

M I N U T E S

SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

December 10, 1985

PRELIMINARY BUSINESS

Noting that a quorum was not present, Chairman John Connors called the meeting of the Service Committee of the Legislative Council to order at 11:10 a.m. on Tuesday, December 10, 1985 in Committee Room 22 of the State House, Des Moines, Iowa. Chairman Connors stated that the meeting would be conducted as a Subcommittee meeting to develop recommendations for consideration of the full Committee before the Legislative Council meeting on December 10, 1985. Members present in addition to the Chairman were:

Senator Lee Holt
Representative Delwyn Stromer

Also present were Dennis Prouty, Director, Legislative Fiscal Bureau, Joe O'Hern, Chief Clerk, Iowa House of Representatives, Bill Angrick, Citizens' Aide, Citizens' Aide Office, Sandy Scharf, Director, Computer Support Bureau, Donovan Peeters, Director, Legislative Service Bureau, Burnette E. Koebernick, Deputy Director, Legislative Service Bureau, Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau, and other interested persons.

"GARCIA CASE" DEVELOPMENTS

Chairman Connors recognized Mr. Bill Angrick for an update on federal legislation relating to payment of overtime for governmental employees under the Fair Labor Standards Act. Mr. Angrick noted that pursuant to the Garcia case decided by the United States Supreme Court relating to the application of the federal Fair Labor Standards Act to state and local government employees, the United States Congress has passed the Fair Labor Standards Amendments of 1985 (s. 1570) Public Law 9-150, which was signed into law by the President on November 13, 1985. Prior to the 1985 amendments, the federal Fair Labor Standards Act excluded from its coverage under the definition of "employee" elected public officials not subject to state or local civil service laws and the elected public officials' personal staffs, policymaking employees, and immediate legal advisors. The 1985 amendments add to the former exclusion for elected public officials those employees not subject to state or

local civil service laws in the legislative branch or legislative body of a state, political subdivision, or agency, provided the employees are not legislative library employees. Mr. Angrick pointed out that the 1985 amendment is effective April 15, 1986. He also emphasized that state government employers are not relieved from liability for compliance with the Fair Labor Standards Act before that date.

Senator Coleman noted that the law is applicable to employees and inquired as to whether the law would also apply to someone hired for a special project. Chairman Connors responded that each factual situation would be reviewed and a determination on this issue would have to be made by the courts.

LEGISLATIVE BRANCH COMPARABLE WORTH STUDY

Chairman Connors recognized Mr. Donovan Peeters for a report on progress on the comparable worth study for the legislative branch. Mr. Peeters noted that the Comparable Worth Staff Committee has held three meetings since the last report, including a "speaker phone" conference with the consultant. As a result of the discussions at these Staff Committee meetings, there are two points of concern that the Staff Committee would like to present to the Service Committee. Mr. Peeters stated that the consultant has expressed concern about the timetable adopted by the legislative leadership, specifically the decision to collect the data and then make a decision as to using the executive branch evaluation instrument or develop a unique evaluation instrument for the legislative branch. He pointed out that the bid proposal was not developed with this timetable in mind and it may be possible to exercise the job evaluation system option at a later date but the consultant has indicated that additional funds may be necessary to develop this instrument. Mr. Peeters stated that in view of this factor, the job evaluation, in effect, is going forward under the executive branch job evaluation system. In addition, he pointed out that the Staff Committee is concerned about the manner in which the consultant will apply the executive branch evaluation instrument to legislative branch positions. In particular, the Staff Committee is in agreement that the consultant's current views on applying the instrument do not take adequate account of the extreme physical stamina demands on legislative staff by the long hours involved in the session. The Staff Committee hopes that further discussions with the consultant and the actual presence of the consultant during the session will sufficiently acquaint the consultant with the legislative staff situation in this regard, but the Staff Committee would like to go on record at this time with its concerns and reservations in this regard.

Chairman Connors stated that he believed that the Service Committee and the Legislative Council had made their decision at the last meeting. Mr. Peeters responded in the affirmative but pointed out that the Service Committee and the Legislative Council deferred a decision in regard to developing an unique evaluation instrument for the legislative branch until the data collection is done.

Chairman Connors responded that the consultant indicated that they would proceed as the Legislative Council desired and no issue was raised concerning the possibility of additional cost at that time. Mr. Johnson pointed out that if an evaluation instrument is developed at a later time, there could be some additional cost. Representative Stromer responded that he had discussed the comparable worth study with the consultant last week and there were no discussions of needs for additional funds to do the job. Chairman Connors also stated that there was a basic understanding with the consultant that emphasis would be placed on overtime and the long hours worked during a legislative session. Mr. Peeters pointed out that under the executive branch job evaluation system, the consultant appears to ignore this very valid point. Chairman Connors responded that in his discussions with the consultant it was understood what was wanted by the Service Committee and the Legislative Council. Mr. Peeters pointed out that adequate weight is not given to the long hours under the executive branch evaluation instrument. Chairman Connors responded that the Service Committee and the Legislative Council will have to tell the consultant about the uniqueness of legislative service.

Following some additional discussion by the members of the Subcommittee, it was agreed that Chairman Connors and Mr. Peeters would try to contact the consultant during the noon hour and resolve this issue.

LEGISLATIVE FISCAL BUREAU POSITION

Chairman Connors recognized Mr. Dennis Prouty, Director, Legislative Fiscal Bureau. Mr. Prouty indicated that he had received the approval of the Service Committee at its last meeting to seek applicants to fill the vacancy created by the departure of Gloria St. Peters as a budget analyst. He noted that he had posted notice of the vacancy and published an ad seeking applicants for the position. He indicated he had received thirty applications for the position and has selected Ms. Teresa L. Johnson and recommends that she be employed by the Legislative Fiscal Bureau as a budget analyst at grade 24, step 1. Senator Holt moved that the Subcommittee recommend to the Legislative Council that Ms. Teresa L. Johnson be employed by the Legislative Fiscal Bureau as a budget analyst at grade 24, step 1. The motion was adopted unanimously.

OUTSIDE EMPLOYMENT POLICY - OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Chairman Connors recognized the Citizens' Aide, Mr. Bill Angrick. Mr. Bill Angrick stated that Mr. Scott Peterson, an employee in the Citizens' Aide Office is currently an officer and pilot in the Iowa National Guard. He pointed out that section 601G.7 relating to the Citizens' Aide Office provides that neither the Citizens' Aide nor any member of the staff shall engage in any employment for remuneration with an agency against which a complaint may be filed under the law or that could create a conflict of interest or

interfere in the performance of the individual's duties. He indicated that he felt it necessary to bring this matter to the attention of the Service Committee and suggested that he believes there are sufficient mechanisms in the operations of the office and under the current law to deal with such a potential problem in the future but suggested that he would like the approval of the Service Committee and the Legislative Council on this matter. Representative Stromer stated that on the basis of the current law and in the operations of the Citizens' Aide Office, there are sufficient personnel so that Mr. Peterson would never have to deal with a problem or complaint arising with regard to the National Guard. Representative Stromer moved that the Service Committee approve this policy on outside employment. The motion was adopted unanimously on a voice vote.

COMPUTER SUPPORT BUREAU SESSION POSITION

Chairman Connors recognized Mr. Sandy Scharf, Director, Legislative Computer Support Bureau. Mr. Scharf indicated that he wishes to advertise for and post notice regarding the position of a temporary computer operator for the session. He indicated the salary will be the same as last session which was \$6.50 per hour. He noted that he has posted the position in accordance with Legislative Council policy. Representative Stromer inquired as to the number of personnel in that office during this upcoming session versus the number of persons in that office during the last session of the General Assembly. Mr. Scharf responded that there were three employees in that office during the last session of the General Assembly and that with this additional position filled, there will be five positions in that office for the 1986 session. Mr. Scharf pointed out that one of the reasons that additional personnel will be necessary from this point forward relates to the fact that Sperry personnel were available in the office during the last session and that these personnel will not be available for the 1986 session and future sessions. Senator Holt moved that the Director of the Computer Support Bureau be authorized to advertise for and employ a computer operator for the 1986 legislative session at a salary of \$6.50 per hour. The motion was adopted unanimously on a voice vote.

LEGISLATIVE SERVICE BUREAU SESSION POSITIONS

Chairman Connors recognized Mr. Peeters, Director, Legislative Service Bureau for a report on session personnel. Mr. Peeters noted that the Legislative Service Bureau has traditionally employed four proofreaders, three bill clerks, a page, and a Public Information Assistant for the session. He stated that the proofing positions have been filled and are presently on staff. He noted that the Bureau is currently looking for the Public Information Office assistant and that two of the three bill clerk positions have been filled. He stated that two candidates have been interviewed for the page position and one more candidate will be interviewed before the page is selected.

Mr. Peeters noted that the Legislative Service Bureau currently has three legislative text processors and suggested that a need may exist for one additional text processor for the session. He emphasized that at this time he seeks authority only to advertise for and identify potential candidates with the authority to employ this person for this session if a need for that position arises. Representative Stromer inquired as to whether funds for this position would be within the current budget of the Legislative Service Bureau. Mr. Peeters responded in the affirmative. Mr. Peeters also pointed out that a need may exist for a legal intern and asked for authority to seek potential candidates for this position if it is deemed that such a position is needed for the session only. Senator Holt moved that the Director of the Legislative Service Bureau be authorized to begin the recruitment process for a legislative text processor and a legal intern and have authority to hire one or both such persons if necessary due to session work requirements. The motion was adopted unanimously on a voice vote.

LEGISLATIVE SERVICE BUREAU - POSITION CHANGE

Mr. Peeters also requested that the position of Chief Bill Clerk in the Legislative Service Bureau be changed from a 2/3 FTE to a 1 FTE. He suggested that the major reason for doing this is to increase the workload monitoring and management capabilities of the Bureau. He indicated that one of his major goals as Director is to develop proper workload management systems so as to put the Bureau in a position to perform as efficiently as possible. Representative Stromer asked that this request be deferred at this time and suggested that this information should have been provided in advance to members of the Service Committee to allow them to evaluate the request. Chairman Connors asked if there were any objections. There being no objections, Chairman Connors stated that this item would be deferred until the next meeting.

APPROVAL OF MINUTES

Senator Holt noted that the minutes of the November 20, 1985 meeting of the Service Committee of the Legislative Council have been distributed and moved to approve those minutes, as distributed. The motion was adopted unanimously on a voice vote.

PRELIMINARY REPORT ON STATE DOCUMENTS

Chairman Connors recognized Mr. Peeters for a preliminary report on the study of the preparation of state documents by the Legislative Service Bureau and the Iowa Code Office. A copy of this report is attached and by this reference made a part of these minutes. Regarding publication costs, Mr. Peeters noted that currently 4,500 copies of the Session Laws are printed of which 2,850 are distributed free. Also distributed without cost is an equivalent number of copies of the Code Supplement. He indicated that 8,700 copies of the 1985 Code were printed of which 4,800 copies were sold. Currently there are 682 copies of the

Administrative Code distributed free while sales involve only 372 copies. 1,300 copies of the Administrative Bulletin are printed of which 682 are distributed free. He indicated that the numbers of free distributions are very high. Included with the report was an estimate from the State Printer concerning the publication costs of the Iowa Code which Mr. Peeters recommended be made a part of the state document study. Senator Holt moved that the preliminary report on the study of preparation of state documents by the Legislative Service Bureau and the Iowa Code Office be approved. The motion was adopted on a voice vote.

WORKLOAD SITUATION - LEGISLATIVE SERVICE BUREAU

Mr. Peeters indicated he would like to take this opportunity to review the current workload situation of the staff of the Legislative Service Bureau. He pointed out that the staff is currently involved with work for interim study committees and preparing their reports, drafting bills for the 1986 session, and beginning work on the state government reorganization for the study committee and the Governor's Office. He asked that Mr. Koebernick be provided the opportunity to review in greater detail the specifics of the current staff workload. Mr. Koebernick stated that a total of 483 bill draft requests have been received by the Legislative Service Bureau to this date of which 337 have been completed and 146 currently being worked on. He noted that there are approximately 30 interim study committees functioning at this time of which two will be submitting final reports to the Legislative Council on this date. The remainder of those study committees have additional meetings scheduled prior to the session and some will be completing their work during the beginning week or two of the session. He emphasized that the Legislative Service Bureau staff will be putting together final reports for all of those committees as well as drafting any legislation proposed by those study committees between now and the completion of the study committee work. In addition to this work load, two staff members are currently reviewing internal references and footnotes in preparation for publication of the 1987 Code. He noted that additional burdens will be placed on the Legislative Service Bureau staff by the comparable worth questionnaires and the State Government Reorganization Study Committee which has just been created. He also noted that a member of the staff is currently working with the Bureau of the Census on the Census Bureau Boundary Block Suggestion Project and that this project will involve considerable time of that staff member during the months of December and January, including trips to Kansas City to the Bureau of the Census Offices to review maps currently on file in that office. Senator Holt responded that there is no question that the staff is presently overloaded and suggested that this report be provided to the Legislative Council in hopes that the members of the Council and the General Assembly will understand and appreciate the time constraints currently placed on the Legislative Service Bureau staff by current work demands.

ADJOURNMENT

There being no further business, the meeting of the Service Committee of the Legislative Council was adjourned at 12:15 p.m.

Respectfully submitted,

BURNETTE E. KOEBERNICK
Deputy Director