

M I N U T E S

SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

June 13, 1991

PRELIMINARY BUSINESS

The Service Committee of the Legislative Council was called to order by Senator Joseph J. Welsh, Chairperson, at 9:49 a.m. in Room 22 of the State House, Des Moines, Iowa. Members present, in addition to Chairperson Welsh, were:

Senator Bill Hutchins
Senator Jack Rife
Representative Kay Chapman
Representative John Connors
Representative Harold Van Maanen

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

Chairperson Welsh asked whether there were any comments, questions, or corrections to the minutes of the May meeting of the Committee, copies of which had been previously distributed. There were none and the minutes were approved as distributed.

Chairperson Welsh noted that the first item on the Committee agenda was receipt of the June and annual personnel reports of the central legislative staff agencies and commented that, in light of the gubernatorial item vetoes in the most recent state employees' salary bill, the Committee may wish to adopt a policy regarding salary increases for central legislative staff agency employees which is consistent with the expected policy of the executive branch on receipt of merit increases by executive branch employees. It was noted that a policy which would conform receipt of merit increases with executive branch practice and policy would also be consistent with the current practice and policy for employees of the House and Senate.

Ms. Bolender noted that the Legislative Service Bureau has 14 individuals whose review date occurs on June 21, and that many of those persons are senior employees since one of the former directors had moved the review dates of all of his employees to coincide with the first pay period in the fiscal year. Senator Rife

asked whether, as a matter of law, the persons whose review date occurs on or before the commencement of the fiscal year would receive a merit salary increase without any action by the Committee or the Legislative Council. Ms. Bolender stated that due to the large number of persons affected, and in view of the potential ambiguity created by the Governor's action on the salary bill, she would feel more comfortable if the Committee and Council were aware of the issue and took affirmative action to clarify the position of the Committee and Council on the issue.

Senator Hutchins moved that the Committee recommend that the Council adopt a policy which permits a person whose employment review date occurs before July 1, 1991, and who is eligible for a merit increase effective with the pay period occurring upon the employment review date, to receive the merit salary increase. He added that if the employee's review date occurs after that time and the employee is eligible to receive a merit salary increase, the employee should not receive the increase.

Representative Connors moved to amend Senator Hutchin's motion to include a provision that, should the Governor lose the pending court case relating to receipt of salary increases, those legislative employees entitled to merit increases, but not receiving increases because of their merit review date falling after the cutoff date, should receive those merit increases retroactively. He added that he would also like the Legislative Council to join the suit against the Governor on the issue of salary increases. Senator Rife indicated that, while he supported Senator Hutchins' motion, he did not feel that the Council should be involved in the pending law suit.

Senator Hutchins suggested that the Council should perhaps monitor the outcome of the pending lawsuit because of the potential fiscal ramifications of a court decision. Senator Hutchins then moved to amend his motion to include a provision that if the Court reverses the Governor's vetoes affecting state employees' salaries, then all employees eligible should receive, retroactively, merit salary increases. The Committee discussed the length of time potentially required for a court decision and the likelihood of an expedited decision on the matter. The Committee then voted on Senator Hutchins' motion as amended by Senator Hutchins, and the motion, as amended, was adopted.

ANNUAL AND JUNE PERSONNEL REPORTS OF THE LEGISLATIVE SERVICE BUREAU

Chairperson Welsh recognized Ms. Diane Bolender, Director of the Legislative Service Bureau, for the June and annual personnel reports of the Legislative Service Bureau. Copies of each of the reports are on file in the Legislative Service Bureau. Ms. Bolender noted that the annual report for the Legislative Service Bureau contains the organizational chart of interrelationships within the Bureau; the position classification system; the annual personnel report that documents

employees' names, positions, grades and steps, and merit increase eligibility dates; the overtime and compensatory time annual report; the work attendance policy; the procedures for use of leave time; the costs of educational leave; and a copy of the current performance evaluation form. She added that the June personnel report, in addition to the notification of receipt of merit step increases, contains a request for approval for reclassification for a Text Processor, Ms. Marva Cross, from a Legislative Text Processor I position, at grade 19, step 4, to a Legislative Text Processor II position, at grade 22, step 3. Ms. Cross, Ms. Bolender stated, both meets and exceeds the requirements for the promotion.

Ms. Bolender reminded the Committee members that an employee of the Legislative Service Bureau, Ms. Kathaleen Miklus, is currently on leave due to disability and is receiving vacation leave sharing benefits. She then informed the Committee members that Ms. Miklus has filed papers, which are currently being processed, for permanent disability leave and updated the members on Ms. Miklus' relative medical condition. Ms. Bolender stated that Ms. Miklus currently holds the Executive Administrator position in the Bill Room and that, if Ms. Miklus' application for permanent disability leave is granted, Ms. Bolender would then like to have the current Senior Bill Clerk, Ms. Bridget McNerney, assume the position of Acting Executive Administrator at the Executive Administrator's pay grade, since Ms. McNerney has already had to assume the responsibilities for that position. Ms. Bolender added that August 3, 1991, is the date that Ms. Miklus becomes eligible for receipt of permanent disability benefits, and that should Ms. Miklus be unable to return to her position, the position will be advertised and the normal application process for filling the position will be followed.

Senator Hutchins noted that receipt of permanent disability benefits, however, does not mean that an individual will automatically be eligible to receive Medicare benefits. He indicated that there is a two-year waiting period before an individual who qualifies for Medicare will receive the medical benefits.

Ms. Bolender stated that the Legislative Service Bureau currently has a vacant text processor position in the Code Office which the Bureau intends to fill. Currently, she stated, the Legislative Service Bureau is attempting to maximize usage of the computer software and hardware and has begun entry of the text for the Administrative Bulletin. She added that about one-half of the workload for the position is being performed by a current employee, in addition to the employee's other duties, and that the use of Bureau personnel in performing the Bulletin entry can both save the Bureau a considerable sum of money and also assist with the timing of the production of the document. In response to a question by Representative Chapman, Ms. Bolender noted that the text processors are cross-trained so that they can perform a variety of tasks within the Code Office. Ms. Bolender noted that two people, Ms. Joyann Benoit and Ms. Donna Waters, will be retiring from the Administrative Code division in the near future, so there will be two editorial vacancies in that division which will need to be filled.

Chairperson Welsh asked if there were any questions or comments on the Legislative Service Bureau reports. There were none and Chairperson Welsh asked for unanimous consent to receive, file, and approve the reports as submitted. There were no objections and the reports were adopted.

ANNUAL AND JUNE PERSONNEL REPORTS OF THE LEGISLATIVE FISCAL BUREAU

Chairperson Welsh recognized Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, for presentation of his annual and June personnel reports. Copies of each of the reports are on file in the Legislative Service Bureau. Mr. Prouty noted that the first page of the Legislative Fiscal Bureau materials contains the June personnel report, with the balance consisting of the routine documentation for the required annual personnel report. Chairperson Welsh asked if there were any questions or comments on the reports. There were none and Chairperson Welsh asked for unanimous consent to receive, file, and approve the reports. The reports were then received, filed, and approved.

JUNE AND ANNUAL PERSONNEL REPORTS OF THE LEGISLATIVE COMPUTER SUPPORT BUREAU

Chairperson Welsh recognized Mr. Sanford Scharf, Director of the Legislative Computer Support Bureau, for presentation of his June and annual personnel reports. Copies of each of the reports are on file in the Legislative Service Bureau. Mr. Scharf stated that his reports consisted of the monthly and annual standard notices and charts and reflects no organizational changes in his office. Chairperson Welsh asked if there were any questions or comments on the reports. There were none and Chairperson Welsh asked for unanimous consent to receive, file, and approve the reports. The reports were then received, filed, and approved.

JUNE AND ANNUAL PERSONNEL REPORTS OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Welsh recognized Mr. William Angrick II, Citizens' Aide/Ombudsman, for presentation of his June and annual personnel reports. Copies of each of the reports are on file in the Legislative Service Bureau. Mr. Angrick stated that his monthly personnel report includes a request for approval for the promotion of both Connie Bencke and Wendy Sheetz from Assistant I positions, at Grade 27, Step 2, to Assistant II positions, at Grade 30, Step 1. He noted that both Ms. Bencke and Ms. Sheetz successfully completed their probationary periods and have assumed multiple institutional duties. He questioned whether the issue

and discussion of merit increases include or affect promotions and noted that he intends, upon the occurrence of the anticipated successful completion of her probationary period, to promote Judi Stageberg to an Assistant II position. He added that Mr. Randy Meline, Assistant for Institutions, will be resigning from the Office in September and that Ms. Stageberg will be assuming Mr. Meline's institutional duties at that time. Mr. Angrick stated also that his June personnel report includes notice of one-step merit increases, effective June 7, 1991, for Mr. Randy Meline and Mr. Michael Ferjack.

Chairperson Welsh asked whether the information on the Bencke and Sheetz promotions, as well as the information on the promotion within the Legislative Service Bureau, had been sent to the members of the Committee in advance and received a negative response regarding the Bencke and Sheetz promotions. Chairperson Welsh then asked that, in the future, written notice of any personnel or other action that requires a vote of the Committee to be effective be sent to Committee members in advance. He then asked the Committee members whether they wished to move on the Ombudsman's promotion requests, given the brevity of the notice, and noted that the Committee will not be meeting in August.

Representative Connors moved that the annual and June personnel reports be received and filed, and that the recommendations contained in the reports be approved. The motion carried by a unanimous voice vote.

Mr. Angrick indicated that, given the language in the most recent pay resolution, he understands that some sort of administrative meeting is to take place regarding the disparity in the salaries between legislative and executive branch employees, with the potential goal of upgrading legislative employee salaries to the levels set for executive branch employees with similar duties. He noted that when he had asked about this issue at the January meeting he had been told that the issue would be most likely discussed during the June meeting and so he was seeking direction as to whether a request for reclassification of the Deputy Ombudsman and some of the Assistant positions would be most appropriately addressed at the July meeting. He noted that the Deputy Ombudsman is classified at a lower grade level than the other Deputy Director positions in the central legislative staff agencies and that the Legal Counsel position in the Ombudsman's Office is classified at a lower grade level than that of Legal Counsel in executive branch agencies, although the duties are at least commensurate and usually surpass the Legal Counsel II requirements for executive branch agencies. Mr. Angrick noted that he had sought a reclassification of the Ombudsman Legal Counsel position prior to the beginning of the most recent legislative session, and that, since events which took place during the session have caused him to believe that something will be done during this interim period, he wished to have some direction as to the amount of preparatory work he should perform in order to provide the necessary information. Chairperson Welsh then appointed a subcommittee of Representative Chapman, Representative

Connors, and Senator Rife to investigate the matter, with Representative Chapman as the Chairperson of the subcommittee.

ADMINISTRATIVE REPORT OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Welsh again recognized Mr. Angrick, Citizens' Aide/Ombudsman, for presentation of an administrative report. A copy of the report is on file in the Legislative Service Bureau. Mr. Angrick reported that the Ombudsman's Office has continued to experience several problems despite office remodeling and that he had requested an evaluation of the situation by both O.S.H.A. and General Services. He noted that the problems include the discovery of asbestos-wrapped pipes and inadequate ventilation of areas shared by the Ombudsman's Office and the Micrographics Section of the Department of General Services. Although the asbestos problem is not severe, Mr. Angrick stated, the Department of General Services' report shows that there is an antiquated and inadequate ventilation system for the joint Micrographics and Ombudsman's Office area. The Ombudsman's share of the cost of replacing the ventilation system is approximately \$6,000. Mr. Angrick indicated that there were sufficient funds remaining in this year's budget to accommodate payment of the cost of replacing the system without encroaching upon the percentage budget amount previously required by the Council to be reverted by the Office. He indicated that he wished to notify the Committee of the intended action since this would reduce the total amount of the Office's projected reversion. There were no objections to Mr. Angrick's intended action.

Mr. Angrick then notified the Committee that his Office is undergoing a software upgrade which will cause the office to utilize the same software as the other central legislative staff agencies, and permit the office to utilize the services of the Legislative Computer Support Bureau. He added that his office is also going forward with the rulemaking and publication process for purposes of developing new administrative rules and that he wished to notify the Committee of the pendency of those rules.

Representative Van Maanen asked whether the Ombudsman's Office shares space with the state or the federal micrographics section and Mr. Angrick replied that the micrographics section is part of state government. Senator Hutchins expressed interest in being informed, in writing, when the air flow problems in the Ombudsman's Office are finally resolved.

There were no further administrative items by the Ombudman's Office and the report was received and filed by the Committee.

AMENDMENT TO PERSONNEL GUIDELINES -- OVERTIME FOR LIBRARY EMPLOYEES

Chairperson Welsh recognized Mr. Richard Johnson, Deputy Director of the Legislative Service Bureau, for presentation of a report. Mr. Johnson noted that the Committee members' packets each contain a copy of a proposed amendment to the Personnel Guidelines for the Central Legislative Staff Agencies which relates to overtime compensation for legislative librarians. The impetus for the amendment, Mr. Johnson indicated, dates to an old court ruling on the applicability of overtime compensation guidelines contained in the federal Fair Labor Standards Act and recent subsequent federal legislation which exempts all but legislative librarians from the application of the Fair Labor Standards Act. The proposed amendment conforms the Personnel Guidelines with the Fair Labor Standards Act requirements. Representative Connors and Senator Hutchins, noting that the proposal struck language relating to receipt of overtime compensation, asked if the overtime compensation for librarians was covered by language which appears somewhere else in the Guidelines. Mr. Johnson replied that the librarians would be covered by other language and the effect of the proposal would not cause them to be denied compensation. Senator Hutchins moved for a short form affirmative vote on the proposal. The motion passed unanimously.

REPORT OF THE COMPUTER SUBCOMMITTEE

Chairperson Welsh informed the members of the Committee that the Computer Subcommittee of the Service Committee, which had been established at the last Committee meeting, had met and negotiated a new proposal for upgrading the legislative computer system. A copy of an outline of the proposal was included in the members' meeting materials and is on file in the Legislative Service Bureau. He noted that the proposal includes the upgrading of the computer processor, various discounts, and 124 free copies of the designer workbench software. Chairperson Welsh reminded the members that, as Mr. Scharf had indicated at the last Committee meeting, Mr. Scharf's budget can absorb the cost of the upgrades, but noted that since the proposal does not anticipate additional equipment purchases, there may be a need to come and request additional funds for equipment or other computer needs if those become necessary. Representative Connors asked what the difference is between this proposal and the proposal that was put forth at the May Committee meeting and Chairperson Welsh indicated that the new proposal is about \$100,000 less due to additional concessions by Unysis. Senator Hutchins moved that the proposal be recommended to the Legislative Council for adoption. The motion carried on a unanimous voice vote.

ADJOURNMENT

Chairperson Welsh asked whether there was any further business to come before the Committee. There was no other business and the Committee adjourned at 10:30 a.m.

RESPECTFULLY SUBMITTED,

LESLIE E. WORKMAN,
Legal Counsel

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