overtime hours, but, if the employee was out-of-state, the employee would only be compensated for eight hours of work time. Representative Stromer asked about the situation where an employee stays an extra day out-of-state in order to save the state money. Ms. Bolender stated that, although a specific policy had not been set out, the matter of employee compensation in that situation was left to the director's discretion.

On page 15, line 17, upon questioning by Chairman Connors, Ms. Bolender noted that this language was added at the suggestion of Ms. Sharon Robinson. Ms. Robinson had noted that it is more cost effective to continue insurance benefits over a 30-day leave of absence without pay than it was to cancel benefits and reinstate them upon recommencement of active employment.

There were no questions or comments on pages 15 and 16. On pages 17 and 18, Representative Chapman asked whether the Service Committee and Legislative Council receive notice when an employee takes educational leave. Senator Hultman responded by saying that they do receive notice and that educational leave seems to be a discussion point at almost every Council meeting.

There was Committee discussion regarding the maternity and family leave provisions contained on pages 18 through 21 of the guidelines. Representative Chapman moved that the Committee reject the draft provisions contained in the guidelines and adopt the policy that was adopted by the House of Representatives. The motion did not pass. Senator Hutchins moved that the Committee adopt the "compromise version" which is reflected in the draft provisions contained in the guidelines. Upon a voice vote, Chairman Connors declared that the vote was unclear and that it appeared, at this time, that the central staff agencies were without a policy on maternity and family leave.

On page 21, beginning with line 21, Representative Chapman mentioned that reports of hirings made to both the Legislative Council and the Service Committee were somewhat different from the provisions in chapter two of the guidelines that state that approval by the Service Committee includes approval by the Legislative Council. Chairman Connors pointed out that language on page two merely related to the reporting of the filling of positions when approval was not required. He noted that these provisions only required that notice be provided to the Service Committee and also to the Legislative Council when a position is filled.

With respect to the affirmative action provisions, contained on pages 22 and 23, Chairman Connors asked the Committee members whether sexual orientation should be included as a listed minority under the affirmative action policy. The Committee discussed the concept and a bill that dealt with the issue that had been voted down in the Senate during the most recent legislative session. It was noted during the discussion that the fact that the bill had failed to pass had no bearing or effect on the guidelines for the central staff agencies. Chairman Connors reminded the members of the Committee that past legislative experience had not indicated any relationship between sexual orientation and work product. Representative Chapman mentioned that, if the language were added, the legislative branch would be setting an example for the rest of state government. Chairman Connors asked if there were any objections to the addition of the language. There were none, and the proposal was adopted. A discussion ensued in which the need to make coordinating changes was at issue. The Committee decided to add the words "sexual orientation" on page 23, line 15, to the questionnaire provisions.

Senator Welsh asked whether, in light of the language contained on page 22, line 26, requiring agencies to comply with the Iowa Civil Rights Act, administrative review by an executive branch agency, such as the Iowa Civil Rights Commission, on page 23, line 32, was appropriate. Senator Welsh suggested that immediate judicial review of Legislative Council action appeared to be more fitting under the circumstances. The Committee initially decided to strike the last sentence on page 23, which starts on line 30

and ends on line 33. There was a discussion, however, in which Representative Chapman questioned whether the Committee wished to remain silent on the issue of further redress. Mr. Angrick informed the Committee that, during one of the two times that his office had been sued, the Attorney General's Office had issued an opinion which said that a complainant could seek redress through the Civil Rights Commission under chapter 601 for any alleged affirmative action violations. Mr. Angrick mentioned that his office had been exonerated both times. Representative Chapman moved, and Senator Hutchins seconded, that the Committee amend the last sentence on page 23, beginning on line 30, to read as follows: "Any person aggrieved by the decision of the Legislative Council may initiate action through the court system." The motion passed.

On page 24, line 32, relating to recalls of employees after they had been laid off, Chairman Connors noted that it seemed incongruous to recall employees based on job classification alone when employees were laid off based on both job classification and seniority. The other Committee members agreed and the words "and seniority" were added to requirements for recall.

There were no questions or comments on pages 25 and 26. On page 27, lines nine through 11, Representative Chapman asked about the situation where an employee does not wish to accept a proffered promotion on the grounds that the employee does not consider the change in position to be a promotion. Chairman Connors replied that the employee can refuse to accept the promotion and, if the employee is fired, the employee can initiate a grievance. Representative Chapman asked Chairman Connors whether the grievance procedures were also applicable to a transfer and he indicated that they are applicable.

There were no questions or comments on pages 28 through 34. Representative Chapman noted that, on pages 35 and 36, an agreement had apparently been reached as to which political functions were permissible to participate in and which were not permissible. Chairman Connors affirmed Representative Chapman's conclusion. Chairman Connors also brought to the Committee's attention the language which begins on page 37, line 25, which relates to an employee consulting with the director of the agency about participation in political events.

There were no questions on pages 38 and 39, although Representative Chapman did note that these provisions relating to the acceptance and reporting of gifts parallel provisions which are applicable to members of the General Assembly. Chairman Connors asked, on page 40, line 29, why the words "and approval" had been stricken as they relate to the adopting of a policies and procedures manual by an agency. After some discussion, the Committee decided that those words should be reinstated on line 28, to avoid confusion.

Relating to computer hacking on pages 41 and 42, Ms. Bolender informed the Committee that the language was new. Chairman Connors asked the members whether there had been incidents of unauthorized hacking. Senators Hultman and Hutchins responded in the affirmative. Chairman Connors then read the new provisions aloud to the Committee. Ms. Bolender noted that on page 42, line 21, there appeared to be a drafting error. Chairman Connors suggested that the words "the penalty to be imposed" be stricken from that line. The suggestion met with Committee approval and was adopted.

Senator Hultman moved, and Senator Hutchins seconded, that the Committee recommend that the Legislative Council adopt the personnel guidelines as amended by the Committee, with the exception of the language relating to maternity, paternal, parental and family leave, which provisions are to be taken up at the next meeting of the Committee. The motion passed unanimously. Chairman Connors, referring the Committee's attention to some informational materials on leave policies that had been distributed to the members at the meeting, noted that an interim policy would be needed in the event of a birth occurring between this meeting and the next meeting of the Committee. Chairman Connors proposed that the Committee recommend the adoption of the House language as an interim policy. Senator Hultman proposed that the Committee recommend the adoption of the compromise language, "without prejudice", pending action at the next meeting of the Committee. The Committee voted to recommend the adoption of the compromise language for the interim period between meetings.

#### PERSONNEL SUBCOMMITTEE REPORT

Chairman Connors informed the Committee members that both Senator Hultman and he had met with employees of the Legislative Service Bureau. He said that the meetings had been very interesting and informative and that the subcommittee had also received follow-up written comments which the subcommittee had not as yet had the opportunity to assimilate. He expressed the subcommittee's desire to meet again and, subsequently, to issue a formal report on the findings and conclusion for presentation to the Legislative Council. The suggestion met with Committee approval.

#### PERSONNEL REPORT OF THE COMPUTER SUPPORT BUREAU

Mr. Sandy Scharf, Director of the Computer Support Bureau, presented the personnel report of the Computer Support Bureau. The report had been previously distributed to the members of the Committee. A copy of the report is on file in the Legislative Service Bureau. Mr. Scharf noted that page two of the report

contains the merit increases received by his staff. The report was received and filed by the Committee.

PERSONNEL REPORT OF THE LEGISLATIVE FISCAL BUREAU

Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, presented the personnel report of the Legislative Fiscal Bureau. The report had been previously distributed to the members of the Committee. A copy of the report is on file in the Legislative Service Bureau. Mr. Prouty noted that the report reflects the merit increases received by the members of his staff. The report was received and filed by the Committee.

PERSONNEL REPORT OF THE LEGISLATIVE SERVICE BUREAU

Ms. Diane Bolender, Acting Director of the Legislative Service Bureau, presented the personnel report of the Legislative Service Bureau. The report had been previously distributed to the members of the Committee. A copy of the report is on file in the Legislative Service Bureau. Ms. Bolender noted that the report reflects the current eligibility status of the staff members of the Service Bureau for merit increases and their review dates. The report was received and filed by the Committee.

PERSONNEL REPORT AND CASE UPDATE OF THE OFFICE OF THE CITIZENS' AIDE/OMBUDSMAN

Mr. William Angrick, Citizens' Aide/Ombudsman, presented his office's personnel report. He indicated that his report was similar to the reports previously given by the other central legislative staff agencies and contained the merit review dates for his staff. He noted that two persons were eligible for such increases. The report was received and filed by the Committee.

Mr. Angrick gave a progress report to the members of the Committee on the subject of the fire safety issue which he had raised at the May 17, 1989, meeting. He mentioned that he had contacted Mr. Jack Walters of General Services and that he was satisfied that Mr. Walters intends to bring the facility in which the Office of the Citizens' Aide/Ombudsman is located into compliance with the Fire Marshal's requirements.

Mr. Angrick then gave the Committee an update on the progress of pending litigation in which his office is involved. He noted that his office has appealed the decision relating to the refusal to comply with subpoenas issued by his office. That appeal is still pending. He also sought a Service Committee recommendation to the Legislative Council relative to consultation with the Office of the Attorney General and the retention of outside

counsel. He noted that the Attorney General's Office had not yet relinquished its position to defend the Citizens' Aide/Ombudsman's Office, but that, because of a potential conflict of interest, the Attorney General was not adverse to the retention of outside counsel. He also stated, however, that the Attorney General was of the opinion that counsel's legal fees should be paid by the Executive Council and that the hourly rate paid by the Executive Council fell \$15 short of the rate requested by the attorney which his office had retained. Mr. Angrick, therefore, was requesting that the \$15 difference be paid by the Legislative Council from moneys available to the General Assembly. That request met with Committee approval and was adopted by the Committee for recommendation to the Legislative Council.

#### REPORT OF THE COMPUTER SUBCOMMITTEE

Senator Hutchins presented the report of the Computer Subcommittee. A copy of the report is attached to these minutes and is hereby incorporated by reference. Senator Hutchins stated that the subcommittee recommends for adoption by the Legislative Council that the Legislative Fiscal Bureau be permitted to purchase personal computer hardware, as they had previously requested; that the subcommittee continue to function in order to monitor the investigation and selection of computer software; and that the Computer Support Bureau be permitted to fill the currently vacant and available Software Analyst I position. Representative Chapman asked Mr. Prouty how many personal computers his office intends to purchase. Mr. Prouty responded that he intends to purchase twenty-five computers, depending on the bid amounts. He stated that the proposed cost ranges from between \$75,000 to \$80,000 at present. Representative Chapman asked Senator Hutchins whether the costs incurred thus far had exceeded the allotted \$120,000. Senator Hutchins responded in the negative. Senator Hultman moved that the Service Committee recommends that the Legislative Council require that any personal computers purchased be compatible with the current system for both short-term and long-range planning purposes. Representative Chapman seconded the motion. The motion passed. Senator Hutchins added that the subcommittee also recommends that the Committee permit Mr. Sandy Scharf to investigate possibilities with Hawkeye Security, which may allow Mr. Scharf to obtain another central processing unit at little or no purchase cost. Senator Hutchins and Mr. Scharf explained that such an acquisition would help to extend the life of the current central processing units and would provide an addition 25 percent capacity to the current system. Mr. Scharf also noted that the additional unit could provide additional system protection in the event of the failure of the other central processing units. Senator Welsh moved that the Service Committee recommend to the Legislative Council that Mr. Scharf also be permitted to purchase five to 10 Unisys terminal emulator package boards and modems for utilization by members of

the General Assembly who currently have their own personal computers and are already authorized to use the system. Senator Hutchins seconded the motion. The motion passed. Senator Hutchins moved adoption of the recommendations of the Computer Subcommittee. Representative Chapman seconded the motion and the motion passed.

ADDITIONAL PERSONNEL REPORT OF THE LEGISLATIVE SERVICE BUREAU

Ms. Diane Bolender presented a personnel report for the Legislative Service Bureau requesting several grade changes for certain staff members and notifying the Service Committee of the employment of a new research analyst and legal counsel. A copy of the report is attached to these minutes and is hereby incorporated by reference. She noted that the report contains a request to change Mr. Gary Kaufman's status to Senior Legal Counsel, Ms. Susan Voss' status to Legal Counsel II to bring her to the salary equivalent of that which she had been receiving as legal counsel for the Office of the Citizens' Aide/Ombudsman, and Ms. Andrea Meier's status to that of Proofreader Coordinator since she is currently performing those duties. She also noted that Mr. Gary Rudicil had been selected to fill the vacant Research Analyst I position, that, due to the impending retirement of Ms. Grace Rehnblom, the Assistant Code Editor position would soon be vacant and will need to be filled, that the one of the two authorized librarian positions would soon need to be filled due to the impending retirement of Ms. Ruth McGhee, that one of the temporary Public Information positions would need to be made permanent since both positions are currently vacant, and that she was requesting permission to hire Ms. Aida Audeh as Legal Counsel I to fill the position which is currently held by Ms. Deanne Nail and which will become vacant in August. Ms. Bolender also stated that it may become necessary to hire some additional temporary employees due to last session's unusually large amounts of compensatory time accrual and interim work. Ms. Bolender noted that position descriptions for new positions contained in the pay resolution had been mailed to Committee members.

Representative Chapman asked Ms. Bolender what the qualifications are for Legal Counsel. Ms. Bolender responded that they must possess a law degree. Representative Chapman asked how long Ms. Voss had been employed by the Service Bureau. Ms. Bolender replied that she was employed last September.

Senator Welsh moved that the Service Committee recommend that the Legislative Council adopt the personnel requests. The motion passed although Representative Chapman voted "no" on the motion.

OTHER BUSINESS AND ADJOURNMENT

Mr. Greg Nichols updated the Committee on the advertising of the position of Director of the Legislative Service Bureau. He noted that the advertisement would be placed in several major periodicals and that the deadline for submission of applications is August 11, 1989. Representative Stromer asked what the salary limits were and Mr. Nichols responded that the salary was advertised as negotiable.

Senator Welsh asked if any of the members had received any information on the voice message system. No member had received any information.

Senator Hultman moved that the Committee adjourn. The motion passed and the Committee adjourned at 11:20 a.m.

Respectfully submitted,

LESLIE E. WORKMAN  
Legal Counsel