

## M I N U T E S

### SERVICE COMMITTEE

OF THE LEGISLATIVE COUNCIL November 20, 1985

#### PRELIMINARY BUSINESS

The meeting of the Service Committee was called to order at 10:20 a.m. on Wednesday, November 20, 1985, by the Chairman, Representative John Connors, in Committee Room 22 of the State House, Des Moines. Members present in addition to the Chairman were:

Senator Lee Holt  
Senator Bill Hutchins  
Representative Delwyn Stromer

Also present were:

Mr. William Angrick, Citizens' Aide  
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau  
Mr. Sandy Sharf, Director, Computer Support Bureau  
Mr. Donovan Peeters, Director, Legislative Service Bureau  
Ms. Susan Voss, Legal Analyst, Office of Citizens' Aide  
Mr. Burnette E. Koebernick, Senior Legal Counsel, Legislative Service Bureau  
Mr. Thane Johnson, Senior Research Analyst, Legislative Service Bureau  
Ms. Diane Bolender, Senior Research Analyst, Legislative Service Bureau

Senator Holt moved that the minutes of October 16, 1985 be approved as distributed to Committee members, and the motion carried.

#### PROGRESS ON FEDERAL LEGISLATION RELATING TO OVERTIME

Ms. Voss stated that she had recently been in contact with both the United States Department of Labor and the Office of State Comptroller with regard to federal legislation that will amend the Fair Labor Standards Act as it applies to state and local governmental employees. She stated that the legislation has been passed by both houses and signed by President Reagan, but the details are not clear. She stated that public employers must provide time and one-half compensation for any hours worked over 40. Public Safety and seasonal workers must earn 480 hours of overtime before they can receive pay and other types of workers are eligible for time and one-half pay after 240 hours of overtime. The Act does not take effect until April 15, 1986. Ms.

Voss stated that the collective bargaining agreements will remain in effect, but the compensatory time must be changed to one and one-half hours for every hour worked.

Chairman Connors asked whether legislative employees are exempt from the Fair Labor Standards Act, noting that information from the National Conference of State Legislatures indicated that they were. Ms. Voss stated that she has not received specific information about legislative employees, but will continue to review the provisions of the Act.

Senator Hutchins moved that the Committee receive and file the information, and the motion was adopted.

#### COMPARABLE WORTH STUDY

Mr. Peeters distributed three items of information relating to the legislative branch Comparable Worth study to be conducted by Arthur Young & Co. He stated that following the October 16 Legislative Council meeting, he contacted Arthur Young & Co. informing them that the Legislative Council had accepted their bid to conduct the Comparable Worth Study of the legislative branch. The telephone contact was followed by a letter informing Arthur Young & Co. of the decision. Mr. Peeters explained that the contract has not yet been signed.

Mr. Peeters stated that on October 25, 1985, Mr. Roger Gallentine from Arthur Young & Co. met with Thane Johnson from the Legislative Service Bureau and Holly Lyons from the Legislative Fiscal Bureau. Mr. Gallentine requested that the legislative agencies submit a list of all employees, job descriptions, and an organization chart. He commented that the consultant also asked that a staff committee be appointed to serve as a liaison between the agencies, the Service Committee, and the consultant. He stated that Mr. Gallentine indicated that it is necessary to decide who will hear appeals of the recommendations of Arthur Young & Co. Mr. Gallentine also commented that a study timetable and job evaluation questionnaire would be mailed to the Legislative Service Bureau.

Mr. Peeters stated that a staff meeting consisting of at least one individual from each legislative agency was held on November 8, 1985 to discuss the requests received from the consultant. A copy of a summary of the staff meeting is attached and by this reference made a part of these minutes. Mr. Peeters stated that it was a belief of the staff persons present at the meeting that a staff committee could work with the consultant in the study and inform the Service Committee of the actions taken. He added that the Service Committee could express its views and unless the staff committee is instructed not to proceed, implementation of the study would move forward. Mr. Peeters indicated that Mr. Gallentine will be present on November 22 to meet with the staff committee again.

Mr. Peeters commented that some of the members of the Comparable Worth Study Committee have asked for additional clarification about the selection of an option that the study be tailor-made for the legislative branch, at a cost of \$3,200. It was noted that Representative Carpenter, who is a member of both the Comparable Worth Study Committee and the Legislative Council, was concerned whether the same instrument will be used to evaluate positions as was used to evaluate positions in the executive branch. Mr. Peeters distributed copies of a memorandum by Mr. Thane Johnson that reviews the minutes of the Service Committee and the Legislative Council as they relate to the Comparable Worth Study of the legislative branch. It was noted that there was some confusion about the two options offered by Arthur Young & Co. and the costs of each.

Representative Stromer called for further discussion about the use of an appeals board and the appeal process. Mr. Peeters noted that the tentative consensus of the staff committee was that the staff committee should function as the appeals board. Representative Stromer asked how the appeals process was developed for the executive branch. Mr. Johnson commented that the appeals process was contained in House File 753, enacted in 1985. Mr. O'Hern interjected that legislation enacted in 1984 established an appeals process that was item vetoed by Governor Branstad.

Representative Stromer described an example in which an executive branch employee's salary was increased because of the executive branch comparable worth study and the increased salary of that employee may lead to that employee's lay-off. He expressed the belief that the employee was not allowed to appeal the salary increase, and salary increases among similar employees throughout the state have had repercussions throughout the entire department. Mr. O'Hern noted that the employee about which Representative Stromer is speaking was in a position covered under AFSCME and AFSCME bargained not to have an appeal procedure.

Mr. Peeters explained that if the Council approves the recommendation of the staff committee, the consultant would review the questionnaires and score them, and the staff committee would hear appeals. He added that the Service Committee and the Legislative Council would receive the report of the consultant and the results of the appeals, and could then decide what to do with them. Chairman Connor expressed agreement with Representative Stromer that an adequate grievance procedure is necessary.

Mr. O'Hern explained that the staff committee had not envisioned that the Legislative Council as a whole would act as a second step for appeals.

Senator Hutchins suggested that the Legislative Council adopt an appeal process similar to that presently used for grievances. Mr. O'Hern interjected that some of the legislative employees are not under the jurisdiction of the Service Committee and the Legislative Council, so the staff committee felt that it was an

appropriate appeal body. Senator Hutchins commented that he believes there should be another step beyond the staff committee and that could be the Service Committee for applicable employees and the House and Senate Rules and Administration Committees for their employees. Mr. O'Hern noted that the whole House and Senate can disagree with the conclusions which would be drafted as a part of the pay resolution.

Senator Hutchins asked for further clarification about the proposed appeal process. Mr. O'Hern stated that he believes that the final report of the consultant would contain the results of appeals made to the staff committee, and the person who filed the appeal could also include in the record reasons for the appeal. He noted that the Service Committee could hear appeals as a second step. Chairman Connors expressed the belief that the Service Committee should be the final step in the appeal process in order to give a fair hearing to employees. Representative Stromer commented that if the House and Senate Rules and Administration Committees are the second step of appeal for those employees, there will not be agreement among the various agencies.

Senator Hutchins moved that the appeal process include an appeal before the Service Committee, following the decision of the staff committee, with a report to the Legislative Council. The motion was adopted. In response to a question from Mr. Angrick, Chairman Connors noted that the employee would present his or her side to the Service Committee and a representative from the staff committee would represent that side. Agency directors could appear before the Service Committee if they were called to do so.

Representative Stromer asked for additional clarification about the option selected and what the words "tailor-made" mean. Ms. Bolender reviewed a memorandum outlining the main points of a telephone conversation she had had with Mr. Gallentine concerning option 2. She noted that "tailor-made for the legislature" means that the staff committee will meet with Mr. Gallentine to develop different factors to be considered in evaluating the jobs and the ratings for each factor. A copy of the memorandum is available from the Legislative Service Bureau. Chairman Connors expressed the belief that Senator Welsh believed that legislative employment was different from employment in the executive branch.

Representative Stromer asked whether the questionnaire will be identical to the questionnaire used by the executive branch. Mr. Peeters responded in the negative, commenting that the staff committee came to a consensus that some changes will be needed and these changes are currently being discussed with Mr. Gallentine. Ms. Bolender interjected that Mr. Gallentine indicated that the questions may be slightly different especially with regard to full-time employees whose session duties differ from their interim duties and with regard to questions relating to problem solving.

Mr. Peeters commented that completion of the questionnaire is only the first step. The evaluation system used will be finalized

on December 2. Representative Stromer expressed the belief that legislative employment is not as unique as some people may believe. Mr. Peeters noted that the contract which includes the expenditure of \$3,200 for option 2 has not yet been signed.

Representative Stromer moved that the Service Committee recommend that the Legislative Council reconsider its vote for approval of option 1 and vote to adopt the basic contract without option 1 or 2. Senator Hutchins commented that the Service Committee had believed that the legislative branch is different from other employing agencies and the study should therefore be different. Representative Stromer agreed to withdraw his motion and Chairman Connors commented that the issue will be discussed by the Legislative Council and Senator Welsh will be given an opportunity to discuss his reasons for moving that option 2 be accepted as part of the contract.

#### LEGISLATIVE FISCAL BUREAU VACANCY

Mr. Prouty commented that Ms. Gloria Saint Peter has submitted her resignation, and he had sought approval from Chairman Connors to advertise for a replacement for her. He indicated that he has received the resumes of 15 applicants. Representative Stromer moved that the Service Committee recommend that the Legislative Council authorize the Director of the Legislative Fiscal Bureau to employ, subject to the approval of the Legislative Council, a Legislative Analyst to fill the vacancy created by the resignation of Ms. Saint Peter. The motion was adopted.

#### BUDGETS OF LEGISLATIVE STAFF AGENCIES

Mr. Peeters explained that legislation enacted in 1985 (Senate File 409) provides that the four legislative agencies be funded from the standing unlimited General Assembly appropriation. However, the budgets of the legislative agencies must be approved by the Legislative Council and the budget amounts transmitted to the State Comptroller for inclusion in the Governor's budget. He noted that the proposed budgets must be acted upon by the Legislative Council before December 1, 1985 and he distributed copies of the proposed budgets and budget allocations for all four agencies. Copies of the proposed budgets and budget allocations are available from the Legislative Service Bureau. He noted that the current figures listed on the proposed budgets for the fiscal year beginning July 1, 1985 include the 3.85 percent that was later removed from the budget by action of the Legislative Council. Representative Stromer commented that Governor Branstad has indicated that the 3.85 percent budget reductions will become a permanent part of each agency's base. Chairman Connors indicated that the Legislative Council should not act on this matter until the Governor has made that decision for executive agencies. Representative Stromer moved that the Service Committee recommend that the proposed budgets and budget allocations for the four legislative agencies for the fiscal year beginning July 1, 1986, be approved as submitted to the Service Committee and trans-

mitted to the Legislative Council, with the understanding that actions taken by the Governor to reduce proposed budgets of executive agencies will also apply to the proposed budgets of legislative agencies upon action of the Legislative Council. The motion carried.

#### DEPUTY DIRECTOR OF THE LEGISLATIVE SERVICE BUREAU

Mr. Peeters recommended that the Service Committee recommend that the Legislative Council name Mr. Burnette Koebernick as Deputy Director of the Legislative Service Bureau effective November 29, 1985, at pay grade 40, step 5. Mr. Peeters indicated this would be an annual salary of \$46,488. Senator Holt moved adoption of Mr. Peeter's recommendation, and the motion carried.

#### STRUCTURE AND OPERATION OF THE IOWA CODE OFFICE

Mr. Peeters commented that at its October 16, 1985 meeting, the Service Committee directed him to study all aspects of the structural and working relationship between the Legislative Service Bureau and the Iowa Code Office and report back to the Service Committee with recommendations. He indicated that he will be ready to make final recommendations at the December meeting. He submitted a plan for the study which includes studying the actual process and procedures for preparation of a number of state documents, developing cost estimates for the preparation of the documents and examining this cost in relationship to the subscription and sale charges, gathering and analyzing relevant information from reference sources and interested parties, developing a range of possible options for organizational and procedural changes, and developing a set of specific recommendations to be presented to the Service Committee. He stated that he has completed a study of the processes and procedures and time frames, and has collected copies of actual workpapers, has conducted interviews with personnel, has identified some problems in the processes, and has identified some measure of the workload. He has begun developing cost estimates for preparation of the various documents and has begun research work with regard to gathering and analyzing relevant information from reference sources and various interested parties. He stated that he has made a presentation to the Administrative Rules Review Committee in regard to the study and has received information from Mr. Royce, Administrative Rules Review Coordinator. He concluded that it is premature to speak of recommendations at this time.

Mr. Peeters described his initial impressions in regard to the Iowa Code documents and the Administrative Rules documents. These are:

1. The preparation of these documents is much more complex than most people realize, including such aspects as the number of steps involved, the review-correction-and-review of corrections involved, and the preparation of various tables and indexes;

2. The sheer physical workload is considerable to say the least; and

3. A considerable number of "outside" parties are involved in the preparation of these documents, including:

- a. The State Printer;
- b. Contractual typesetters-printers;
- c. The House Journal Room;
- d. Executive and judicial agencies which originate rules;
- e. The Computer Support Bureau; and
- f. The computer vendor (Sperry Corporation).

Mr. Peeters cited a number of examples of typesetting problems which have occurred in the preparation of the Session Laws and Iowa Code Supplement. He noted that the typesetter works from a computer tape, and the tape that is supplied from the Sperry computer is incompatible with the typesetter's computer system so it is necessary that one tape be translated into the other language. He commented that the Code Supplement was run and proofread three times and in the third run there were still problems on approximately 90 of 900 pages.

With regard to the workload in printing the Administrative Code Supplements every two weeks, he commented that during the last year, over 4000 pages of the Administrative Code were amended which is about the same number of pages as the present Code of Iowa.

He suggested that one way to help alleviate the workload is that Administrative Code Supplements be completed only one time per month rather than every two weeks.

Senator Holt asked whether the problems encountered in printing the Code Supplement were a result of carelessness on the part of the typesetters. Mr. Peeters commented that problems developed partially because of the computer translation problems, partially because there always are programming errors when one uses a computer, partially because the program that was developed was not adaptable to some needs of the Code, and partially because of the typesetting people themselves.

Chairman Connors thanked Mr. Peeters for progress report. Senator Holt moved that the report be received and filed, and the motion was adopted.

The Committee adjourned at 12:00 Noon.

Respectfully submitted,

DIANE BOLENDER  
Senior Research Analyst