

## **MINUTES**

### **SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL**

**June 23, 1993**

#### **PRELIMINARY BUSINESS**

The June 23, 1993, meeting of the Service Committee of the Legislative Council was called to order by the Chairperson, Speaker Harold Van Maanen, at 11:29 a.m. in Room 305, Kirkwood Hall, Kirkwood Community College, Cedar Rapids, Iowa. Members of the Committee who were present at the meeting, in addition to Chairperson Van Maanen, were as follows:

Senator Don Gettings  
Senator Wally Horn  
Senator Jack Rife  
Representative John Connors  
Representative Teresa Garman

Also present at the meeting were 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; Mr. William Angrick, Citizens' Aide/Ombudsman; members of legislative staff; and other interested persons.

Chairperson Van Maanen noted that all members had received copies of the minutes of the last Committee meeting. Representative Connors moved that the reading of the minutes be dispensed with and that the minutes be approved as mailed. There was no discussion and the motion passed on a unanimous voice vote. Copies of the minutes are on file in the Legislative Service Bureau.

#### **RECEIPT OF ANNUAL PERSONNEL REPORTS**

Chairperson Van Maanen recognized Ms. Diane Bolender, Director of the Legislative Service Bureau, for presentation of the annual personnel reports. Copies of the reports are on file in the Legislative Service Bureau. Ms. Bolender noted that each of the members had been mailed copies of the annual reports of the four central nonpartisan legislative agencies, which are required to be filed under the Personnel Guidelines for the Central Legislative Staff Agencies and which contain information regarding the organization of

the agencies, the positions within the agencies, an annual report regarding positions held within each agency, an overtime report, work attendance policies, procedures for use of leave, costs of use of leave, and a copy of the performance evaluation forms used in the agencies. Ms. Bolender noted that if there were any questions, that the directors of the Central Legislative Staff Agencies were prepared to answer them. Chairperson Van Maanen asked if there were any questions. There were none and the reports were received and filed.

#### PERSONNEL REPORT OF THE LEGISLATIVE FISCAL BUREAU

Chairperson Van Maanen recognized Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, for presentation of a personnel report. Copies of the report are on file in the Legislative Service Bureau. Mr. Prouty stated that the Legislative Fiscal Bureau personnel report consisted of a letter, a chart that contains notice of merit step increases, and a proposed promotion. The proposed promotion, he noted, is for the promotion of Tami Fujinaka from the position of Legislative Analyst to Legislative Analyst I, and is contingent upon successful completion of her performance evaluation. Representative Connors asked whether the increase in pay grades from grade 27 to grade 29 was related to Ms. Fujinaka's qualifications and Mr. Prouty replied that the change in pay grades was due to the differences between the pay grades for Legislative Analyst and Legislative Analyst I.

Chairperson Van Maanen asked the members of the Committee whether they wished to vote on the Legislative Fiscal Bureau personnel report at this time or whether they wished to wait and vote on all of the personnel reports at the same time. The members of the Committee indicated that they wished to take up the vote on the personnel reports of the three agencies at the same time.

#### PERSONNEL REPORT OF THE LEGISLATIVE SERVICE BUREAU

Chairperson Van Maanen then recognized Ms. Diane Bolender, Director of the Legislative Service Bureau, for presentation of a personnel report. Copies of the report are on file in the Legislative Service Bureau. Ms. Bolender noted that the Legislative Service Bureau personnel report contains information regarding merit increases that have been granted since the last notification of merit increases, notification that two employees have successfully completed their probationary employment periods, and a list of proposed promotions. Ms. Bolender noted that, with respect to the promotions of the first three individuals, these persons have been employed

by the Legislative Service Bureau for the last three sessions. Two of the promotions are from Legal Counsel to Legal Counsel I and one of the promotions is from Research Analyst to Research Analyst I. The next individuals, she stated, are listed as a promotion from Computer Systems Trainee to Computer Systems Analyst I and a promotion from Text Processor II to Senior Text Processor. Chairperson Van Maanen asked if there was any discussion of the Legislative Service Bureau personnel report. There was no discussion.

#### PERSONNEL REPORT OF THE LEGISLATIVE COMPUTER SUPPORT BUREAU

Chairperson Van Maanen recognized Mr. Sanford Scharf, Director of the Legislative Computer Support Bureau, for presentation of a report. A copy of the report is on file in the Legislative Service Bureau. Mr. Scharf stated that his report consisted of a request for approval for an additional staff person for the Local Area Network. He noted that he had met with members the Computer User Policy Direction Committee and that they are recommending that the Computer Support Bureau be permitted to add the additional staff person. He noted that the 1994 fiscal year Computer Support Bureau budget did contain funding for the position, that since that time he did add an additional person, Virginia Rowen, to his staff, but that he does not intend to increase his budget with the addition of a new person. Instead, he indicated, he intends to reduce his maintenance costs for computer terminals and reduce outside support to achieve the savings necessary to fund the position. He noted that his report included a detailed list of the duties that would be performed by the proposed new employee. Chairperson Van Maanen asked if there was discussion on the request. Representative Connors asked whether there had been an increase in the number of computers that are serviced by the bureau and Mr. Scharf responded in the affirmative. He noted that the number of file servers and computers has increased and that there are currently about 250 personal computers on the network. He also stated that maintenance costs could be reduced because he had a number of terminals in storage and that these terminals could be used to deal with any problems that might arise with existing terminals. He stated that although the Computer Support Bureau has not experienced any serious problems with the network, he was trying to prevent that from occurring. Representative Connors moved that the Committee approve the request. Chairperson Van Maanen, noting that he had received a request from Senator Rife who was temporarily absent that the Committee not take action until he could be present, requested unanimous consent to defer action temporarily on the motion until all Committee members were present. There were no objections to the request.

PERSONNEL REPORT OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Van Maanen recognized Mr. William Angrick, Citizens' Aide/Ombudsman, for presentation of a personnel report. Mr. Angrick noted that the personnel report consisted of notice of a merit increase for one employee, Connie Bencke, and a request for the promotion of Ms. Bencke from the position of Assistant I, at grade 29, step 3, to Assistant II, at grade 32, step 2. A copy of the report is on file in the Legislative Service Bureau.

Chairperson Van Maanen, noting that Senator Rife had arrived, informed Senator Rife that the Committee had received the reports containing the four central legislative staff agencies' personnel requests and that they were now at the stage in the meeting where action on the requests was to be taken. Chairperson Van Maanen also noted that one of the reports, the report of the Legislative Computer Support Bureau, contained a request for the hiring of a new employee. Chairperson Van Maanen called for discussion on the request.

Senator Rife asked how much the position would cost. Mr. Scharf replied that the salary for grade 27, step 1, is \$28,600. Senator Rife asked where the money to cover the cost of the position was to be obtained. Mr. Scharf stated that he planned to take several of the computer terminals off of maintenance, since he had several in storage, and planned to discontinue or cut back on outside services. Senator Rife asked whether the outside services that were being referred to involved fixing the machines, since most of the complaints that he had heard involved persons who were unable to get the P.C.'s to operate properly. Mr. Scharf noted that the new person would be involved in handling software not hardware problems, but he believes that most of the problems that Senator Rife was referring to most likely are related to computer software. Senator Rife asked if it was necessary to hire the new person immediately and Mr. Scharf stated that, partially because he would not be available for the July Council meeting and partially because there is a need to provide training for the person before session, it would be necessary to approve the hiring of the person by this meeting if the person was to be able to work on the projects that the Computer User Policy Direction Committee had suggested. Mr. Scharf reiterated that he does not intend to ask for additional funds to cover the cost of the new position.

Representative Garman moved that the request for the additional staff person for the Legislative Computer Support Bureau be approved. Chairperson Van Maanen asked if there was discussion on the motion. There was no further discussion and the motion passed on a unanimous voice vote.

Chairperson Van Maanen stated that the next items for discussion were the individual recommendations for reclassification that are contained in the

personnel reports of the other three central legislative staff agencies. He noted that the Legislative Fiscal Bureau had one request for reclassification, the Legislative Service Bureau had five requests for reclassification, and the Office of Citizens' Aide/Ombudsman had one request for reclassification. Representative Connors moved that the recommendations for reclassification contained in the personnel reports of the Legislative Fiscal Bureau, Legislative Service Bureau, and the Office of Citizens' Aide/Ombudsman be approved. There was no discussion and the motion passed on unanimous voice vote.

#### REPORT OF THE COMPUTER USER POLICY DIRECTION COMMITTEE

Chairperson Van Maanen recognized Mr. Dennis Prouty for presentation of the report of the Computer User Policy Direction Committee. A copy of the report is on file in the Legislative Service Bureau. Mr. Prouty noted that the members had a copy of the report in their meeting packets and stated that the report consisted of three items: 1) that the Committee received various materials from the Computer Support Bureau that the Committee members will be reviewing; 2) that the Committee will meet on July 1, 1993, to discuss those materials and other matters; and 3) that the Committee recommends that a new position be created within the Computer Support Bureau. He noted that since the Service Committee had already taken action on the new Computer Support Bureau position, that there was no need to take action on any of the recommendations contained in the report.

Chairperson Van Maanen, noting that some of the Committee members were new to the Service Committee and might not be familiar with the Computer User Policy Direction Committee, asked Mr. Prouty to describe the makeup and function of that committee. Mr. Prouty informed the Committee that the Computer User Policy Direction Committee was established approximately two and one-half years ago by the Service Committee and consists of legislative staff members from each chamber and the central legislative staff agencies. The Committee, he stated, was established to formulate overall policy recommendations, to be submitted to the Service Committee, regarding the use of the computer system of the legislative branch of government. The Committee, he explained, meets approximately monthly to discuss various issues related to the legislative computer system.

Chairperson Van Maanen then asked for unanimous consent to receive and file the report of the Computer User Policy Direction Committee. There were no objections and the report was received and filed.

## PERSONNEL GUIDELINES CHANGES

Chairperson Van Maanen recognized Mr. Richard Johnson, Deputy Director of the Legislative Service Bureau, for a presentation regarding proposed changes to the personnel guidelines for the central legislative staff agencies. A copy of the proposed new and amended guidelines are on file in the Legislative Service Bureau. Mr. Johnson began his presentation by noting that the personnel guidelines are those general guidelines that the Legislative Council has adopted during the last three to five years for the governance of the four central legislative staff agencies. The five proposed changes to those guidelines represent three new guidelines and two proposed amendments to current central legislative staff agency guidelines, he stated. Mr. Johnson noted that the substance abuse and sexual harassment guidelines had previously been submitted to the Legislative Council and had been rereferred to the Service Committee for further revision. He noted that both of those guidelines had recently been redistributed for comment from staff and had been revised based upon those comments. The two proposed changes to existing policies on gifts and sales and conflicts of interest and the proposed new provisions relating to personal financial disclosure are required as a result of the passage of the new ethics legislation, he stated.

With respect to the substance abuse policy, Mr. Johnson noted, the two basic reasons that the policy was developed are that federal legislation requires that any person who contracts with the federal government must have a substance abuse policy and the fact that a policy related to substance abuse did not exist in the central legislative staff agency personnel guidelines and the agency directors believe that this would be an appropriate subject for the guidelines. He noted that the policy that is before the Committee is modeled after the executive branch policy, but that it is more specific in several regards than the executive branch policy. The policy, he stated, leaves substantial discretion with the employer and contains no mandatory dispositions of substance abuse infractions so that the employer is not required to take certain action upon a violation of the policy. There are essentially two types of dispositions available under the policy, he noted, those being progressive discipline and discharge and the other being summary discharge. Summary discharge is available for certain more egregious violations that are listed in the policy, Mr. Johnson said, and mitigating circumstances are permitted to be considered in all situations that may come within the policy parameters.

Chairperson Van Maanen indicated his preference for taking each of the policies up as separate recommendations to the Council and asked if there was any discussion of the proposed substance abuse policy. Representative Connors asked whether the language contained under section A (2)(a)(i), which refers to reporting or returning to work "during regular work hours following a meal or break period during which alcohol, prescription

drugs...(are) consumed or used in an impaired condition....", would prohibit an employee from going out and having a cocktail at lunch. Mr. Johnson noted that the focus of that paragraph is on whether the person is impaired by the substance consumed. Chairperson Van Maanen asked if there was any further discussion of the policy. There was no further discussion and Representative Connors moved that the Committee recommend the policy for adoption to the Legislative Council. The motion passed upon a unanimous voice vote.

Mr. Johnson next described the changes that were contained in the proposed sexual harassment policy. He noted that policy has been modified from the previous version to clarify that the policy only applies to central legislative staff members, not members of the general assembly or pages, and does not prohibit informal settlement of complaints.

Chairperson Van Maanen asked if there was any discussion on the policy. Representative Connors asked whether the policy only applied to adults and Mr. Johnson replied that it only applied to central legislative staff and did not apply to House and Senate pages. Representative Connors, noting his previous concern about the effect of public disclosure of a sexual harassment complaint against a person, asked how the policy would deal with a frivolous complaint or a situation where a person did not know that the conduct was offensive. Mr. Johnson replied that there were informal settlement options under the policy and mentioned an incident that had occurred where similar informal action had been used. He added that the agencies also intended to use training to help employees use appropriate tools to remedy complaints. Representative Garman noted that the policy does contain language in the definition of sexual harassment that requires that the offensive character of the conduct be clearly communicated to the person who has engaged in the conduct.

Chairperson Van Maanen asked if there was any further discussion of the policy. There was no further discussion and Representative Connors moved that the Committee recommend the policy for adoption to the Legislative Council. The motion passed on a unanimous voice vote.

Mr. Johnson next described the proposed amendments to the gifts and sales and the conflicts of interest guidelines as well as the proposed new language relating to personal financial disclosure. He noted that the amendments basically conform the current policy to the language of the ethics bill which passed during the last legislative session and that the Legislative Service Bureau will be submitting proposed forms for personal financial disclosure at a later date for the Committee's review and approval.

Chairperson Van Maanen suggested that, due to time constraints and the fact that the gifts and sales language and the conflicts of interest language were only amendments to current policies, that the three policies be taken together and voted on as a package. He asked if there was discussion on the policies. There was no discussion and Representative Connors moved that the Committee recommend the policies for adoption to the Legislative Council. The motion passed on a unanimous voice vote.

OTHER BUSINESS, ADJOURNMENT

Chairperson Van Maanen asked if there was any other business to come before the Committee. There was no other business and Representative Connors moved that the Committee adjourn. The Committee adjourned at 12:02 p.m.

Respectfully submitted,

LESLIE E. W. HICKEY  
Legal Counsel