

MINUTES

SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

June 15, 1994

PRELIMINARY BUSINESS

The June 15, 1994, meeting of the Service Committee of the Legislative Council was called to order by Speaker Harold Van Maanen, Chairperson, at 10:15 a.m., in Room 22 of the Statehouse. Members of the Committee who were present at the meeting, in addition to Chairperson Van Maanen, were as follows:

Senator Wally Horn
Senator Jack Rife
Representative John Connors

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; Mr. Duncan Fowler, Deputy 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 submitted. 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.

INTRODUCTION OF NEW DEPUTY CITIZENS' AIDE/OMBUDSMAN

Chairperson Van Maanen recognized Mr. William Angrick, Citizens' Aide/Ombudsman, for an introduction. Mr. Angrick introduced Mr. Duncan C. Fowler, the new Deputy Citizens' Aide/Ombudsman, to the members of the Committee. Mr. Angrick noted that the hiring of Mr. Fowler had been included in the Citizens' Aide/Ombudsman May personnel report and was discussed and approved at the May Service Committee meeting. Chairperson Van Maanen and the other Committee members welcomed Mr. Fowler and wished him well in his new position.

ANNUAL PERSONNEL REPORT OF THE LEGISLATIVE FISCAL BUREAU

Chairperson Van Maanen recognized Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, for presentation of the annual personnel report required to be filed with the Service Committee by the Personnel Guidelines of the Central Legislative Staff Agencies. Copies of the report are on file in the Legislative Service Bureau. Mr. Prouty noted that the annual report is smaller than last year's, and that this is a result of the exclusion of the various policies and procedures and job descriptions which were left out because they were unchanged from the copies that the members received last year. He said that if members wish to have copies of the manual, he has extra copies.

There were no questions of Mr. Prouty concerning his report and Representative Connors moved that the Committee receive and file the report. The motion carried on a unanimous voice vote.

ANNUAL PERSONNEL REPORT OF THE LEGISLATIVE SERVICE BUREAU

Chairperson Van Maanen recognized Ms. Diane Bolender, Director of the Legislative Service Bureau, for presentation of the annual personnel report. Copies of the report are on file in the Legislative Service Bureau. Ms. Bolender indicated that she had also excluded copies of the policies and procedures and job descriptions from her report, but that she did include a copy of the chapter 5 language, relating to the receipt of deferred compensation, since that language had been changed to match the language currently in effect for the executive branch. Ms. Bolender noted that Mr. Richard Johnson, Deputy Director of the Legislative Service Bureau, has complete copies of the policies and procedures if any member wishes a copy.

There was no further discussion and Representative Connors moved that the Committee receive and file the report. The motion carried on a unanimous voice vote.

ANNUAL PERSONNEL REPORT OF THE COMPUTER SUPPORT BUREAU

Chairperson Van Maanen recognized Mr. Sanford Scharf, Director of the Legislative Computer Support Bureau, for presentation of the annual personnel report. A copy of the report is on file in the Legislative Service Bureau. Mr. Scharf stated that, like the other agency reports, his report also does not include copies of job descriptions and policies and procedures, but that it does include requested information regarding tables of organization and work attendance policy. Representative Connors asked whether the work attendance policy was new and Mr. Scharf responded that it was not new. There was no further discussion and Representative Connors moved that the Committee receive and file the report. The motion passed on a unanimous voice vote.

ANNUAL PERSONNEL REPORT OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Van Maanen recognized Mr. William Angrick, Citizens' Aide/Ombudsman, for presentation of the annual personnel report. Copies of the report are on file in the Legislative Service Bureau. Mr. Angrick stated that, as is the case with the other agencies, there have been no changes in the policies and procedures and job descriptions for the office, and that consequently those items are not included in the report. He stated that the report consists of an update on the organizational chart and other items.

There was no discussion and Representative Connors moved that the Committee receive and file the report. The motion carried on a unanimous voice vote.

PERSONAL FINANCIAL DISCLOSURE STATEMENTS

Ms. Bolender was recognized briefly by Chairperson Van Maanen for a comment. She stated that the members of the Service Committee had been mailed the copies of the personal financial disclosure statements of the persons who are required to file those reports under the Policies and Procedures of the Central Legislative Staff Agencies and chapter 68B of the Code.

JUNE PERSONNEL REPORT OF THE LEGISLATIVE FISCAL BUREAU

Chairperson Van Maanen recognized Mr. Dennis Prouty for presentation of the June personnel report of the Legislative Fiscal Bureau. A copy of the report is on file in the Legislative Service Bureau. Mr. Prouty noted that the first half of the report consists of notice of merit increases and notice that Mr. Jon Studer will be gone through August 29, 1994, on parental leave. The remainder of the report, he stated, consists of two persons who are being recommended for promotions, Mr. Brad Hudson and Mr. Larry Sigel. He noted that the Service Committee had begun the tradition of requiring that promotion requests be brought to the Committee for approval twice a year. He noted that Mr. Hudson will have been in his position for two years in September, and is eligible for promotion, effective in September. The other promotion, that of Mr. Sigel, he noted, is based upon giving him credit for advanced education, since he has not been in his position for two years.

Chairperson Van Maanen asked what differences in duties Mr. Hudson will be assuming if he is to become a senior analyst. Mr. Prouty responded that Mr. Hudson currently deals primarily with school finance issues, but that senior analysts are expected to provide more leadership to other analysts and are expected to broaden their knowledge base to other areas. For example, Mr. Prouty said, he anticipates that Mr. Hudson will be working on providing information about the State Board of Regents and is already working on a project related to the counties. Chairperson Van Maanen asked whether there is an Analyst IV position or whether Senior Analyst was the top classification and Mr. Prouty indicated that the Senior Analyst position is the top classification.

Senator Rife, noting that Mr. Prouty had indicated that the Central Legislative Staff Agencies submitted requests for promotions twice a year, asked whether it would be possible for a staff member to receive two promotions in a year. Mr. Prouty indicated that it would not be possible. Senator Rife asked whether it would be possible for a staff member to receive both a promotion and a merit increase in a year. Mr. Prouty indicated that it would be possible. Senator Rife commented that, in the Senate, requests for promotions are submitted only annually and that it is not possible for a staff member to receive both a promotion and a merit increase in a year.

Representative Connors commented that he believes that it is possible for House staff members to receive both a promotion and a merit increase in one year. A general discussion ensued during which it was determined that it is possible for staff of the House of Representatives to receive both a promotion and a merit increase within a one year time frame, although Senate staff could not receive both. It was explained that, in the Senate, requests for merit increases and promotions are submitted only once per year and a merit increase and a promotion could not both be obtained. After some additional discussion as to the merits of being able to receive both a promotion and a merit salary increase in a year's time, Representative Connors moved that the report be received, filed, and that the recommendations contained in the report be adopted. The motion passed on a voice vote.

JUNE PERSONNEL REPORT OF THE LEGISLATIVE SERVICE BUREAU

Chairperson Van Maanen recognized Ms. Diane Bolender for presentation of the June personnel report of the Legislative Service Bureau. A copy of the report is on file in the Legislative Service Bureau. Ms. Bolender noted that the second page includes notice of merit increases and the filling of a vacancy. The first page of the report also includes notice that an individual has completed probationary employment, she said. The last page, she stated, contains requests for promotion of two employees, Ms. Kathleen Bates and Ms. Janet Hawkins. Ms. Bates, stated Ms. Bolender, has been an Assistant Code Editor in the Code Office since 1988. Prior to that, she said, Ms. Bates worked in the Legislative Service Bureau office in the Capitol Building. Ms. Bolender noted that the change in positions, from Assistant Editor to Deputy Administrative Code Editor, is in recognition that Ms. Bates has been performing as a deputy to the Administrative Code Editor. The other individual, Ms. Bolender stated, had been working on a nonpermanent basis at the Legislative Service Bureau before she became an Assistant Indexer. The promotion for that individual, Ms. Hawkins, is from Assistant Indexer to Indexer I, Ms. Bolender said.

Chairperson Van Maanen asked whether there was any discussion. There was none and Senator Rife moved that the report be received, filed, and that the recommendations contained in the report be approved. The motion carried on a unanimous voice vote.

JUNE PERSONNEL REPORT OF THE LEGISLATIVE COMPUTER SUPPORT BUREAU

Chairperson Van Maanen recognized Mr. Sanford Scharf for presentation of the June personnel report of the Legislative Computer Support Bureau. A copy of the report is on file in the Legislative Service Bureau. Mr. Scharf stated that his report consists of notice of a merit increase and a request for the promotion of Ms. Cheryl Ritter from Computer Systems Analyst I to Computer Systems Analyst II. He noted that the increase is only a one-step increase, since the increase in job grades is from a grade 27 to a grade 29. He noted that Ms. Ritter has been involved in PC training and has been receiving training so that she is knowledgeable in both the Mapper System and the personal computer system. He said that Ms. Ritter has also been doing work in Excel as well as other areas.

Chairperson Van Maanen asked if there was any discussion. There was none, and Senator Horn moved that the report be received, filed, and that the recommendations contained in the report be approved. The motion passed on a unanimous voice vote.

JUNE PERSONNEL REPORT OF THE OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairperson Van Maanen recognized Mr. William Angrick for presentation of the June personnel report of the Office of Citizens' Aide/Ombudsman. A copy of the report is on file in the Legislative Service Bureau. Mr. Angrick stated that his report consists of one request for the promotion of Mr. Steven Exley from Assistant to Assistant I in accordance with the Personnel Guidelines for the Central Legislative Staff Agencies. Mr. Exley, he said, has held his position since 1991, has handled the largest volume of agency contacts for the past two years, performs the responsibilities as the in-house computer advisor and liaison to the Computer Support Bureau, and serves as the in-house editor on various reports. Mr. Angrick noted that Mr. Exley did receive a merit increase in March of this year, due to the date of Mr. Exley's review, and that he does deserve a promotion.

Chairperson Van Maanen asked if there was any discussion. There was none and Representative Connors moved that the report be received, filed, and that the recommendations contained in the report be approved. The motion passed on a unanimous voice vote.

PERSONNEL GUIDELINES CHANGES

Chairperson Van Maanen began the discussion of changes to the personnel guidelines by noting that there are two items, the first of which relates to the payment of certain vacation hours that have been accumulated by legislative employees. He noted that the members had each received a memorandum regarding payment of up to 40 hours of vacation time for employees who have accumulated 160 hours of vacation time or more. A copy of the memorandum is on file in the Legislative Service Bureau. Chairperson Van Maanen noted that

the executive branch has already implemented a rule to provide for payment of such vacation time, and that employees would be paid for the vacation time accumulated upon leaving employment. He added that if all legislative employees who are eligible to receive compensation for their accumulated leave take advantage of the opportunity, it will cost approximately \$66,000.

Senator Rife asked how long it would take for an employee to become eligible to receive the payout. Ms. Bolender responded that a beginning full-time employee receives two weeks vacation time per year, plus two personal days, and that if any of the vacation time is unused it may be accumulated. She added that an employee may not accumulate more than twice what the employee is entitled to receive in vacation in a year's time. Representative Connors asked whether there was an internal conflict in the wording of the policy, or whether the employee had the option to prevent payment of the costs of vacation. Ms. Bolender stated that the employee had the option to choose whether the vacation time would be paid, but that the agency director had the discretion, if insufficient funds were available, not to pay for any vacation time.

At the conclusion of the discussion, Representative Connors moved that the proposed policy be approved. The motion passed on a unanimous voice vote.

Chairperson Van Maanen then recognized Ms. Bolender for presentation of the other proposed change to the Personnel Guidelines for the Central Legislative Staff Agencies. A copy of the proposed change is on file in the Legislative Service Bureau. Ms. Bolender stated that the provision, which was offered at the last meeting, involves formation of a written policy regarding cancellation of unused accrued compensatory leave upon termination of employment, and it was drafted in response to a request from the Auditor of State that the current policy be articulated in writing. She noted that it is left to the discretion of the employer and employee to determine when the employee's last day of employment will be. She noted that unused compensatory time is extinguished at the end of the calendar year, instead of being accumulated. Representative Connors queried why an employee would not use all of their compensatory time and Ms. Bolender explained that some employees simply do not have the time to take all of their compensatory time. Representative Connors asked whether the issue of ability to take compensatory time upon termination of employment could be the subject of a grievance and Ms. Bolender indicated that she believed that it could. There was no further discussion and Senator Rife moved that the report be received, filed, and that the recommendations contained in the report be adopted. The motion carried on a unanimous voice vote.

AGENCY DIRECTORS' COMPENSATION

Chairperson Van Maanen noted that each of the members had a memorandum relating to compensation of agency directors. A copy of the memorandum is on file in the Legislative Service Bureau. Chairperson Van Maanen commented that the four agency directors had

received a two to four percent merit increase in 1991, and a seven and one-half percent cost of living increase in 1993 and a \$650 bonus in 1994 that were received by all state employees. He said that agency directors do not automatically receive the same kinds of other increases in salary as other state officers and employees. Ms. Maryjo Welch was recognized and stated that although agency directors receive COLAs, they do not receive merit increases or promotions as do other legislative employees. Representative Connors asked whether state employees who are at the highest level within their ranges are eligible to receive merit increases and Ms. Welch stated that they are at the lower levels, but that once employees have reached the top of their ranges, they will not be eligible for further merit increases. In the case of the directors, she indicated, they are at the top of their ranges and will consequently be ineligible for raises other than COLAs unless the ranges are changed. Senator Horn asked whether an attempt to increase the ranges for directors would effectively bypass the statement by the Legislature in the salary bill that there is no intent to increase the salary ranges. After a discussion of the procedures involved regarding pay resolutions, Mr. Prouty stated that there are two pay resolutions, one for Senate and House staff, which is passed by the General Assembly, and one for Central Legislative Staff Agencies, which is passed by the Legislative Council, and that the Legislative Council has the authority to modify the pay ranges for the directors. He added, in response to a question by Senator Rife, that the agency directors have not received an increase in salary, outside of COLAs, since December 1990, effective January 1991.

Senator Rife asked whether a salary increase for directors ordinarily should follow a review of the director's performance and Chairperson Van Maanen responded in the affirmative, but stated that the review was conducted in November and an increase was not recommended because the Committee members did not previously believe they had the authority to do so. Representative Connors asked whether all agency directors were at the top of their ranges and received an affirmative response, which indicated that historically the directors had been paid at the top of the range listed in the pay resolution and the pay resolution had also contained language allowing the Legislative Council to increase the range.

There was a discussion of the nature of the agency director salaries and the ability of Legislative Council to change the salary range. The Committee discussed whether they were prepared to act to change the salary ranges of the agency directors and whether legislative action was necessary. Senator Horn asked whether there was any study or other information upon which a recommendation for a change in the ranges could be made. Chairperson Van Maanen indicated that there was no study, but rather that the issue arose as a result of the recognition that there was an ability to change the salaries. After further discussion, the issue was deferred and a subcommittee consisting of Senator Rife and Representative John Connors was appointed to investigate the issue of salary increases for agency directors.

OTHER BUSINESS. ADJOURNMENT

There was no other business and Representative Connors moved that the Committee adjourn. The Committee adjourned at 10:57 a.m.

Respectfully submitted,

LESLIE E. W. HICKEY
Legal Counsel

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