

# LEGISLATIVE COUNCIL POLICIES AND PROCEDURES

Adopted by Legislative Council on June 13, 2007

## TABLE OF CONTENTS

<b>CHAPTER 1. PERSONNEL GUIDELINES FOR THE CENTRAL LEGISLATIVE STAFF AGENCIES .....</b>	<b>1</b>
I. DEFINITIONS .....	1
II. POLICYMAKING AND OVERSIGHT AUTHORITY .....	1
III. POSITION CLASSIFICATION SYSTEM AND AGENCY ORGANIZATION.....	2
IV. COMPENSATION — SALARY .....	3
V. COMPENSATION — BENEFITS.....	5
VI. COMPENSATION — LEAVE.....	6
VII. HIRING.....	15
VIII. LAYOFF AND RECALL .....	16
IX. PERFORMANCE EVALUATIONS.....	16
X. PROMOTIONS.....	17
XI. DEMOTIONS AND TERMINATION.....	17
XII. GRIEVANCE PROCEDURES .....	18
XIII. NONPARTISAN POLITICAL PARTICIPATION GUIDELINES.....	21
XIV. GIFTS AND SALES OF GOODS AND SERVICES.....	23
XV. EMPLOYEE CONDUCT .....	26
XVI. PERSONNEL RECORDS.....	26
XVII. UNAUTHORIZED COMPUTER ACCESS (HACKING).....	27
XVIII. CONFLICTS OF INTEREST .....	27
XIX. PERSONAL FINANCIAL DISCLOSURE .....	29
XX. SEXUAL HARASSMENT.....	33
XXI. SUBSTANCE ABUSE .....	37
<b>CHAPTER 2. POLICIES AND PROCEDURES RELATING TO THE LEGISLATIVE SERVICES AGENCY.....</b>	<b>40</b>
I. CONFIDENTIALITY POLICIES RELATING TO BILL DRAFT, AMENDMENT, AND RESEARCH REQUESTS AND FILES.....	40
II. POLICY FOR REQUESTING LEGAL RESEARCH FROM THE LEGISLATIVE SERVICES AGENCY .....	45
III. RULES FOR PREFILING LEGISLATIVE BILLS .....	45
IV. LEGISLATIVE SERVICES AGENCY DUTIES — LEGISLATIVE PRIVILEGES OF THE MEMBERS AND EMPLOYEES OF THE GENERAL ASSEMBLY .....	52
V. POLICIES AND PROCEDURES FOR THE CAPITOL TOUR GUIDES.....	53
<b>CHAPTER 3. POLICIES AND PROCEDURES APPLICABLE TO THE GENERAL ASSEMBLY .....</b>	<b>56</b>
I. POLICY FOR ACCESSIBILITY FOR PERSONS WITH DISABILITIES.....	56
II. EXTENDED CAPITOL DOME TOURS POLICY .....	58
III. LIABILITY RELEASE FORMS .....	59



# **LEGISLATIVE COUNCIL POLICIES AND PROCEDURES**

Adopted by Legislative Council on June 13, 2007

## **CHAPTER 1. PERSONNEL GUIDELINES FOR THE CENTRAL LEGISLATIVE STAFF AGENCIES**

### **I. DEFINITIONS**

"Agency" means the Legislative Services Agency and the Office of Citizens' Aide/Ombudsman.

"Director" means the head of an agency as designated by the Legislative Council.

"Employee" means an employee of an agency, including supervisors, unless the context requires otherwise.

"Supervisor" means the agency director or the agency employee designated by the agency director to perform supervisory duties with regard to an agency employee or agency employees.

### **II. POLICYMAKING AND OVERSIGHT AUTHORITY**

#### **A. Legislative Council**

The Legislative Council is given policymaking and oversight authority over the central legislative staff agencies under Code Sections 2.42 and 2C.3. Code Chapter 2A establishes the Legislative Services Agency. Code Chapter 2C establishes the Office of the Citizens' Aide, commonly known as Citizens' Aide/Ombudsman.

#### **B. Service Committee**

The Service Committee of the Legislative Council determines policies and exercises oversight relating to the operations of the central legislative staff agencies, subject to the approval of the Legislative Council (Code Section 2.45). Changes in executive branch policies that require modifications to these guidelines are subject to review by the Service Committee prior to the policy's adoption. Any reference in these guidelines to a requirement of Service Committee approval also includes a requirement of Legislative Council approval.

#### **C. Guidelines Subject to Change — Copies Provided to Employees**

These guidelines are subject to change at any time by the Legislative Council, are informational in nature only, and describe and outline some of the policies, procedures, employment benefits, and other matters of interest to employees of the central legislative staff agencies. Changes to these guidelines adopted by the Legislative Council may or

may not be incorporated into these guidelines and may either be temporarily effective or be effective for an indefinite time period until modified by the Legislative Council. These guidelines in no way alter the nature of the employment relationship. All central legislative staff agency employees are employed at will. Nothing in these guidelines is intended to create any contractual rights in favor of an employee or a central legislative staff agency. Each director shall provide copies of these guidelines to each employee of the director's agency. Each employee shall acknowledge receipt of the guidelines. When substantive changes are made to the guidelines, the acknowledgment shall identify the major substantive changes, if any, and shall state that the employee has been given a reasonable opportunity to review the changes to the guidelines and to address in writing any questions concerning the guidelines to the director. The director shall respond to the questions in writing within 30 days after receipt of the questions.

#### **D. Joint Pay Resolution**

The compensation, including but not limited to salary, benefits, and leave under parts IV, V, and VI of all employees and directors shall be subject to the most current joint pay resolution providing for the compensation of officers and employees of the General Assembly. The policies in parts IV, V, and VI shall apply in the absence of a joint pay resolution, if required by law, or where not inconsistent with the most current joint pay resolution.

### **III. POSITION CLASSIFICATION SYSTEM AND AGENCY ORGANIZATION**

#### **A. Position Classification System**

1. Each director shall develop and file with the Service Committee a position classification system covering all authorized positions within the agency of the director. The position classification system shall contain guidelines for eligibility of an employee for promotion from one job title in a series to the next. The Legislative Services Agency, as the staff agency to the Service Committee, shall keep these on file.
2. The position classification system shall include but is not limited to a job title, job description (including duties and qualifications), and grade level for each authorized position classification in an agency.
3. Job titles and job descriptions are at the discretion of each director. Grade levels are approved by the Legislative Council. Changes in grade level due to changes in the duties or structuring of existing positions require prior approval by the Service Committee. Grade levels for new positions are approved by the Legislative Council.
4. The Comparable Worth Staff Report of August 1986, the reclassifications of 1992, and subsequent actions of the Legislative Council shall serve as historical references for the grade level of positions.

5. Each director shall provide copies of the position classification system for the agency to the agency's employees.

## **B. Agency Organization**

Each director shall develop and file with the Service Committee a statement of agency organization showing the interrelationship of authorized positions within the agency. The Legislative Services Agency, as the staff agency to the Service Committee, shall keep these on file. The statement of agency organization may be in the form of an organization chart. Changes in the existing organizational structure of an agency require the prior approval of the Service Committee.

## **IV. COMPENSATION — SALARY**

### **A. Salary Matrix**

All employees shall be at a grade and step on the legislative branch salary matrix, except as otherwise provided by the Legislative Council. The legislative branch salary matrix is established by law, by the General Assembly, or by the Legislative Council. Grade levels for positions shall be as determined under Part III of this chapter of these guidelines.

### **B. Cost-of-Living Increases**

Employees shall receive the same cost-of-living increases as are granted to those employees in the executive and judicial branches who are not included in a collective bargaining agreement, unless otherwise provided by law or by the Legislative Council.

### **C. No Temporary Raises**

Unless prior approval of the Service Committee is obtained, a director shall not grant raises for a temporary increase in duties.

### **D. Annual Merit Increases**

1. Employees are eligible for annual one-step merit increases up to and including the highest step or maximum amount of a grade based upon satisfactory performance according to annual evaluations as provided in Part IX of this chapter of these guidelines. Such an annual increase may be delayed or denied by a director for performance shortcomings. An additional salary increase may be given to an employee by a director for exceptional job performance with the approval of the Service Committee. The additional salary increase for exceptional job performance shall not exceed one step, shall not be given more than once a year, and shall not result in an increase beyond the highest step or maximum amount in the employee's grade level. Written justification setting forth the nature of the exceptional job performance shall be maintained on file by the director.
2. Employees who are on step one of a grade may receive a merit step increase after the satisfactory completion of a six-month period of employment. Any merit step

increase after step two may be granted to an employee only after completion of at least one full year on a step unless the employee is recommended for a step increase for exceptional job performance.

3. Alternatively, the Legislative Council may allow employees' compensation to be flexibly set anywhere between step one or the highest step or maximum amount of a grade.
4. Each director shall file an annual report with the Service Committee listing all employees under their supervision with their current grade and step and the effective date of a merit increase for which they are eligible. Notification of merit increases granted and increases for exceptional job performance shall be made by the director at the next following Service Committee meeting. The effective date for a merit increase is normally the employee's anniversary date at the end of an employee's first six months of employment, but a director may specify one or more standard eligibility dates for merit increases other than the anniversary date. However, a director shall not set an eligibility date different from the employee's anniversary date or a standard date. Granting of merit increases may be delayed or denied for performance shortcomings. The annual report filed with the Service Committee under this provision indicates eligibility for a merit increase but does not necessarily indicate that a merit increase will be granted.

#### **E. Merit Increases for Part-time and Temporary Employees**

1. Part-time employees who are employed continually year round are eligible for merit increases as if they were full-time employees employed year round.
2. Temporary full-time and part-time employees who work intermittently shall have their eligibility for merit increases determined by their cumulative length of service.

#### **F. Overtime and Compensatory Time**

1. Agency employees shall be compensated with compensatory time on an hour-for-hour basis, computed each pay period and from the end of a regular legislative session to the end of the next regular legislative session, which compensatory time shall be used within a one-year period beginning after the end of that next regular legislative session through the succeeding regular legislative session. However, compensatory time for employees of the Office of Citizens' Aide/Ombudsman shall be computed and used on a fiscal year basis. Compensatory time is limited to a maximum accrual of 120 hours.
2. Legislative library employees are compensated pursuant to the requirements of federal law.
3. The annual personnel report shall state the compensatory time earned by each employee.
4. Upon the date of termination of employment for any reason, accrued compensatory leave is canceled. The director and the employee shall make every reasonable

effort to schedule compensatory leave prior to the termination date sufficient to prevent any cancellation of unused compensatory leave upon termination.

## **V. COMPENSATION — BENEFITS**

### **A. Benefits in General**

Unless otherwise provided by law, the Legislative Council, or these guidelines, employees in the central legislative staff agencies are eligible for employee benefits under comparable terms and conditions as provided by law for employees in the executive and judicial branches. This includes but is not limited to deferred compensation and health, dental, life, and long-term disability insurance programs.

### **B. Workers' Compensation**

An employee's supervisor shall be immediately notified if an employee is injured while on the job. The employee shall seek appropriate medical care as directed by the employee's supervisor and in accordance with the state's workers' compensation program.

### **C. Interviewing and Moving Expenses**

At the director's discretion, expenses may be paid for interviewing prospective employees. Payment shall be made at the same rate a state employee would be reimbursed in performance of state duties. Also, at the director's discretion, newly hired employees may be reimbursed for moving expenses in accordance with executive branch standards unless other standards are adopted by the Legislative Council. Reimbursement for moving expenses shall not be made until a new employee is on the state payroll. The payment of such expenses shall be subject to the approval of the Service Committee or legislative leadership and shall be reported to the Service Committee. (See Code Section 70A.16.)

### **D. Educational Benefits**

Employees are eligible for educational leave and educational assistance as provided in Code Section 70A.25 and Part VI of this chapter of these guidelines. Such benefits are to be granted on a case-by-case basis for each semester-long course based on its relevance to the employee's job duties and the agency's needs. A particular course may or may not be part of a program leading to a degree or a certificate. The granting of such leave and assistance shall be reported to the Service Committee, including the specification of any college courses taken.

### **E. Sick Leave Conversion Program**

Unless otherwise provided by law, the Legislative Council, or these guidelines, this sick leave conversion program applies to employees under comparable terms and conditions as provided by law for employees in the executive and judicial branches. A full-time employee with a balance of 0 to 750 hours of accrued sick leave accrues 18 days of sick leave per year. A full-time employee with a balance of over 750 to 1,500 hours of accrued

sick leave accrues 12 days of sick leave per year. A full-time employee with a balance of over 1,500 hours of accrued sick leave accrues six days of sick leave per year. Upon bona fide retirement, where an employee applies for and receives monthly IPERS benefits, an employee will receive the current cash payout of the sick leave balance, up to a maximum of \$2,000, and the employee's remaining sick leave balance, subject to a conversion rate, is then converted and used for the purposes of paying the employer's share of monthly health insurance premiums. The conversion rate varies according to an employee's total sick leave balance upon retirement, prior to payment of the cash payout, and is one of the following percentages: total sick leave balance 0 to 750 hours, 60 percent; total sick leave balance over 750 to 1,500 hours, 80 percent; and total sick leave balance over 1,500 hours, 100 percent. Eligibility under the program continues until the converted value of the employee's sick leave is exhausted or until the employee is eligible for Medicare, whichever occurs first. The retired employee may maintain current coverage or switch down to other coverage upon retirement or during any applicable open enrollment period. The converted value has no independent cash value and is not transferable to another use or to an heir. If the employee returns to permanent state employment, all remaining benefits under the program are forfeited.

#### **F. Full-time to Part-time Incentive Program**

Upon approval of the employee's appointing authority, an employee classified at grade 19 or higher may be permitted to work part-time, e.g., to work full-time for a portion of the year and to work no hours for a portion of the year, and to convert the employee's accrued sick leave and vacation leave to be used for paying the employer's share of life insurance, health and dental insurance, and disability insurance costs.

### **VI. COMPENSATION — LEAVE**

#### **A. Attendance**

The director shall establish a written work attendance policy which shall be provided to all employees and which shall be filed with the Legislative Council. The director or the supervisor shall establish the work schedule, work stations, and required hours of work for employees under the director's or supervisor's supervision. All regulations and schedules shall be made known to the affected employees. Such regulations and schedules may include "flextime" arrangements at the discretion of the director. All absences of employees from the established work schedule shall be charged to one of the leave or leave without pay categories.

#### **B. Scheduling of Leave**

All leave, such as vacation time, compensatory time, sick leave, or any other form of leave, including leave without pay, must be requested and granted under procedures established by each director. Application should be made to the director or the director's designee. Sick leave is the only form of leave that is allowed to be unscheduled and shall be subject to written reporting requirements as established by each director.

## **C. Leave Types**

### **1. Leaves With Pay**

#### **a. Vacation Leave**

- i. Employees shall accrue vacation leave according to the rules adopted by the Department of Administrative Services, unless otherwise provided by the Legislative Council.
- ii. Vacation leave does not accrue during leave without pay, nor can vacation leave be granted in excess of the amount accumulated.
- iii. The directors of the central legislative staff agencies, in consultation with the Majority Leader of the Senate and Speaker of the House of Representatives, may pay employees who have a balance of 160 or more hours of accrued vacation leave on June 1, for up to 40 hours of the accrued vacation leave. The decision to make such payments and the number of hours paid shall be the same for all central legislative staff agencies. Any employee may decline to accept the payment and to retain the hours of accrued vacation leave otherwise paid to eligible employees. The payments shall be made on separate warrants on the payday which represents the last pay period of the fiscal year. The grievance procedure is not applicable to a decision to make or to decline to make payments for accrued vacation leave.

#### **b. Sick Leave**

- i. Employees shall accrue sick leave according to rules adopted by the Department of Administrative Services, unless otherwise provided by the Legislative Council. Sick leave will not be granted in excess of the amount accrued nor will it accrue during any absence without pay.
- ii. Accrued sick leave may be used during a period in which an employee is unable to perform the employee's duties because of medical disabilities, physical or mental illness, doctor, dentist, or optical examination or treatment, parental or family leave, or when the performance of assigned duties would jeopardize the employee's health or recovery. Pregnancy disability or recovery from pregnancy is covered by sick leave. Absences for sick leave may require verification by an authorized practitioner.
- iii. Immediate family care leave, consisting of sick leave, not exceeding 40 hours per fiscal year, may also be used for leaves for temporary care of immediate family members or for child care. "Immediate family member" means an employee's spouse, child, or parent. "Child" includes the employee's adopted child, stepchild, or foster child. "Parent" includes the employee's stepparent or parent-in-law. "Child care" means the provision of child care to a child as defined in this subparagraph subpart iii.

- iv. Sick leave may be converted to vacation time according to the rules of the Department of Administrative Services, unless otherwise provided by the Legislative Council.
- c. Compensatory Leave

Compensatory leave is accumulated as provided in Part IV of this chapter of these guidelines. Sick and vacation leave shall accumulate on compensatory time.
- d. Holiday Leave

Holiday leave is granted to all employees who work or receive leave with pay for the regular workday before the holiday and for the regular workday after the holiday. Holidays are observed as specified by statute. (See Code Section 1C.2.) A holiday shall not exceed eight hours for full-time employees. If an employee is required to work on a holiday, the employee may take holiday leave for the hours worked, referred to as banked holiday leave, not exceeding eight, at a future date. Hours worked on a holiday in excess of eight hours shall accrue as overtime hours in the manner overtime hours accrue for that employee.
- e. Military Leave

All full-time and part-time employees employed year round who are members of the national guard, organized reserve, or any component of the military of the state of Iowa, when ordered by the proper authority to active military service, may serve for 30 days without loss of pay. Leave for inducted employees will be granted up to five years.
- f. Court/Jury Leave

When, in obedience to a subpoena, summons, or direction by proper authority, an employee appears as a witness or jury member in public or private litigation, in which the employee is not a party to the proceedings, the employee is entitled to leave from regularly scheduled duty with regular compensation. However, all payments or reimbursements shall be turned over to the director except the amount necessary for travel or personal expense. Hours spent in court outside of scheduled work hours are not subject to this rule. If two or more hours remain in a work day when released for the day, the employee shall return to work. Employees shall notify the director immediately upon receiving a subpoena, summons, or direction. Court/Jury leave does not apply to those involved in expert testimony outside of their capacity as a state employee.
- g. Voting Leave

An employee, who is eligible to vote in a public election in the state of Iowa, may request time off from work with regular pay for a period not to exceed three hours for the purpose of voting. Leave shall be granted only if the employee's work hours do not allow a period of three consecutive hours outside the employee's scheduled work hours during which the voting polls

are open. A request for voting leave must be made to the director on or before the employee's last scheduled workday prior to election day. The time during the day to be taken off shall be designated by the director.

h. Business Leave

Absence from the usual workplace in the Capitol complex for work-related reasons is to be construed as business leave. Business leave includes absence from the Capitol complex to attend public hearings, committee meetings, seminars, workshops, and conferences outside the capitol complex as assigned or approved by the director. Business leave includes reasonable travel time to and from such events. All reasonable effort is to be made to travel at the lowest cost relevant to the circumstances. Reimbursement will be provided for reasonable expenses involved in travel, lodging, meals, and related expenses as approved by the director.

If the hours during a day of a meeting, seminar, workshop, or conference, including reasonable travel time to and from the event, exceed eight, the employee accrues work hours equal to the work time plus travel time.

Accrual of work hours during attendance at out-of-state seminars, workshops, and conferences shall not exceed eight hours per day.

i. Family Death Leave

In the event of the death of an employee's immediate family member, the employee is entitled to five working days' leave of absence, per occurrence, with pay. In the event of the death of an employee's family member, other than the death of an immediate family member, the employee is entitled to three working days' leave of absence, per occurrence, with pay.

Family death leave is in addition to other leaves available to an employee.

For purposes of this lettered paragraph, "employee's immediate family member" means an employee's spouse, child, or parent. "Child" includes the employee's adopted child, stepchild, or foster child. "Parent" includes the employee's stepparent or parent-in-law. "Employee's family member" means the employee's spouse, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, corresponding relatives of the employee's spouse, other persons who are members of the employee's household, and other persons for whom the employee is the primary caretaker.

j. Transfer Rights

When a central legislative staff agency employee is transferred within state government, including the executive and judicial branches, or promoted or demoted, all accumulated leave times, other than compensatory leave for transfers to another branch of government, shall carry over with the employee. If the employee is terminated or resigns, only accumulated

vacation leave and banked holiday leave will be paid at its respective hourly rate.

## 2. Leaves Without Pay

### a. Leave Without Pay

- i. A director, upon written request, may grant any amount of leave without pay in a single period of leave or multiple periods of leave for any reason deemed satisfactory, provided the leave in the aggregate is no greater than six months in any one year. Leave without pay in excess of six months in any one calendar year requires the approval of the Service Committee.
- ii. For leave without pay of 30 days or less, the state's share of insurance benefits shall continue and the employee shall accrue seniority as if the employee had not taken the leave. The employee shall not accrue vacation or sick leave.
- iii. With the approval of the director, the employee need not have exhausted sick leave with pay and accrued vacation in order to be granted leave without pay.

### b. Sick Leave Without Pay

After all sick leave with pay has been exhausted, the director may, upon an employee's written request, grant sick leave without pay for not more than six months. The request, which shall be submitted in advance of the leave if circumstances permit, shall include proof of illness or disability in the form of a physician's certificate. Upon the employee's written request, the director may grant an extension of up to an additional three months of leave without pay provided that the employee provides proof of continuing illness or disability in the form of a physician's certificate which shall state a prognosis and expected date of return. Upon certification from the employee's physician that the employee is able to return to work, the employee shall be offered the employee's same or a similar position if the same or a similar position is available. If the same or similar position is not available, the employee shall be offered another vacant position for which the employee is qualified if one exists. If the employee refuses an offer of the same or a similar or another vacant position, or a vacant position for which the employee is qualified is not available, the employee shall be separated from employment unless such separation would otherwise constitute a violation of law. If the employee accepts another vacant position, the employee's pay rate shall be for that position and not for any other position previously held.

## 3. Leaves Which May Be With Pay or Without Pay

### a. Educational Leave

- i. Educational Leave. Educational leave may be granted at the discretion of the director for the purpose of assisting employees to develop skills that will improve their ability to perform their present job responsibilities or to provide training and development opportunities for employees that will enable the agency to better meet staffing needs. Educational leave with pay requires the approval of the Service Committee. Education financial assistance shall be as provided for executive branch employees, unless otherwise provided by the Legislative Council.
- ii. Length of Leave. Educational leave shall be requested for a period not to exceed 12 consecutive months. Accrued vacation or compensatory leave need not be exhausted before educational leave is granted. The determination to require the exhaustion of any or all accrued leave rests with the director. The director may grant an extension of the original leave for an additional 12 months.
- iii. Selection of Applicants. While the selection of applicants is at the discretion of the director, all qualified employees shall be offered an equal opportunity to be considered for educational leave within the limitations imposed by agency staffing requirements.
- iv. Educational Institutions. An employee on educational leave may take course work at any accredited educational institution within the state. Attendance at out-of-state institutions may be provided if there are geographical or educational considerations which make attendance at institutions within the state impractical.
- v. Notification. The director shall notify the Legislative Council of all educational leaves within 15 days following the granting of the leave.
- vi. Agency Report. Annually, the director shall report to the Legislative Council the direct and indirect costs to the agency of educational leave granted to employees during the preceding fiscal year.

b. Severe Weather Leave

The provisions relating to severe weather leave contained in the rules of the Department of Administrative Services apply, unless otherwise provided by the Legislative Council.

c. Rights of Return

All persons on any form of leave without pay, provided that they return within the specified period of time, will be returned to the vacant position in the classification held prior to the leave or to the class in the same pay grade for which the employee qualifies. However, for military leave without pay, the right of return applies for five years and 90 days after honorable discharge. Failure to return within the specified period of time shall result in demotion or termination.

d. Parental and Family Leave

- i. Eligibility and Request for Leave. All full-time and part-time employees employed year round are eligible for parental and family leave benefits regardless of their length of service at the Legislature. A request for parental or family leave shall be made in writing by the employee reasonably in advance of the beginning of the leave, unless a planned leave is precluded by an unforeseen circumstance. The request for leave shall state the purpose of the leave, the expected duration of absence, and the intention of the employee to return to work following completion of the leave. An employee's supervisor may agree to an arrangement for reduced working hours in lieu of granting parental or family leave. The written request for parental or family leave shall be provided to the employee's supervisor and to the director. A copy of the written request and any written agreement regarding parental or family leave shall be filed in the employee's personnel file.
- ii. Parental Leave. An employee is entitled to parental leave, not to exceed three months in duration, calculated at a maximum of 520 hours (65 days), upon the birth or placement for adoption of a child.

The employee may use accrued vacation, sick, compensatory, or holiday leave or leave without pay during the period of parental leave. However, an employee on parental leave shall be required to use accrued leave before being granted a leave without pay, except that an employee is entitled to retain 40 hours of vacation leave and 40 hours of sick leave upon the taking of leave without pay as part of the employee's parental leave.

Parental leave includes the period of time that a pregnant employee is absent from work due to physical disability related to pregnancy and childbirth. This period of physical disability is presumed to be two weeks before the birth of the child and six weeks following the birth of the child but may be extended before or after that period of time by a physician's statement of disability.

- iii. Family Leave. An employee's supervisor may grant to the employee family leave, not to exceed 160 hours per year, to care for a family member who is seriously ill. Family leave is in addition to the 40 hours per year of accrued sick leave provided for the temporary care of immediate family members or for child care. See Part VI.C.1.b.iii. of this chapter of these guidelines.

The employee, at the employee's own option, may use accrued vacation, sick, compensatory, or holiday leave or leave without pay during the period of family leave.

For the purposes of family leave, "family member" means the employee's spouse, children, grandchildren, foster children,

stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, corresponding relatives of the employee's spouse, other persons who are members of the employee's household, and other persons for whom the employee is the primary caretaker.

- iv. Seniority and Benefits During Leave. During any period of authorized parental or family leave, seniority continues to accrue, state benefits continue in force, and the employer's share of state benefit premiums or payments continues to be paid by the employer.
- v. Right of Return. Following any period of authorized parental or family leave, the employee is guaranteed a job at the same position classification at least the same grade and step. Part VI.C.3.c. of this chapter of these guidelines, entitled "Rights of Return," does not apply to parental and family leave.

#### **D. Vacation Leave Sharing**

1. For purposes of this paragraph D, unless the context otherwise provides, "agency" means the Legislative Services Agency, Office of Citizens' Aide/Ombudsman, Senate, House of Representatives, or any other agency of the executive or judicial branch that has in effect a comparable vacation leave sharing policy.
2. The director shall permit a full-time or part-time employee employed year round to transfer any vacation leave accrued by the employee in excess of 40 hours to another full-time or part-time employee employed year round of the same or another agency, and the director of that same or other agency shall permit the other employee to receive and use such transferred vacation leave, if all of the following conditions relating to the employee receiving and using the transferred vacation leave are met:
  - a. The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate employment with the agency.
  - b. The employee has depleted or will shortly deplete the employee's vacation leave, compensatory leave, and sick leave.
  - c. The employee has complied with agency rules regarding sick leave use.
3. An employee receiving vacation leave under this paragraph shall not receive more than 2,080 hours of transferred vacation leave per calendar year under this paragraph.

4. While an employee is using vacation leave transferred to the employee under this paragraph, the employee shall be treated as if the employee were using the employee's own vacation leave. As soon as an employee accrues 40 hours of vacation leave while using vacation leave transferred to the employee under this paragraph, the employee shall be required to use that accrued vacation leave and all accrued sick leave before continuing to use the transferred vacation leave.
5. Vacation leave transferred under this section shall be transferred on an hour-for-hour basis without regard to any difference in hourly pay between the employee transferring the vacation leave and the employee receiving the vacation leave. The number of hours of vacation leave transferred by an employee under this paragraph shall be deducted from that employee's accrued vacation leave. The number of hours of vacation leave received by an employee under this paragraph shall be added to that employee's vacation leave.
6. Vacation leave transferred under this paragraph which remains unused for any reason shall be returned to the employee, or to the employees on a pro rata basis, who transferred the vacation leave.
7. Vacation Leave Sharing Policy — Transfer Procedure
  - a. Confidential Requests for Transfer. A full-time or part-time employee of a central legislative staff agency (referred to as the transferring employee or transferring agency) may confidentially request the transfer of a specific number of vacation leave hours accrued by the transferring employee in excess of 40 hours to a specified, named full-time or part-time employee of the same or another agency (referred to as the receiving employee or receiving agency) by filing a written request with the director of the transferring agency.
  - b. Notification and Inquiry — Confidentiality. The transferring agency shall immediately notify the receiving agency, inquiring if the receiving employee is or will be eligible to receive transferred vacation leave and whether the employee would be able to immediately use the vacation leave requested to be transferred. The transferring agency shall not subtract any vacation leave hours from the transferring employee's accrued vacation leave until all or a portion of the vacation leave hours requested to be transferred have been accepted by the receiving agency for actual transfer to the receiving employee. The request for transfer and any action regarding the request or the use of transferred vacation leave shall be maintained as a confidential personnel record.
  - c. Eligibility Determination and Acceptance or Abeyance of Transfer. Upon a determination by the receiving agency that the specified, named employee is eligible to receive transferred vacation leave, the receiving agency shall determine the time period or periods during which the receiving employee would be able to use transferred vacation leave. At any point in time the transferring and receiving agencies may hold requests for transfer in abeyance. If such hours are still being held in abeyance at the end of the

transferring or receiving agency's fiscal year the request for transfer may be automatically terminated.

## **VII. HIRING**

### **A. General Authority**

Each director has discretionary hiring authority for all authorized and funded vacant positions within the agency. Such hirings shall be reported at the time of hiring to the Service Committee and the Legislative Council. Placement of a new employee at higher than entry level salary requires the approval of the Service Committee. Entry level salary is step one of the specified grade level of the position for original appointment or, for reappointment of former employees to the same position, the step determined by cumulative prior experience.

### **B. Affirmative Action — Equal Employment Opportunity**

It is the policy of the Legislative Council that equal employment opportunities be provided to all qualified employees and applicants for employment and that training, professional development, promotional opportunities, salary, and working conditions be provided to all qualified employees regardless of race, religion, color, sex, national origin, age, sexual orientation, or physical or mental disability. Each agency shall adopt a program of affirmative action designed to provide employment opportunities on the basis of individual capabilities, motivation, and merit, and also designed to encourage women and minorities to seek employment and promotion on these bases. The director of each agency is responsible for that agency's efforts to provide equal employment opportunity. Each agency shall comply with the Iowa Civil Rights Act contained in Code Chapter 216. Each agency shall seek qualified applicants and assist underqualified persons to become qualified within the job classifications of the agency. An agency shall seek applications from qualified women and minorities when vacancies or new positions are filled.

An agency shall adopt procedures to encourage the recruitment, hiring, and promotion of women and minorities. Position announcements shall be posted within the office area of the agency and in other appropriate areas of the Capitol complex. The position may be advertised in an appropriate newspaper or newspapers based upon the period of time that has elapsed since a similar position announcement was last published.

The position announcement shall advise the employees that applications for the position must be filed in writing with the director of the agency and shall contain a description of the job and its duties and responsibilities. Applicants may be asked to complete a questionnaire indicating their race or national origin, sex, age, and whether they have a physical or mental disability. The questionnaire responses shall be used solely for periodic review to determine whether a well-qualified and diverse pool of applicants is being attracted.

Applicants or employees who believe they have experienced discrimination in hiring, promotion, termination, or other matters pertaining to employment may file a grievance with the Legislative Council. Any person aggrieved by the decision of the Legislative Council may initiate appropriate action through the court system.

## **VIII. LAYOFF AND RECALL**

### **A. Layoffs**

With the approval of the Service Committee, a director may, due to budgetary requirements or workload demands, lay off an employee.

### **B. Recall List**

1. Each director shall establish and maintain a recall list used for filling vacant positions. These lists shall consist of the names of full-time and part-time employees employed year round who were separated by layoffs.
2. Employees shall be removed from the list for any of the following reasons:
  - a. Failure by applicant to maintain a current address as evidenced by the return of a properly addressed letter.
  - b. Failure by applicant to respond to a written inquiry concerning availability for employment within five working days following the inquiry.
  - c. Receipt of a written request that the employee no longer wants to be on a particular list.
  - d. Declination to accept a position for which the employee is eligible.
3. If no recall list exists for a given job class, the director shall follow the procedure for filling vacancies.

## **IX. PERFORMANCE EVALUATIONS**

An employee's director or immediate supervisor may at any time discuss concerns regarding existing performance problems.

Each agency shall adopt a performance evaluation form or forms to be used for its employees. Copies of the form shall be provided to the Service Committee and to each employee of the agency.

A review on at least an annual basis, using the evaluation form, shall be made of each employee's performance by the director or a supervisor designated by the director. Attention should be directed to areas of strength and weakness, areas of past improvement or needed future improvement, and suggestions or requirements for further training or development. Exit performance evaluations may be conducted before the last day of employment covering the period between the last evaluation and the last date of employment. A copy of a completed employee's performance evaluation form, and other documentation, if any, shall be given to the employee at the time of the employee's evaluation. The form shall be signed and dated by both the employee and the supervisor or director. A copy of the signed evaluation form shall be placed in the employee's file. The employee may make a written response relating to the performance evaluation and the response will be placed in the employee's file.

## **X. PROMOTIONS**

### **A. Applicability**

This chapter is not applicable to cost-of-living adjustments and annual merit increases, which are governed by Part IV of this chapter of the guidelines.

### **B. Authority and Requirements for a Promotion**

Each director shall have the discretion to promote an employee to either a vacant position or a new position when an employee meets the requirements of that position, with the approval of the Service Committee. A director may promote an employee to a higher classification and grade level within a job series of position classifications with the approval of the Service Committee for such reclassification. To be eligible for a promotion, the employee must at least receive satisfactory ratings on their current job assignment, and the employee must meet the minimum qualifications for the new position. For pay purposes, when an employee is promoted, the employee's salary shall be adjusted to the approved step of the grade level of the new position. A salary increase due to a promotion is in addition to any salary increase that an employee may receive under Part IV of this chapter of these guidelines. A promotion is a change in positions by an employee to a position that has been assigned a higher pay grade level.

## **XI. DEMOTIONS AND TERMINATION**

### **A. Review of Performance Shortcomings**

The employee's director or immediate supervisor may at any time discuss concerns regarding existing performance problems. The director or supervisor may note in the employee's file the date and reasons for the meeting. The employee is expected to address the specified concerns.

The employee's director or immediate supervisor may make a formal review of performance shortcomings by memorandum, letter of reprimand, annual performance evaluation, or documented discussion. A listing of the employee's shortcomings and any written material relating to the formal review shall be placed in the employee's file. The employee shall be provided time to prepare a written response and the response shall be placed in the employee's file. Failure by the employee to show sufficient progress in addressing the performance shortcoming may result in demotion or termination.

### **B. Suspension**

A director has authority to suspend an employee with or without pay.

### **C. Demotion**

A director has authority to demote an employee. Demotion may be in step or in grade. Demotion in step shall be a one-step reduction within the employee's current grade. Demotion in grade shall be to the step in the grade of the next lower classification in the

employee's job series or career ladder that results in a one-step decrease in salary. Demotions shall be reported to the Service Committee.

#### **D. Termination**

The director has authority to terminate an employee. All documentation regarding the termination shall be kept for at least two calendar years.

### **XII. GRIEVANCE PROCEDURES**

#### **A. Grievance Procedures — Authority**

Pursuant to sections 2.42 and 2C.3 of the Iowa Code, the following rules for hearing and acting upon appeals of aggrieved employees of the Legislative Services Agency and the Office of Citizens' Aide are established by the Legislative Council.

#### **B. Definitions**

Unless otherwise provided:

1. "Director" means the director of the Legislative Services Agency or the Office of Citizens' Aide.
2. "Employee" means a person employed by the Legislative Services Agency or the Office of Citizens' Aide. "Employee" does not include the director of the Legislative Services Agency or the Citizens' Aide.
3. "Committee" means the Service Committee of the Legislative Council.
4. "Council" means the Legislative Council.
5. "Grievance" means a complaint filed by an employee against a director for agency action affecting the employee and relating to any of the following:
  - a. Employment requirements which are alleged to be contrary to these personnel guidelines for the central legislative staff agencies.
  - b. Employment conditions alleged to violate any applicable federal or state constitutional or statutory provisions relating to civil rights or other protected status or fundamental rights, employment discrimination, occupational safety and health, wage payment, withholding, wage assignments, and hours of work.
  - c. A lawful disclosure of information pursuant to federal or state law regarding the agency or an abuse of authority.

#### **C. Grievance Procedures — Rules**

These rules shall constitute the procedures for resolving grievances of employees. Time limits specified within these rules begin the working day following the day an action takes place or is required. Time limits provided in these rules may be altered by mutual agreement. The Council shall require all directors and employees to adhere to protocols

relating to grievance communications, hearings, recordkeeping, and confidentiality of grievance proceedings and records. The grievance hearing shall be closed at the request of either the employee or the affected director. The Committee and Council shall adopt rules of procedure at the time of the consideration of a grievance. The rules shall meet all requirements of this Part.

#### **D. Filing of Grievance — Right of Employee**

An employee who has a grievance may file that grievance as provided in these rules without fear of jeopardizing the employee's position or opportunities for advancement or salary increase. The employee involved in the proceeding shall cooperate with the director of the employee's agency so that there will be a minimum of interference with normal operation of the agency's work. Grievances shall be in writing and shall contain such specific information as will inform the director, the Committee, or the Council of the incident from which the grievance arose.

#### **E. Initiation of Grievance**

The grievance resolution process commences when an employee files a grievance in writing with the director of the agency in which the employee is employed within five working days of the incident from which the alleged grievance arose. The director may request additional information and may request that the information be presented in a specific form or letter and provided to all parties involved in the incident. If additional information is requested, the employee shall be granted five working days to provide the additional information to the director. The director shall review and investigate the grievance and transmit a written decision to the employee within five working days of receipt of the grievance. However, if the director needs additional time to issue a written decision, the director shall notify the employee and the Committee in writing of the additional time required, not to exceed 30 days.

#### **F. Appeal to Committee — Submission in Writing**

If the employee is not satisfied with the decision of the director, the employee may within five working days of receipt of the decision of the director file the grievance in writing with the chairperson of the Committee. A copy of the written grievance shall be filed with the director at the same time as the filing with the chairperson of the Committee. Upon notification of the director of the filing of the grievance with the Committee, the director shall file a copy of the director's decision with the Committee.

#### **G. Consideration of the Written Grievance by the Committee**

The Committee shall consider the grievance either within 30 days of its receipt, at its next regularly scheduled meeting, at a meeting specially called for such purpose, or at a subsequent meeting as determined by the Committee. Any information which is relevant to the grievance may be presented at the hearing of the grievance and shall become a part of any appeal from the Committee's decision. All hearings on grievances shall be held in an informal manner. Any party, a director, or the Committee may call witnesses and consider documents and written statements. Presentation of witnesses and other

evidence shall not be limited by legal rules of evidence. Witnesses may decline to participate in the hearing. An employee may request that a third person designated by the employee be present to represent the employee; however, the third person may decline to represent the employee. If the Committee desires additional information from any person or desires additional time to consider the grievance, the Committee may continue the hearing and notify the employee and the director of its decision to continue the hearing. The Committee may then request the additional information from the director or the employee affected. The Committee shall make a written decision in regard to the grievance on the day the hearing on the grievance is concluded. A copy of the written decision shall be filed with the director and employee.

## **H. Appeal to Council**

If the employee or director is not satisfied with the decision of the Committee, the employee or director may appeal the Committee's decision to the Council by filing a written appeal with the chairperson and vice chairperson of the Council within five working days of the decision of the Committee. The written appeal shall contain such specific information as will adequately inform the Council of the incident from which the appeal arose. The Council may request additional information and may request the information be presented in a specific form or letter and provided to all parties involved. A copy of the appeal shall be filed with the other party to the grievance at the same time. The chairperson shall set a time for hearing the written appeal of the grievance. The hearing may be part of a regular meeting of the Council or may be held during a special meeting called for that purpose. The hearing shall be held in an informal manner. Any party or the Council may call witnesses and consider any documents and written statements which are relevant to the grievance. Receipt of evidence by the Council shall not be limited by the legal rules of evidence. Witnesses may decline to participate in the hearing. An employee may request that a third person designated by the employee be present to represent the employee; however, the third person may decline to represent the employee. All information presented at any hearing before the director or the Committee shall be part of the appeal and shall be provided by the director and the Committee to the Council. If the Council desires additional information from any person or desires additional time to consider the grievance, the Council may continue the hearing and notify the employee and the director of its decision to continue the hearing. The decision of the Council in regard to the grievance is final. A copy of the written decision shall be filed with the director and employee.

## **I. Effect of Failure to Proceed**

If the employee fails to proceed with the grievance within the time limits set forth in these rules or special time limits agreed upon, it shall be assumed the grievance has been settled on the basis of the last decision reached or that the employee does not desire to pursue the matter further. If a director fails to comply with the time limitations, the employee may proceed immediately to the next step as if a decision had been reached with which the employee was not satisfied.

## **J. Amendments**

A grievance and any appeal of a grievance may, subject to the approval of the Committee or Council, be amended at any time prior to a decision by the Committee or Council. The amendment must relate directly to the original grievance. The Committee or the Council may impose terms or grant a continuance with or without terms as a condition of such allowance. A request for an amendment shall be submitted in writing either to the chairperson of the Committee or the Council, as the case may be, and a copy shall be filed with the affected director and the employee.

## **K. Notification of Hearing**

An aggrieved employee or any person affected shall be given reasonable notice of any hearing so that proper arrangements to attend the hearing can be made. An aggrieved employee shall be allowed time off with pay to attend the hearing.

## **L. Coercion of Employees**

A director or another supervisor shall not coerce an employee into not proceeding with a grievance or appearing as a witness at a hearing. An act of coercion shall be considered as a reason for a grievance which may be combined with the original grievance.

## **M. Settlement**

An employee and a director, the Committee, or the Council may resolve a grievance by settlement at any time during the grievance procedure. The settlement shall be reduced to writing and shall be affirmed by the employee and by the director or by the Committee if the grievance has been filed with the Committee or by the Council if the grievance has been appealed to the Council.

## **XIII. NONPARTISAN POLITICAL PARTICIPATION GUIDELINES**

In order to maintain fair and effective functioning of the Legislative Services Agency and the Office of Citizens' Aide, it is necessary that their employees not participate in partisan politics.

### **A. Participation in Partisan Politics Defined**

Participation in partisan politics means and includes the following:

1. Organizing a political party, club, meeting, or function.
2. Actively participating in or attending fund-raising activities for a partisan candidate or partisan political party.
3. Becoming a partisan candidate for an elective public office or campaigning for a partisan elective public office.
4. Actively working in or managing the campaign of a partisan candidate for public office.

5. Initiating or circulating a partisan nominating petition or soliciting votes for a partisan candidate for public office.
6. Serving as a delegate, alternate, or proxy to a political party caucus or convention.
7. Speaking at political party meetings in support of a partisan candidate for public office or party office.
8. Giving or receiving money for partisan political purposes unless giving the money for political purposes will remain confidential such as is provided in the state income tax law.
9. Endorsing a partisan candidate for public office or political party office in a political advertisement, broadcast, or campaign.
10. Speaking to a political convention, caucus rally, or similar gathering of a political party except when providing information on an objective and nonpartisan basis.

## **B. Identification as an Advocate**

In addition, employees must take care that the employee is not identified as an advocate or an opponent of an issue which is subject to legislative debate except as otherwise provided by law.

## **C. Allowable Political Functions**

There are some political functions which can be exercised by legislative staff which will not inhibit the exercise of a person's election franchise or free speech and will not diminish the fair and effective functioning of the agencies. While the following is not intended to be a complete list, it can be used as a guideline regarding allowable political activities. An employee may do the following:

1. Vote at all elections and register as a member of a political party.
2. Discuss publicly legislative issues and matters of public interest so long as discussions are not directed toward party success or failure and so long as the discussion does not promote or downgrade a party or member of a party and lead other persons to believe that the employee favors one party or another.
3. Participate in nonpartisan elections or be politically active in issues which are not specifically identified with any national or political party. However, such participation may constitute a conflict of interests or a potential conflict of interests necessitating a change in the employee's official duties and responsibilities as determined in the discretion of the director.
4. Participate in public affairs if the participation does not materially imply that the employee favors one political party or another.
5. Attend political conventions or functions to which the public at large is invited if the employee does not take part in the convention or in the deliberations and refrains from a public display of partisanship.

6. Attend any political meeting such as where political candidates or political figures are attending if the public at large is invited and if the attendance will not result in the appearance to persons that the employee is engaging in a political activity with the result that confidence in that employee could be eroded.
7.
  - a. Participation in the precinct party caucuses for presidential candidate selection is permitted since it is the equivalent of voting in a primary election. Participation at a higher level, such as being a delegate to a county party convention, is not permitted.
  - b. Behavior while participating in the precinct caucuses is governed by the guidelines, including the specific guidance given in regard to what are allowable activities and what are prohibited activities.

#### **D. Application of Policies to Immediate Family**

The policies established shall not apply to the spouse or children of an employee.

#### **E. Consultation With Department Head in Case of Questions**

An employee should exercise judgment in participating in any activities that might be construed by others as partisan in nature and which might compromise the belief that the employee will work on a nonpartisan relationship. If an employee is in doubt about attendance at a particular function or a possible political practice, that employee should consult with the agency director prior to attending the function in order that the employee's right of free speech and association will be maintained and the efficiency and fairness of the offices will not be compromised as a result of a lack of confidence by the persons for whom the employee must work.

#### **F. Penalties**

Penalty for violation of any provisions may include a warning, reprimand, demotion, suspension, loss of reclassification, loss of salary increase, or termination of employment. The director shall determine the penalty to be imposed, however, no penalty, except a warning or reprimand, shall be imposed, until the violation and penalty are reviewed by the Service Committee. The Service Committee may change or modify the penalty through the grievance procedures. If a director violates these provisions, the Service Committee shall review the violation and impose the penalty, if any.

### **XIV. GIFTS AND SALES OF GOODS AND SERVICES**

#### **A. Gifts**

1. As used in this paragraph A, the words "gift," "honorarium," "immediate family member," "public disclosure," and "restricted donor" have the same meanings as provided in Code Chapter 68B.
2. Except as provided in this paragraph A, a restricted donor or donors shall not, directly or indirectly, individually or jointly, offer or make any gift or series of gifts to

an employee or an immediate family member of an employee. An employee or the employee's immediate family shall not solicit any gift or series of gifts at any time. An employee shall not seek or accept an honorarium from a restricted donor.

3. Gifts which would otherwise be prohibited may, however, be received by an employee if any of the exclusions contained in section 68B.22, subsection 4, of the Iowa Code apply to receipt of the gift.
4. A restricted donor may give, and an employee or an immediate family member of an employee may accept, an otherwise prohibited nonmonetary gift or series of gifts if the gift or series of gifts is donated within 30 days to a public body, a bona fide educational or charitable organization, or the Department of Administrative Services. The employee shall file a report of the gift or series of gifts with the employee's legislative agency. A report required to be filed pursuant to these rules shall be filed by the 15th day of the month following the month in which the gift or series of gifts was made or received. The report shall show the donor, donee, nature, amount, date, and disposition or intended disposition of each gift or series of gifts.
5. Each director shall designate a custodian of the reports filed with that agency. The Legislative Council may request compilations on or copies of those reports. The reports are available for public inspection as provided in Code Chapter 22.

## **B. Sales of Goods or Services**

1. As used in this paragraph B, the words "legislative employee," "lobbyist," and "person" have the same meanings as provided in Code Chapter 68B.
2. A legislative employee shall not sell goods or services with a value in excess of \$2,000 to the General Assembly, a legislative branch agency, or a state executive branch agency with which the employee has substantial and regular contact, unless the sale has been made pursuant to an award or contract let after public notice and competitive bidding. The public bid requirement does not apply to legislative employees who are instructors at accredited education institutions and who possess the appropriate license and education requirements for that education institution, or to publication of various legal notices and propositions in newspapers that have been designated as the place for publication of legal notices or propositions.
3. Except as provided in this subparagraph, a full-time legislative employee employed year round shall not sell, directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the General Assembly.

A legislative employee who is not the director of a central legislative staff agency may sell goods or services and not be in violation of this paragraph B if all of the following conditions are met:

- a. The employee obtains the prior consent of the director of the employee's agency.

- b. The goods or services to be sold do not include lobbying the General Assembly and selling goods or services to the General Assembly.
- c. The duties and functions performed by the legislative employee are not related to the legislative authority of the General Assembly over the individual, association, or corporation or the duties and functions performed by the legislative employee for the General Assembly will not be affected by the proposed sale of goods or services to the individual, association, or corporation.
- d. Either the value of the goods or services is under \$2,000, or the value is greater than \$2,000 and the contract is let either with someone other than a state agency, or with a state agency, but has been let after public notice and competitive bidding.

If the legislative employee is the director of a central legislative staff agency, all of the above requirements shall apply, except that prior consent of the Legislative Council shall be required in lieu of consent of the director of the agency.

- 4. Each director shall specify a procedure for receiving and recording requests by employees for permission to sell goods or services. Records of the requests are available for public inspection as provided in Code Chapter 22. This chapter shall not apply to goods or services rendered voluntarily by an employee for which no compensation is received. This chapter shall not be construed to permit sales of goods or services which would either constitute an unlawful receipt of an honorarium or would constitute services against the interest of the state in violation of Code Section 68B.6.

### **C. Report of Gifts Received**

- 1. Reporting Requirement. An employee of a central legislative staff agency is required to file a report with the employee's agency when any prohibited gift or series of gifts is received from a restricted donor by the employee or an immediate family member of the employee and is subsequently donated to a public body, a bona fide educational or charitable organization, or the Department of Administrative Services. This reporting requirement does not apply to otherwise prohibited gifts for which an exclusion is provided under section 68B.22, subsection 4. A report required to be filed under paragraph A of Part XIV of this chapter of the guidelines is due by the 15th of the month following the month in which the gift is received.
- 2. Pertinent Statutory Law. Iowa law prohibits the acceptance of any gift or series of gifts from a restricted donor unless an exclusion applies to receipt of the gift. However, otherwise prohibited nonmonetary gifts may be received if the item or items are donated within 30 days to a public body, a bona fide educational or charitable organization, or the Department of Administrative Services. Code Chapter 68B should be reviewed with respect to the definition of the term "gift," the statutory exclusions, and other pertinent requirements.

GIFTS:

Donor/Organization

---

Date Received

---

Nature and Amount

---

---

Disposition

---

---

---

Date

---

Donee's Signature

**XV. EMPLOYEE CONDUCT**

Each director shall have the authority to define policies and procedures for the operations of their agencies within the context of these guidelines and each agency's operating requirements. The director shall compile these policies and procedures into an employee handbook that is provided to all employees of the agency.

Such policies and procedures may include but are not limited to those relating to dress code, smoking in the workplace, outside employment, and various operating procedures.

Such policies and procedures shall be filed with the Service Committee for its review and approval.

**XVI. PERSONNEL RECORDS**

The director or the director's designee shall maintain and be the custodian of all personnel files on each employee of that agency. These files shall also include but not be limited to performance evaluation records and any disciplinary proceedings against the employee. An employee who is no longer employed by the agency, whether by resignation or termination, shall have the employee's file kept in the agency for a period of at least three years. Employees shall have the right to inspect and have copies made free of charge of their personnel files during regular business hours. All records shall be held as confidential in accordance with Code Section 22.7(11).

## **XVII. UNAUTHORIZED COMPUTER ACCESS (HACKING)**

Unauthorized computer access is the attempt, successful or unsuccessful, to access the legislative computer system without proper authorization from the Legislative Services Agency. Unauthorized computer access includes but is not limited to: Attempting or using a sign-on belonging to another individual, attempting to access modes and data without proper authorization, or attempting to disrupt the computer system by intentionally causing the computer system to abort or terminate.

Unauthorized computer access is also any attempt to compromise data stored on a microcomputer (pc) within the Capitol complex or belonging to the Legislature or any attempt to alter the hardware or software without authorization of the Legislative Services Agency.

Unauthorized access attempts will be monitored by the Legislative Services Agency and immediate notification of any unauthorized computer access will be made to the Secretary of the Senate, Chief Clerk of the House, or director of a central staff agency responsible in whole or in part for supervising the use of that portion of the computer system.

The Legislative Services Agency will attempt to provide details to help determine where the unauthorized access was made and, if possible, the actual person or persons attempting the unauthorized access.

The Legislative Services Agency may disable the user-id of any user found attempting unauthorized access and will restore the user privilege only at the direction of the Service Committee. The Legislative Services Agency shall notify the user and the user's director or superior when a user-id has been disabled.

Penalties for unauthorized access or the attempt of unauthorized access of the legislative computer system or microcomputers may include a warning, reprimand, demotion, suspension, loss of reclassification, loss of salary increase, or termination of employment, as determined by the employee's director. The Service Committee may change or modify the penalty through the grievance procedures prescribed in Part XII of this chapter of these guidelines.

## **XVIII. CONFLICTS OF INTEREST**

**A.** An employee of a central legislative staff agency shall not engage in any outside employment or activity which is in conflict with the employee's official duties and responsibilities and shall seek to avoid all conflicts of interest between the employee's own financial, business, property, or personal interests and the interests of the employee's agency. Depending on the circumstances, the interests of the employee's agency may or may not be synonymous with the interests of the legislative branch or the state in general.

**B.** An employee of a central legislative staff agency shall not accept outside employment or enter into a financial, business, property, or personal relationship if the outside employment or financial, business, property, or personal relationship will or may reasonably adversely affect the employee's professional judgment exercised by the employee on behalf of the employee's agency. If an employee participates in allowable nonpartisan election or issue activity that constitutes a conflict of interest or potential

conflict of interest, the employee's official duties and responsibilities may be changed by the director as determined by the director.

**C.** An employee of a central legislative staff agency shall not disclose or use confidential information acquired in the course of the employee's professional responsibilities performed on behalf of the employee's agency in order to benefit the employee's outside employment or financial, business, property, or personal relationship.

**D.** In determining whether a conflict of interest or potential conflict of interest exists, an employee shall take into consideration the following factors:

1. Whether a substantial threat to the employee's independence of judgment has been created by the conflict situation.
2. Whether a substantial likelihood exists that the performance of the employee's professional responsibilities will affect the outside employment or financial, business, property, or personal relationship.
3. Whether the exercise of the employee's professional responsibilities, considering the outside employment or financial, business, property, or personal relationship, would give rise to the appearance of professional impropriety and therefore diminish legislative and public confidence in the employee's conduct or the operations of the employee's agency.
4. Whether the outside employment or activity involves the use of central legislative staff agency time, facilities, equipment, and supplies or other evidence of central legislative staff agency employment to give the employee or member of the employee's immediate family an advantage or pecuniary benefit that is not available to similarly situated members of the general public.
5. Whether the outside employment or activity involves the receipt of, promise of, or acceptance of money or other consideration from a source other than the state for the performance of any act that the employee must or should perform as part of the employee's regular duties.
6. Whether the outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the employee during the performance of the employee's duties.

**E.** An employee may consult with the agency director in order to determine whether a conflict of interest or potential conflict of interest exists.

**F.** If the director of an employee's agency determines that a conflict of interest or potential conflict of interest exists, the director may require the employee to make full disclosure to the director of all relevant facts relating to the outside employment or financial, business, property, or personal relationship, in order to determine what steps may be necessary to take in order to eliminate the conflict of interests or potential conflict of interest. If the conflict meets the criteria specified in paragraph D, subparagraph 4 or 5, the employee shall cease the activity. If the conflict meets the criteria specified in paragraph D, subparagraph 6, the employee shall either cease the activity or disclose the conflict in the manner required by the director.

## **XIX. PERSONAL FINANCIAL DISCLOSURE**

**A.** As used in this part, the words "legislative employee," "personal financial disclosure," and "financial statement" have the same meanings as provided in Code Chapter 68B.

**B.** The following legislative employees of the central legislative staff agencies are required to file a financial statement containing the information enumerated in paragraph C:

1. Directors of the central legislative staff agencies.
2. Deputy directors and division directors of central legislative staff agencies.
3. Central legislative staff agency employees who exercise substantial administrative or supervisory authority over other employees.
4. Central legislative staff agency employees who expend or approve the expenditure of agency funds as part of their regular duties.

**C.** The personal financial statements shall be in writing and shall contain the following financial information:

1. A list of each business, occupation, or profession in which the person is engaged and the nature of that business, occupation, or profession, unless already apparent.
2. A list of any other sources of income if the source produces more than \$1,000 annually in gross income. Sources of income listed pursuant to this subparagraph shall be listed under the following categories:
  - a. Securities.
  - b. Instruments of financial institutions.
  - c. Trusts.
  - d. Real estate.
  - e. Retirement systems.
  - f. Other income categories specified in state and federal income tax regulations.

**D.** Personal financial statements required under this section shall be filed annually, on or before February 15 for the most recently completed calendar year, with the Service Committee of the Legislative Council and shall be on file in the Legislative Services Agency.

**IOWA GENERAL ASSEMBLY**  
**CENTRAL LEGISLATIVE STAFF AGENCIES**  
**PERSONAL FINANCIAL DISCLOSURE FORM**

Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Agency Director: \_\_\_\_\_

**In completing this form, if insufficient space is provided, you may include additional information by attaching full-size sheets of paper to this form.**

**Division I. Business, Occupation, or Profession.**

A. Name of Business, Occupation, or Profession: List each business, occupation, or profession in which you are engaged, regardless of the amount of income derived or time spent participating in the activity.

Examples:

- State the name of the legislative agency in which you are employed.
- If you are also self-employed and are not incorporated or are not doing business under a particular business name, also state that you are self-employed.
- If you are also employed outside of the General Assembly by a private individual, state the name of the individual employer.
- If, in addition to your legislative employment, you own your own corporation, are employed by a corporation, or are doing business under a particular business name, state the name of the business or corporation.
- If, in addition to your legislative employment, you are employed by a consulting firm, state the name of the consulting firm.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

B. Nature of Business, Occupation, or Profession: State the nature of each of the businesses, occupations, or professions which you listed in Part "A" above, unless the nature of the business, occupation, or profession is already apparent from the information

indicated above. The descriptions in this part should correspond by number to the numbers for each of the businesses, occupations, or professions listed in Part "A" above.

Examples:

- State your position or job title within your employing legislative agency.
- If you indicated that you were also self-employed in Part "A" above, you should list in this part the types of activities that you engage in and the goods or services that you provide.
- If you indicated that you were also employed by a particular private individual in Part "A" above, you should indicate in this part the type of services that you provide for the individual. If your position involves the sale of goods or services, the kinds of goods or services sold should also be indicated.
- If you indicated that you were also employed by a corporation or other similar organization in Part "A" above, you should indicate your position within the corporation or organization and the kinds of services rendered to or on behalf of the corporation or organization in this part. If you indicated that you are a teacher, the type of school or institution served should also be indicated. If you are providing legal services, the areas of practice should also be indicated.
- If you indicated in Part "A" above that you were also employed in a particular consulting firm, in this part you should indicate the kind of services provided and types of clients served.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Division II. Sources of Gross Income Subject to Taxation.**

In this division, list each source, by general description, from which you receive, or which generates, more than \$1,000 in annual gross income in each of the categories listed below. For purposes of this division, a source produces annual gross income if the revenue produced by the source is subject to federal or state income taxes. In completing the items listed below, list the nature or type of each company, business, financial institution, corporation, partnership, or other entity which produces for you more than \$1,000 of annual gross income. Neither the amount of income produced nor value of the holding is required to be listed in any of the items. Do not report income received by your spouse or other family members.

A. Securities: State the nature or type of the company in which stock, bonds, or other pecuniary interests are held that generate more than \$1,000 in annual gross income. For purposes of this item, income generated by multiple holdings in a single company are deemed received from a single source. For example, if you hold multiple shares of stock in a single corporation, you must add together the income received from all shares to

determine the income received from that corporation. Stock "owned" through investment in a mutual fund should be shown by identifying the general nature or type of the mutual fund.

---

---

---

B. Instruments of Financial Institutions: State the types of institutions in which you hold financial instruments that produce annual gross income in excess of \$1,000 and indicate the nature of the income source, e.g., savings account, certificate of deposit, etc.

---

---

---

C. Trusts: State the nature or type of any trust from which you receive more than \$1,000 of gross income annually. Indicate whether the trust is a family trust. If the income is received from a charitable trust or foundation in the form of a grant, the fact that the trust is a charitable trust should be noted.

---

---

---

D. Real Estate: State the general nature of each real estate interest that generates more than \$1,000 of gross income annually, e.g., residential leasehold interest or farm leasehold interest. The size or location of the property interest is not required to be listed.

---

---

---

E. Retirement Systems: State the name of each pension plan or other corporation or company from which you receive more than \$1,000 annually in retirement benefits. If you receive a benefit jointly with another person, benefits with an annual value in excess of \$1,000 from which you actually benefit must also be listed. The name of the other person or persons is not to be listed, however.

---

---

---

**Division III. Other Income Categories.**

Other Reported Income: Provide a description of other sources of income producing over \$1,000 in annual gross income that have not been reported above, but which must be reported for income tax purposes. The amount or value of the source is not required to be listed.

---

---

---

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**XX. SEXUAL HARASSMENT**

**A. Sexual Harassment Policy**

1. Sexual harassment is prohibited under Code Section 19B.12. As defined in Code Section 19B.12, sexual harassment means persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature, taking into consideration the full context in which the conduct occurs, which conduct threatens to impair the ability of a person to perform the duties of employment. Conduct of a sexual nature that interferes with, or affects employment decisions regarding an employee, or creates an intimidating, hostile, or offensive work environment for an employee, shall constitute unlawful behavior.
2. Sexual harassment shall include but is not limited to the following:
  - a. Unsolicited sexual advances by a person toward another person who has clearly communicated the other person's desire not to be the subject of those advances.
  - b. Sexual advances or propositions made by a person having superior authority toward another person within the workplace.
  - c. Instances of offensive sexual remarks or speech or graphic sexual displays directed at a person in the workplace who has clearly communicated objection to that conduct, and where the person is not free to avoid that conduct due to the requirements of employment.
  - d. Dress requirements that bear no relation to the person's employment responsibilities.

**B. Applicability**

This policy applies to all central legislative staff agency employees as perpetrators or as victims of fellow central legislative staff agency employees. For purposes of this policy,

the word "employee" also applies to central legislative staff agency volunteers, interns, and consultants. This policy shall be distributed to all employees at the time of hiring or orientation.

Members, employees, interns, and consultants of the Senate and House of Representatives and lobbyists are subject to the jurisdiction of the Senate and House, respectively, regarding sexual harassment complaints.

### **C. Filing a Formal Complaint**

A complaint may be filed with the director of a central legislative staff agency. If the complaint involves the director of a central legislative staff agency or an employee of a different central legislative staff agency, the complaint may be filed directly with the Service Committee of the Legislative Council.

If the complaint involves a member or an employee of the Senate or House of Representatives or a lobbyist, the complaint should be filed with the Senate or House in accordance with the sexual harassment complaint or grievance procedures established by the Senate or House.

### **D. Investigation of Complaint**

The director shall begin investigation of a complaint within 48 hours of receipt of the complaint, and shall complete the investigation within 30 calendar days. The director should generally consult with the alleged harasser's supervisor in the investigation of the complaint. If the director determines that sexual harassment has occurred, the director shall take appropriate disciplinary action ranging from a written warning or reprimand, to suspension with or without pay, to termination of employment. A director who neglects to investigate promptly a sexual harassment complaint is also subject to the scope of disciplinary action described in this paragraph, up to and including termination of employment.

The Service Committee shall begin investigation of a complaint within 48 hours of receipt of the complaint, and shall complete the investigation within 30 calendar days. If the Service Committee determines that sexual harassment has occurred, the Service Committee shall take appropriate action. If the Service Committee neglects to investigate promptly a sexual harassment complaint under this policy, the complaint may be refiled with the Legislative Council, which is subject to the same guidelines as the Service Committee.

### **E. Confidentiality**

Any complaint or investigation of sexual harassment shall be handled confidentially.

### **F. Evidentiary Standards**

Disciplinary action shall be taken if the evidence, when viewed from the perspective of a reasonable person of the same sex as the victim, supports the claim of the victim. The nature of the disciplinary action shall depend on the severity of the sexual harassment.

## **G. Retaliation**

Retaliation, intimidation, or reprisal against a central legislative staff agency employee who files a sexual harassment complaint or assists in the investigation of a sexual harassment complaint is prohibited. A person found to be in violation of this prohibition is subject to appropriate disciplinary action ranging from a written warning or reprimand, to suspension with or without pay, to termination of employment.

## **H. Training**

Each agency shall establish and submit to the Council a sexual harassment training policy for that agency. The policy shall set out the agency's plan for creating, maintaining, and monitoring a workplace free of harassment, and for advising employees of their rights and duties in participating in a workplace free of harassment.

## **I. Procedural and Filing Alternatives**

If not satisfied with the results of an investigation, the employee may utilize the grievance procedures established in Part XII of the *Personnel Guidelines for the Central Legislative Staff Agencies*.

**SEXUAL HARASSMENT COMPLAINT FORM**

Name: \_\_\_\_\_ Agency or Office: \_\_\_\_\_

Job Title: \_\_\_\_\_ Director: \_\_\_\_\_

1. Who was responsible for the harassment? \_\_\_\_\_

2. Describe the sexual harassment:

**First Incident:** \_\_\_\_\_

Approximate date, time, and place: \_\_\_\_\_

What was your reaction/did you take any action? \_\_\_\_\_

**Second Incident:** \_\_\_\_\_

Approximate date, time, and place: \_\_\_\_\_

What was your reaction/did you take any action? \_\_\_\_\_

**Subsequent Incidents:** \_\_\_\_\_

Approximate dates, times, and places: \_\_\_\_\_

3. List any witnesses to the harassment: \_\_\_\_\_

**I understand that these incidents will be investigated, but this form will be kept confidential to the highest degree possible.**

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **XXI. SUBSTANCE ABUSE**

### **A. Prohibitions**

#### **1. Prohibitions Subjecting Employees to Summary Discharge**

- a. Employees of the central legislative staff agencies are prohibited from engaging or participating in any of the following activities:
  - i. Reporting to work during regular work hours while under the influence of alcohol or nonprescribed controlled substances.
  - ii. The illegal manufacture, possession, sale, purchase, transfer, consumption, or use of alcohol or controlled substances while engaged in state business, or on the employer's premises or in state offices.
  - iii. The illegal use or abuse of controlled substances or the consumption of alcohol during the operation of a state vehicle or a personal vehicle when the employee expects to receive reimbursement for mileage from the state; or the illegal use or abuse of controlled substances or the illegal or abusive consumption of alcohol preceding the operation of a state vehicle or a personal vehicle when the employee expects to receive reimbursement for mileage from the state.
  - iv. The abusive use of prescription drugs or controlled substances while engaged in state business or on the employer's premises or in state offices.
- b. Employees engaging or participating in any of the activities prohibited under this subparagraph 1 are subject to summary discharge, absent mitigating circumstances. Summary discharge means discharge from employment upon completion of a fair and thorough investigation substantiating the egregious conduct. Such discharge need not be preceded by progressive discipline, which includes but is not limited to verbal warning, written reprimand, and suspension.

#### **2. Prohibitions Subjecting Employees to Discipline or Discharge**

- a. Employees of the central legislative staff agencies are prohibited from engaging or participating in any of the following activities:
  - i. Reporting to work or returning to work, during regular work hours following a meal or break period during which alcohol, prescription drugs, or controlled substances are consumed or used, in an impaired condition. Reporting to work outside regular work hours in an impaired condition due to the consumption or use of alcohol, prescription drugs, or controlled substances, without informing the appropriate supervisor of the impaired condition prior to reporting to work.

- ii. Below standard job performance or on-the-job misconduct, including but not limited to excessive absenteeism or tardiness, caused by the consumption or use of alcohol, prescription drugs, or controlled substances.
  - iii. Off-duty misconduct involving the illegal manufacture, possession, sale, purchase, transfer, consumption, or use of alcohol or controlled substances, the illegal use or abuse of controlled substances or the consumption of alcohol during, or the illegal use or abuse of controlled substances or the illegal or abusive consumption of alcohol preceding, the operation of a vehicle, or the abusive use of prescription drugs or controlled substances, if a nexus exists between the off-duty misconduct and the employee's job duties. Nexus means a connection, link, or tie to the employee's job duties, to the ability of the employee to perform the job duties, or to serious damage caused to the reputation of the employer. A nexus may exist for employees of the central legislative staff agencies between off-duty conduct which results in any serious or aggravated misdemeanor or felony charge involving alcohol, prescription drugs, or controlled substances and the employees' job duties relating to the work of the legislature as the public institution charged with lawmaking.
- b. Employees engaging or participating in any of the activities prohibited under this subparagraph 2 are subject to discipline or discharge, absent mitigating circumstances.

## **B. Mitigating Circumstances**

Mitigating circumstances may include but are not limited to alcohol or drug dependency, unknowing or mistaken consumption, consumption or use as directed by a practitioner, as defined in Code Chapter 155A, if any restrictions on activity imposed by the practitioner are also complied with, and other factors if raised as a defense in the investigatory meeting by the employee or if the employer has a reasonable belief that a mitigating circumstance is present.

An employee shall be offered an opportunity to seek an evaluation and treatment, if necessary, for the alcohol or drug dependency, unless any of the following apply:

1. The employee's violation of paragraph A, subparagraph 1 or 2, compromises the employee's ability to responsibly perform the employee's job duties or compromises the employer's fulfillment of the agency's mission.
2. The employee has previously violated paragraph A, subparagraph 1 or 2, and has been given a final written warning or is subject to an executed last chance agreement to refrain from further violation of paragraph A, subparagraph 1 or 2.
3. The employee's violation is so egregious that summary discharge is the appropriate action.

If the employee wishes the alcohol or drug dependency to be considered as a mitigating circumstance, the employee bears the responsibility to seek evaluation and to provide the employer with documentation of an alcohol or drug dependency and treatment recommendations.

During the period of time when the employee is waiting for an evaluation to determine alcohol or drug dependency, the employer may require the employee to take a leave of absence and to use vacation, compensatory, or sick leave, as appropriate, or to request leave without pay. If the results of the evaluation determine that the employee is not alcohol or drug dependent, the employer shall proceed with discipline or discharge as appropriate. If the results of the evaluation determine that the employee is alcohol or drug dependent, the employer may establish successful completion of treatment and abstention from the consumption of alcohol or use or abuse of drugs for a reasonable period of time as a condition of continued employment.

As an alternative to a leave of absence while the employee is waiting for the evaluation, the employer, depending on the circumstances, may discharge the employee and, following an evaluation and successful completion of treatment initiated by the employee, may reinstate the employee conditioned upon the employee's abstention from the consumption of alcohol or use or abuse of drugs for a reasonable period of time.

### **C. Procedures**

If the employer observes or receives evidence of a violation of paragraph A, subparagraph 1 or 2, the employer shall immediately commence an investigation in order to determine appropriate disciplinary action. The investigation shall be conducted, and any appropriate discipline imposed, independent of any criminal investigation related to the alleged violation. Once the investigation is commenced, the employer shall carefully collect and preserve any relevant evidence and instruct any witnesses to immediately reduce their observations to writing and to sign and date their statements. The investigation must include an opportunity for the employee to meet with the employer. At the meeting, the employer must present the alleged violations and allow the employee to respond to the allegations and to any evidence presented, and to offer any mitigating circumstances. The employer may suspend the employee with pay pending the completion of the investigation. Upon completion of the investigation, the employer must meet with the employee to inform the employee of the imposition of any discipline or of discharge.

Information obtained in the administrative investigation under threat of loss of job or other discipline is generally not admissible in a criminal proceeding. Arrest and incarceration may necessitate temporary removal of an employee from the job with leave charged to the employee or with leave without pay. Reassignment of duties is a possible alternative based on the circumstances. If the employee is incarcerated at the time of completion of the independent administrative investigation or upon conviction for a criminal offense, the employee may be summarily discharged unless extenuating circumstances exist in which case the employer may grant a leave of absence without pay for a limited period of incarceration. However, the employee must request such a leave of absence and, if the employee does not, the employer may discharge the employee for absence from the job without proper authorization.

## **CHAPTER 2. POLICIES AND PROCEDURES RELATING TO THE LEGISLATIVE SERVICES AGENCY**

### **I. CONFIDENTIALITY POLICIES RELATING TO BILL DRAFT, AMENDMENT, AND RESEARCH REQUESTS AND FILES**

#### **A. Confidentiality of Drafting and Research Requests**

1. Bill Drafts and Research. The drafting of bills and preparation of research may be requested confidentially or nonconfidentially. If the requester does not indicate in any way that the request should be considered a confidential request, the request will be considered a nonconfidential request.
  - a. Confidential Requests. A confidential request means that the Legislative Services Agency will not list the request in the index of bill or research requests, will not release any information in regard to the request, and will not submit the bill draft for a fiscal note review unless specifically requested to do so by the requester. For confidential requests, only Legislative Services Agency personnel processing, assigning, drafting, and reviewing the bill draft or research will be aware that the request has been made to the Agency. No information relating to a confidential request will be released and the existence of the request will not be acknowledged by the Agency.
  - b. Nonconfidential Requests. A nonconfidential request means that the Legislative Services Agency will list the request in the index of bill or research requests, and will release the name of the requester, a working title for the bill draft or research request, and the general subject matter classification of the request. This information is considered public information.
2. Amendments. All drafting requests for amendments are considered confidential and no information relating to such requests will be released unless the release is authorized by the requester.

#### **B. Confidentiality of the Contents of Drafting and Research Requests and Files Prior to Introduction, Filing, Prefiling, or Formal Public Release**

1. Contents of Requests. The Legislative Services Agency considers the contents of requests for bills, amendments, and research to be confidential. Therefore, any documents submitted with a bill draft, amendment, or research request are generally not available to the public.
2. Contents of Files. In addition to the confidentiality status of the contents of requests, information used for drafting a bill or amendment or preparing research is generally not available to the public. The information and the documents submitted with a request are retained in the drafting or research file or by the drafter, are considered

the property of the Legislative Services Agency and the requester, and are available to Agency personnel and the requester only. The information and documents are considered working papers, as are any preliminary drafts or research in the drafting or research files or in the possession of the drafter. This confidentiality policy affords the requester the absolute right, prior to release of any information related to the draft or research, to review the draft or research to determine if the draft or research accomplishes the objectives desired by the requester and should be released.

3. Release of Contents. The contents of bill, amendment, and research requests and files can be made public or released to a specific individual only with the oral or written approval of the requester. The contents may also be released to a person working with the Legislative Services Agency on behalf of the requester, whether the request was made confidentially or nonconfidentially. On occasion it is necessary for the Legislative Services Agency drafter or researcher to seek additional sources of information to fully understand the problem to be resolved or to take into consideration other factors involved in resolving the problem addressed by the request. If such additional information sources are necessary, the drafter or researcher must exercise good judgment and discretion in order not to divulge the identity of the requester or the objectives of the request, unless the drafter or researcher has obtained prior approval from the requester to divulge this information. In gathering information, the drafter or researcher should generally not identify the request or requester but rather approach information sources by informing them of the need for the Legislature to gain access to the information being sought.

### **C. Confidentiality of the Contents of Drafting and Research Files After Introduction, Filing, Prefiling, or Formal Public Release**

1. Bill Drafting Files. After a bill draft has been introduced and given a Senate or House file number, prefiling for introduction, filed as a Senate or House study bill, or presented to a formal meeting of a standing or interim study committee or a formal subcommittee of such a committee, the text of the bill draft is available to the public. In addition, technical drafting information may be released by the drafter, such as references to other statutes upon which a bill draft may be based, reasons for choice of language, reasons for placement of codified language, references to related statutes, and references to relevant court cases and constitutional provisions. However, working papers used in bill draft preparation, including preliminary drafts, are not publicly available. Background information, such as details of the bill draft request's origination, nontechnical details of the drafting process, and the identity of persons authorized by the requester to work with the Legislative Services Agency, is not to be released. Such working papers and background information may be released, however, with the oral or written permission of the requester or if the specific document or information has otherwise become public information.
2. Amendments. The Legislative Services Agency does not maintain formal files for the drafting of amendments. After an amendment is filed and given a Senate or House number, the text of the amendment is available to the public. In addition, technical drafting information may be released by the drafter, such as references to

other statutes upon which an amendment may be based, reasons for placement of codified language, references to related statutes, and references to relevant court cases and constitutional provisions. However, working papers used in amendment preparation, including preliminary drafts, are not publicly available. Background information, such as details of the amendment request's origination, nontechnical details of the drafting process, and the identity of persons authorized by the requester to work with the Legislative Services Agency, is also not to be released. Such working papers and background information may be released, however, with the oral or written permission of the requester or if the specific document or information has otherwise become public information.

3. Research Files. Since research is not formally introduced or filed, the Legislative Services Agency only releases research information or findings with the oral or written permission of the requester or if the specific research information or findings have otherwise become public information.

## **D. Confidentiality of Historical Bill Drafting Files, Amendments, and Research Files**

### **1. Past Policy**

- a. Bill Drafting Files and Amendments. The procedure in place until 1991, under the administration of the Legislative Service Bureau, one of the Legislative Services Agency's predecessor agencies, provided that before the convening of a General Assembly in the odd-numbered year, all bill drafting files for the next-to-the-last General Assembly were boxed and sent to the State Archives, and all amendments for the next-to-the-last General Assembly were destroyed. Thus, for example, in October and November 1990, before the convening of the Seventy-fourth General Assembly in January 1991, all bill drafting files for the Seventy-second General Assembly (1987 and 1988 Sessions) were boxed and sent to the State Archives, and all amendments for the Seventy-second General Assembly were destroyed. Past policy has allowed access by the public to these bill drafting files in the custody of the State Archives, except for those files sent to the State Archives in the latter years which were clearly marked confidential.
- b. Research Files. Research files have always been retained by the Legislative Services Agency, or one of its predecessor agencies, the Legislative Service Bureau, and have never been sent to the State Archives. The Legislative Services Agency only releases research information or findings with the oral or written permission of the requester or if the specific research information or findings have otherwise become public information.

### **2. Current Policy**

- a. Bill Drafting Files. Beginning with the bill drafting files for the Seventy-eighth General Assembly (1999 and 2000 Sessions), the procedure in place for the Legislative Services Agency and one of its predecessor agencies, the Legislative Service Bureau, is that before the convening of a General

Assembly in the odd-numbered year, all bill drafting files for the next-to-the-last General Assembly for bill drafts which were introduced, filed, prefiled, or formally publicly released, whether requested confidentially or nonconfidentially, will be boxed and sent to the State Archives or otherwise permanently archived. The public will be allowed access to these files in the custody of the State Archives or otherwise permanently archived. Bill drafting files which were confidentially or nonconfidentially requested and were not introduced, filed, prefiled, or formally publicly released will not be sent to the State Archives and will not be permanently archived for public access but will be retained in their original files by the Legislative Services Agency for an additional two years and then destroyed.

- b. Research Files. Beginning with the research files for the Seventy-third General Assembly (1989 and 1990 Sessions), the procedure in place for the Legislative Services Agency and one of its predecessor agencies, the Legislative Service Bureau, is that before the convening of a General Assembly in the odd-numbered year, all research files which were requested confidentially by legislators for the next-to-the-last General Assembly will be retained by the Legislative Services Agency for an additional two years and then destroyed. Other research files will be selectively retained or destroyed. Major research files requested nonconfidentially by legislators or requested by others may, at the discretion of the Legislative Services Agency, be boxed and sent to the State Archives or otherwise permanently archived. The public will be allowed access to these files in the custody of the State Archives or otherwise permanently archived for public access.

Research files maintained by the Legislative Services Agency or one of its predecessor agencies, the Legislative Service Bureau, for general assemblies prior to the Seventy-third General Assembly (1988 Session and prior sessions) will be selectively retained or destroyed. Major research files may, at the discretion of the Legislative Services Agency, be retained by the Agency in the Agency's legislative library. The public will be allowed access to such files which have been designated nonconfidential.

- c. Amendments. Beginning with the amendments drafted for the Seventy-third General Assembly (1989 and 1990 Sessions), the procedure in place for the Legislative Services Agency and one of its predecessor agencies, the Legislative Service Bureau, shall be that before the convening of a General Assembly in the odd-numbered year, all amendments for the next-to-the-last General Assembly will be destroyed.

### 3. Confidentiality Policy Chart

Time Period	Nonconfidential Request	Confidential Request
I. After Request but Before Introduction, Filing, Prefiling, or Formal Public Release	I. The following information may be released: A. Name of requester. B. Working title of request. C. General subject matter classification of request.	I. Absolutely no information may be released, not even whether a request has been made.
II. After Introduction, Filing, Prefiling, or Formal Public Release	II. A. The following information may be released: 1. Text of bill or amendment draft. 2. Technical drafting information such as references to other statutes upon which draft may be based, reasons for choice of language, reasons for placement of codified language, references to related statutes, and references to relevant court cases and constitutional provisions. B. The following information shall not be released, unless the requester orally or in writing grants permission to release the information or if the specific information has otherwise become public information: 1. Working papers used in bill or amendment preparation, including preliminary drafts. 2. Background information such as details of the request's origination and nontechnical details of the drafting process. 3. The identity of persons authorized by the requester to work with the Legislative Services Agency.	II. Same as for nonconfidential request.
III. After Delivery to the State Archives	III. A. The past policy (pre-1989) is that the contents of all bill drafting files are available to the public at the State Archives. B. The policy for the 1989-1998 sessions is that the contents of all bill drafting files for bills that were requested nonconfidentially are available to the public at the State Archives. C. The current policy is that the contents of all bill drafting files for bills that were introduced, filed, prefiled, or formally publicly released are available to the public at the State Archives or otherwise. Bill drafting files for bills that were requested nonconfidentially and were not introduced, filed, prefiled, or formally publicly released will not be available to the public but will be retained in their original files by the	III. A. The past policy (pre-1989) is that the contents of all bill drafting files are available to the public at the State Archives, except for those files sent to the State Archives that have been clearly marked confidential. B. The current policy is that the contents of all bill drafting files for bills which were introduced, filed, prefiled, or formally publicly released are available to the public at the State Archives or otherwise. Bill drafting files for bills that were requested confidentially and were not introduced, filed, prefiled, or formally publicly released will not be available to the public but will be retained in their original files by the Legislative Services Agency for an additional two

	Legislative Services Agency for an additional two years and then destroyed.	years and then destroyed.
--	---	---------------------------

## II. POLICY FOR REQUESTING LEGAL RESEARCH FROM THE LEGISLATIVE SERVICES AGENCY

The Legislative Services Agency (LSA) may accept from legislators all legal research requests which request information regarding the law relating to a particular subject matter, provided that the request does not ask that the Agency apply the law to a particular fact pattern. This policy is intended to allow the Agency to investigate the area of law and to make general findings in regard to particular subject matters but to prevent the Agency from making conclusions as to the legality of any particular behavior or set of circumstances. Legal research findings shall be reviewed internally by an Agency attorney and shall be subject to further review by an Agency attorney-manager licensed to practice law in Iowa.

## III. RULES FOR PREFILING LEGISLATIVE BILLS

### A. Legislative Bills

Code Section 2.16 authorizes the prefiling of legislative bills and reads as follows:

#### **2.16 PREFILING LEGISLATIVE BILLS.**

*Any member of the general assembly or any person elected to serve in the general assembly, or any standing committee, may sponsor and submit legislative bills and joint resolutions for consideration by the general assembly, before the convening of any session of the general assembly. Each house may approve rules for placing prefiled standing committee bills or joint resolutions on its calendar. Such bills and resolutions shall be numbered, printed, and distributed in a manner to be determined by joint rule of the general assembly or, in the absence of such rule, by the legislative council. All such bills and resolutions, except those sponsored by standing committees, shall be assigned to regular standing committees by the presiding officers of the houses when the general assembly convenes.*

*Departments and agencies of state government shall, at least forty-five days prior to the convening of each session of the general assembly, submit copies to the legislative services agency of proposed legislative bills and joint resolutions which such departments desire to be considered by the general assembly. The proposed legislative bills and joint resolutions of the governor must be submitted by the Friday prior to the convening of the session of the general assembly, except in the year of the governor's initial inauguration. The legislative services agency shall review such proposals and submit them in proper form to the presiding officer in each house of the general assembly for referral to the proper*

*standing committee. Before submitting any proposal prepared under this section to the presiding officers, the legislative services agency shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or governor's office shall review and return it within seven days of such delivery.*

*The costs of carrying out the provisions of this section shall be paid pursuant to section 2.12.*

In accordance with Code Section 2.16 the following rules for the prefiling of legislative bills and resolutions shall be in effect for each regular session of the General Assembly. For the purpose of the following rules, a reference to bills shall be interpreted to include both bills and resolutions.

#### 1. Drafting of Legislative Bills

Any person who is presently a member of the General Assembly or is elected to serve in the General Assembly may request the LSA to draft a bill at any time prior to the convening of the legislative session and a member may request such a draft at any time during the legislative session, subject to any time limitations established by the Senate or House of Representatives. A request to have a bill drafted for a legislative session, which is received prior to or during the legislative session, is only considered a valid request for that session. In order for a member to have a bill drafted for a subsequent session of a General Assembly, the member must submit a new request prior to or during that session. If a bill is requested prior to the convening of the legislative session, unless the bill is specified to be prefiled, the bill will be held by the LSA until the session is convened; however, a copy will be sent to the legislator if the bill draft is completed prior to the convening of the session. If the bill is not prefiled, the text of the bill will only be released if the legislator specifically consents to the release.

#### 2. Request for Prefiling

Any person who is presently a member of the General Assembly or is elected to serve in the General Assembly may prefile a legislative bill by making a request to the LSA by the first Monday in December. The request may be in writing and signed by the legislator, may be transmitted electronically through the legislative computer system, or may be made orally and reduced to writing by a member of the LSA staff. The prefiling request may be made at the time of requesting a bill draft or may be made after the legislator has had the opportunity to review the bill draft. If possible, the names of all sponsors of the prefiled bill shall be given to the LSA at the time of making the prefiling request.

a. Drafting of Prefiled Bill. When a prefiling request for a bill is received, if time allows, the bill draft will be completed prior to the convening of the legislative session. A copy of the bill will be mailed to the legislator who requested the bill prior to the actual filing of the bill and the procedures noted in these rules will be followed.

b. Introduction of Prefiled Bill. When the legislator receives a copy of a bill which the legislator has requested to be prefiled, the legislator should review

the bill to determine if it has been drafted as requested. The legislator should then notify the LSA requesting any changes in the bill or informing the LSA that the bill has been drafted as requested. The names of all sponsors should be given to the LSA.

If the legislator agrees that the bill meets the specifications required and confirms that the bill should be prefiled, the bill will be packaged and forwarded to the legal counsel of the house of introduction for review. Please note that at this point the bill is considered a public record and the text is available for review by the public. If the legislator does not want the text to be available for review by the public at this time, the legislator should inform the LSA and the LSA will not prefile the bill but will hold it for the legislator so that the legislator can personally introduce the bill. A prefiled bill will be introduced, numbered, and printed prior to the convening of the legislative session, and its title will be read at the earliest possible time following the convening of the legislative session. No further action will be required by the legislator. The LSA will provide appropriate forms in order that the legislator will be able to make final confirmation of the desire to prefile the bill.

### 3. Special Session Requests

Requests for the drafting of legislative bills for extraordinary sessions are subject to any restrictions established by the Senate or House of Representatives. Senate Rule 27 provides that extraordinary session bills and resolutions must be sponsored by a standing committee, the majority and minority floor leaders, or the committee of the whole. First priority is generally given to the drafting of bills prepared for committee consideration.

## **B. Bill Drafting Request Forms**

The LSA has bill drafting request forms available for legislators. If possible the request form should be completed by the legislator but a request form will be completed by LSA personnel if the legislator does not have an opportunity to do so. Bill drafting request forms can be obtained from the LSA upon request and requests can be submitted electronically through the legislative computer system. The LSA will normally confirm the electronic receipt of a request by electronic message.

## **C. Confidential Records**

It should be noted that the bill drafting request form contains a space for indicating if a drafting request is to be confidential. If a legislator desires that no information be released in regard to a request, including the subject matter of the request, the legislator should indicate on the request form that the bill request is confidential. A designation that a bill request is to be confidential means that the request will not be listed in the index of bill requests and that LSA personnel will not release any information in regard to the request. The confidential designation also means that the bill draft will not be analyzed for a fiscal note review unless the legislator specifically requests such a review.

It is the policy of the Legislative Council that either a confidential or a nonconfidential request from a legislator creates a personal relationship between the LSA and the legislator, and only such information as the legislator desires will be released to the press or other interested persons. In this regard, cognizance must be given to the public records law. Many records of the LSA are public records and frequent inquiries are made by the press and other interested persons concerning bill drafting requests which have been received by the LSA. It is the policy of the Legislative Council that a bill draft is not a public record until released by the legislator. A copy of a bill draft will not be released to a person other than the legislator without the legislator's implied or express consent or unless the bill draft has been introduced or otherwise placed in the public domain by the legislator. Final confirmation of the prefiling of a completed bill draft by a legislator, according to these rules, places the bill draft in the public domain and makes the text of the bill draft available to the public for review.

#### **D. Departmental Requests**

Submission of Requests for Prefiled Proposed Bills. Drafting requests for prefiled proposed bills of state departments and agencies shall be submitted to the LSA beginning **the first Monday in August** but no later than **the date in November that is the 45th day prior to the convening of the regular session in January. However, if that date in November is a state holiday, which is often the case since the date in most years falls on the Friday after Thanksgiving, requests will be accepted until 4:30 p.m. on the following Monday.** Code Section 2.16 requires state departments and agencies to submit their recommendations that they wish to be considered by the General Assembly in bill draft format. The Legislative Council requires that bill drafts submitted by departments and agencies be specific enough to complete the final draft for the department or agency. If the submission by the department or agency is not specific enough to complete the final draft, the LSA will contact the department or agency and provide the department or agency with a three-business-day period to provide the needed information. If the needed information is not provided by the department or agency within the three-business-day period, the request is rejected and the department or agency will be required to seek a legislative sponsor for the proposal.

Departments and agencies shall submit the fewest number of requests as possible for prefiled proposed bills. One request may contain the department's technical or corrective Code changes. The other requests shall contain the department's legislative policy proposals. The bills may be drafted in divisions with each division containing a related, but distinct subject matter. The LSA will confer with the department's representative regarding combination or separation of its technical proposal and its policy proposals into individual legislative bill drafts which can most efficiently be considered by the General Assembly given the General Assembly's customary assignment of subject matters to the standing committees and subcommittees.

Departments and agencies are requested to include a separate memorandum addressed to the members of the General Assembly which describes the need for, purpose of, and intent of the requested bill, including a description of the problem or problems the bill is intended to address. The LSA will use the memorandum in its completion of the final draft of the department or agency and will forward the memorandum to the legislative leaders at

the same time that the bill draft approved by the department or agency is transmitted to the legislative leaders. The separate memorandum will be copied and attached to the back of the bill draft when it is filed as a study bill.

The LSA will review the proposal submitted by the department or agency, make suggestions as to nonsubstantive changes or corrections, confer with the department or agency representative in regard to the proposal, draft an objective explanation for the bill, and prepare the bill in final form.

Additional drafting instructions requested from the department or agency by the LSA must be received within seven calendar days of being requested by the LSA or the drafting request will be considered withdrawn. Approval of the initial draft sent to the department or agency must be received by the LSA within seven calendar days after its receipt by the department or agency or the drafting request will be considered withdrawn. The LSA will redraft the bill per the department's or agency's instructions only once following the initial delivery to the department or agency. The department or agency cannot modify the drafting request after the LSA delivers the redrafted bill to the department or agency for the second time. Once the bill is in final form, the LSA, not the department or agency, will submit the bill in proper form to the presiding officer of each house for referral to the proper standing committee. All approvals of final bill drafts are to be received no later than **the first day of the legislative session**. Bill drafting requests from legislators will receive priority consideration by the LSA over departmental and agency bills.

Proposed bill draft requests submitted by departments and agencies after **the statutory filing deadline in late November or early December** will not be assigned to a staff member unless a legislative sponsor is obtained. In order for the LSA to have adequate time to provide assistance in drafting, departments and agencies are strongly urged to submit their proposals as soon as possible after **the first Monday in August**. Lengthy or complex proposals should be submitted far in advance of the deadline date. This will allow the LSA to provide assistance before a large quantity of legislative requests is received.

If departments and agencies know they will be submitting lengthy or complex legislation, it is suggested they submit or at least discuss the proposals in the **early fall** even if they will not make final decisions in regard to all provisions until late fall.

For the purposes of these rules, in addition to the Governor, the executive and judicial branch departments and agencies listed in paragraph "E" are authorized to prefile bills. The LSA may modify the list to delete abolished departments or agencies or to add new departments or agencies with significant interests in legislation. If the LSA determines that the Legislative Council should consider any proposed modification, the LSA shall submit the proposal to the Legislative Council for approval prior to making the modification to the list.

## **E. Authorized Prefiling Agencies**

### 1. Executive Branch

#### a. Elected Officials

- Attorney General (Department of Justice)

- Auditor of State
  - Department of Agriculture and Land Stewardship
  - Secretary of State
  - Treasurer of State
- b. Nonelected Heads
- Board of Parole
  - Civil Rights Commission
  - Department of Administrative Services
  - Department for the Blind
  - Department of Commerce
  - Department of Commerce/Alcoholic Beverages Division
  - Department of Commerce/Banking Division
  - Department of Commerce/Credit Union Division
  - Department of Commerce/Insurance Division
  - Department of Commerce/Professional Licensing and Regulation Division
  - Department of Commerce/Savings and Loan Division
  - Department of Commerce/Utilities Division
  - Department of Corrections
  - Department of Cultural Affairs
  - Department of Economic Development
  - Department of Education
  - Department of Education/Board of Educational Examiners
  - Department of Education/College Student Aid Commission
  - Department of Education/Public Broadcasting Division
  - Department of Elder Affairs
  - Emergency Response Commission
  - Ethics and Campaign Disclosure Board
  - Governor's Office of Drug Control Policy
  - Department of Human Rights
  - Department of Human Rights/Community Action Agencies Division

- Department of Human Rights/Criminal and Juvenile Justice Planning Division
- Department of Human Rights/Deaf Services Division
- Department of Human Rights/Latino Affairs Division
- Department of Human Rights/Persons with Disabilities Division
- Department of Human Rights/Status of African-Americans Division
- Department of Human Rights/Status of Women Division
- Department of Human Services
- Department of Inspections and Appeals
- Department of Inspections and Appeals/Racing and Gaming Commission
- Iowa Finance Authority
- Iowa Lottery Authority
- Iowa Public Employees' Retirement System
- Iowa Telecommunications and Technology Commission
- Law Enforcement Academy
- Department of Management
- Department of Natural Resources
- Department of Public Defense
- Public Employment Relations Board
- Department of Public Health
- Department of Public Health/Board of Dental Examiners
- Department of Public Health/Board of Medical Examiners
- Department of Public Health/Board of Nursing Examiners
- Department of Public Health/Board of Pharmacy Examiners
- Department of Public Safety
- Board of Regents
- Department of Revenue
- Department of Transportation
- Underground Storage Tank Fund Board
- Department of Veterans Affairs
- Department of Workforce Development

2. Judicial Branch
  - Judicial Branch
3. Legislative Branch
  - Citizens' Aide/Ombudsman

## **F. Governor's Proposals**

Bill drafting requests from the Office of the Governor are governed by Code Section 2.16 which requires that proposed legislative bills and joint resolutions be submitted by the Friday immediately prior to the convening of the regular session, except in the year of the Governor's initial inauguration. As part of the LSA's review and preparation in proper form of the Governor's bill requests, the LSA will make suggestions regarding the combination or division of proposals into separate legislative bill drafts which can most efficiently be considered by the General Assembly given the General Assembly's customary division of subject matter jurisdiction among the standing committees and subcommittees. If specific drafting instructions for proposed legislative bills of the Governor are not received by the LSA by the first day of the regular session, work on completion of those legislative bills must compete with other legislative priorities. Approval of the final draft must be received by the LSA within seven calendar days of its receipt by the Governor's Office. Once the bill is in final form, the LSA will submit the bill in proper form to the presiding officer of each house for referral to the proper standing committee.

Requests by the Governor for the drafting of legislative bills for extraordinary sessions are subject to any restrictions established by the Senate or House of Representatives. However, first priority is generally given to the drafting of legislative bills proposed by legislative committees or legislative leaders.

## **IV. LEGISLATIVE SERVICES AGENCY DUTIES — LEGISLATIVE PRIVILEGES OF THE MEMBERS AND EMPLOYEES OF THE GENERAL ASSEMBLY**

The LSA shall provide services to the General Assembly in such a manner as to preserve the authority of the Senate and the House of Representatives to determine their own rules of proceedings and to exercise all other powers necessary for a separate branch of the General Assembly of a free and independent state, and to protect the legislative privileges of the members and employees of the General Assembly. In providing services to the General Assembly, the LSA shall adhere to all applicable policies of the General Assembly and its constituent bodies relating to public access to legislative information and related confidentiality restrictions.

Legislative communications by and on behalf of the members of the General Assembly are generally confidential unless disclosed by the members. The LSA shall maintain the confidentiality of such legislative communications.

## **V. POLICIES AND PROCEDURES FOR THE CAPITOL TOUR GUIDES**

Originally Adopted by Senate Co-presidents, Senate Co-floor Leaders, House Speaker, and House Majority and Minority Leaders February 20, 2006

### **A. Tours**

#### **1. Goals**

It is the goal of the Capitol Tour Guides of the Legislative Services Agency to ensure that every visitor to the Capitol leaves with a positive image of the state government, the General Assembly, the State of Iowa, and the tour guide staff. It is the tour guide's responsibility to provide an educational, informative, and safe and secure experience to all that come to visit the Capitol.

#### **2. Duties**

Duties of the tour guides include:

- a. Schedule, record, and conduct tours of the Capitol while providing historical facts and anecdotes.
- b. Direct visitors to meetings, offices, and departments in the Capitol, as well as within the Capitol complex.
- c. Provide information about city attractions, special events, parks, shopping, hotels, and restaurants.
- d. Assist in developing and implementing a variety of tours and new programs.
- e. Research historical information, providing documentation.

#### **3. Public Tours**

All tours will remain exclusive to the Capitol and will start at the tour guides' desk on the first floor. Tours are for only the public areas of the building. There will be no tours of the tunnel system. Tours outside of the Capitol, such as the Capitol grounds and other state-owned buildings, may be requested prior to arrival at the Capitol. Requests are subject to approval by the tour guide supervisor.

#### **4. Adult Supervision of Groups of Children**

In order to participate in a guided tour of the Capitol, all children under the age of 14, must be accompanied by at least one adult supervisor, parent, or guardian:

- a. Groups with up to 10 children — one adult.
- b. Groups with 11 to 20 children — two adults.
- c. Groups with 21 to 30 children — three adults.

#### **5. Restrictions Involving Child**

If a child under the age of 14 is left alone with a tour guide during a tour due to an emergency, the tour guide must return to the tour guides' desk. Call Post 16, State Patrol, at 281-5608 immediately and give full details to an officer. Unless it is an

emergency situation which dictates otherwise, a tour guide should never be alone with a child under the age of 14.

## 6. Saturday Tour Areas

Tour areas within the Capitol are restricted on Saturdays. Only the following places are available for tours during these times: first-floor area, second-floor rotunda area, and front entrance to Senate and House chambers, State Law Library, south House gallery, north Senate gallery, third-floor balcony in front of the mosaics, and the whispering gallery/dome.

## **B. Safety**

### 1. Safety Rules Detailed

At the beginning of each tour, the guide will detail the rules for safety. The guide must provide information on the following rules:

- a. Walk in the building and stay with the group.
- b. No climbing on the railings around the rotunda on the first and second floors.
- c. Use quiet voices.
- d. No food or beverages on the tour.
- e. Camera use is allowed in the building except for galleries during session, but students are not allowed to take cameras to the dome.
- f. Do not throw items off the balcony.

### 2. Minimum Age

Organized groups must be at least a fourth-grade level and above to tour the whispering gallery/dome.

### 3. Individual Tours

If a Capitol tour is requested with one individual, above the age of 14, the tour guide shall request a second guide or member of Post 16, State Patrol, to accompany them during the tour.

### 4. Safety Hazard Reports

Report possible safety hazards. Contact the maintenance department or Post 16, State Patrol, at 281-5608 immediately.

### 5. Health Emergencies

In case of an emergency for a health issue of a member of the tour party, call Post 16, State Patrol, or 911. When in the dome, never leave the person alone. Locate someone to stay with the person and get help. If the person is able to do so, allow them to accompany you through the attic and down the elevator. Do not move an injured person.

### 6. Emergency Situations

In an emergency situation, such as a questionable visitor (or one who is behaving inappropriately or causing a disruption in the Capitol), contact Post 16, State Patrol, at 281-5608.

#### 7. Other Emergencies

In case of an emergency, follow Legislative Services Agency guidelines. Other emergency situations which could arise in the Capitol include:

- a. Fire.
- b. Tornado.
- c. Bomb threat.

## **CHAPTER 3. POLICIES AND PROCEDURES APPLICABLE TO THE GENERAL ASSEMBLY**

### **I. POLICY FOR ACCESSIBILITY FOR PERSONS WITH DISABILITIES**

Originally Adopted by Legislative Council June 14, 1994, Modified June 25, 1997, and December 15, 1999

The General Assembly and its agencies have analyzed their services to the general public in conjunction with the requirements of the Americans With Disabilities Act and will provide the following:

#### **A. Printed Materials**

Each of the agencies of the General Assembly will assign an individual staff member within the agency, upon request, to read printed materials aloud. (A list of printed materials of the General Assembly is attached.)

Upon request, printed materials of the General Assembly will be provided as soon as reasonably possible in one or more of the following formats:

1. Audio cassette tape.
2. Large print.
3. Computer disk in either ASCII or Word Perfect format for conversion to synthetic speech.
4. Braille, prepared by the Department for the Blind.

#### **B. Internet Documents and Information**

Information on the General Assembly website has been formatted to accommodate browser software for the visually impaired, wherever possible. In those instances where information is unable to be interpreted, the Legislative Information Office is prepared to assist any individual requesting assistance by assigning a reader or providing the information in one of the alternate formats listed above for printed materials.

#### **C. Interpreting Services**

The General Assembly has executed an agreement with the Deaf Services Commission of Iowa of the Department of Human Rights for provision of interpreter services either by the Deaf Services Commission or an interpreter in private practice. The services will be paid for by the respective houses of the General Assembly. Upon request given 48 hours in advance, the General Assembly will provide an interpreter for any session of either house of the General Assembly, any standing or interim committee meeting, and meetings with individual legislators at the State Capitol. It is understood that although meetings, floor debate, and activities may be scheduled for a specific day and time by either house of the General Assembly, those dates and times may be altered by that house without advance

notice. To the extent possible, requests for interpreting services will be provided under the revised time schedule.

#### **D. Assistive Listening Systems**

The General Assembly has purchased and installed FM broadcast infrared assistive listening devices for the Senate and House chambers and galleries. A portable infrared system has been purchased that can be used in committee rooms in either house. The General Assembly has purchased receivers for the Senate and House of Representatives. The receivers will be in the custody of the Secretary of the Senate and the Chief Clerk of the House during the legislative session and the Legislative Information Office during the interim. Individuals wishing to use a receiver must leave a driver's license or credit card with the custodian of the receiver. The driver's license or credit card will be returned upon return of the receiver.

#### **E. Telephone Access**

A tele-typewriter for the deaf (TTY) is available through the Secretary of the Senate and the Chief Clerk of the House offices. Staff members from these two offices will be available to assist any individual desiring to use the device. The telephone numbers of telephones that have access to the device will be publicized. A TTY is also available in the Office of Citizens' Aide/Ombudsman.

#### **F. Physical Access**

The Senate and House galleries located off the third floor (Capitol rotunda balcony) hallways are open to the public and accessible to and functional for persons with physical disabilities. The Senate and House lobbies are open to the public and accessible by elevator to and functional for persons with physical disabilities and are equipped with speakers which carry the chamber debates. If public meetings are held in either chamber, the elevator is available in each lobby that accesses the upper lobby areas in each house and these areas are accessible to the respective chambers. Pursuant to rules adopted by the Senate and the House of Representatives, access to the floor of the Senate and House of Representatives chambers shall be allowed during debate of interest to persons with physical disabilities, including such persons who are registered lobbyists, if those persons are unable to access the galleries.

Most Senate and House committee rooms are accessible to and functional for persons with physical disabilities. Upon request and to the extent possible, a meeting not scheduled for one of these committee rooms will be moved to a committee room that is accessible. Legislative agencies are also able to use meeting rooms of other government agencies that are accessible if they are not otherwise in use. Members of the public who have physical disabilities may convey requests for accessible meeting rooms to the Secretary of the Senate, the Chief Clerk of the House, and to the Legislative Information Office.

## **G. Procedure for Complaints**

A person with a disability whose request for assistance within the General Assembly has not been fulfilled to the person's satisfaction may file a complaint of discrimination with the Iowa Legislative Information Office, on a form provided by the Legislative Information Office, within 24 hours of the time of the alleged discrimination. The Legislative Information Office shall transmit the complaint form to the General Assembly Staff Committee. The Staff Committee consists of the Secretary of the Senate, the Chief Clerk of the House of Representatives, the Director of the Legislative Services Agency, and the Director of the Legislative Information Office. If the complaint of discrimination involves the Office of Citizens' Aide/Ombudsman, the General Assembly Staff Committee shall also consist of the Citizens' Aide/Ombudsman. The General Assembly Staff Committee shall consider the complaint as soon as practicably possible.

## **II. EXTENDED CAPITOL DOME TOURS POLICY**

Originally Adopted by Senate Co-presidents, Senate Co-floor Leaders, House Speaker, and House Majority and Minority Leaders February 20, 2006

### **A. Extended Capitol Dome Tour Hazards**

Extended Capitol Dome tours conducted by members of the Legislature or their clerks include access to the Capitol's inner dome and lantern atop the outer dome. Some of the risks present in the dome tours include but are not limited to the following: significant climbing up and down 300 narrow, steep steps with a vertical climb of approximately 275 feet; cramped spaces and narrow stairways and walkways accommodating only one-way traffic and few persons, with no areas for resting; lower than normal railings; nonstandard safety devices; uneven floor surfaces; uneven temperatures including extreme heat in the summer months; dim lighting; dust and other residues; limited communications possibilities; and limited access by rescue or medical personnel and their equipment to tour areas and tour participants.

### **B. Policy Controlling Extended Capitol Dome Tours Conducted by the Members of the Legislature or Their Clerks:**

1. Access to the lantern atop the outer dome will be available for groups of no fewer than three and no more than six participants (including Legislator or clerk).
2. A Legislator or clerk must accompany each group.
3. All participants must be at least six years of age.
4. An assumption of risk and release and discharge of liability form must be signed by all individuals age 18 or over and by a parent or guardian for individuals under age 18 (including Legislator or clerk).
5. Capitol tour guides will control access to the dome, and only one group at a time will be granted access through the second floor door access to the dome steps.
6. Such access must not interfere with regular tour groups visiting only the whispering gallery of the dome.



Participant's Name	Age	Releasor's or Parent/Guardian's Signature	Date
1. _____			
2. _____			
3. _____			
4. _____			
5. _____			

**B. Employee Tours**

**Assumption of Risk and Release and Discharge of Liability  
Regarding Participation in Employee Tours**

**Tour Hazards.** Tours of the Capitol offered to employees include access to the Capitol's inner dome and lantern atop the outer dome and to the attic and sub-basement.

Some of the risks present in the dome tours include but are not limited to the following: significant climbing up and down 300 narrow, steep steps with a vertical climb of approximately 275 feet; cramped spaces and narrow stairways and walkways accommodating only one-way traffic and few persons, with no areas for resting; lower than normal railings; nonstandard safety devices; uneven floor surfaces; uneven temperatures including extreme heat in the summer months; dim lighting; dust and other residues; limited communications possibilities; and limited access by rescue or medical personnel and their equipment to tour areas and tour participants. Some of the risks present in the attic and sub-basement include but are not limited to the following: overhead hazards; lower than normal ceilings, doorways, or walkways; confined spaces that require stepping over or bending under obstacles; protruding pipes and other obstacles; uneven floor surfaces; dim lighting; and dust and other residues.

**RELEASE:** In consideration of being permitted to participate in the Employee Tours, I (releasor) declare, affirm, and attest to the following regarding my participation in the tours:

5. I assume full responsibility for all risks of bodily and emotional injury or death to me and damage to my property, including those outlined above.
6. I hereby release and forever discharge all those named in paragraph 4 below (releasees) from all liability for any and all loss or damage on account of bodily and emotional injury or death to me and damage to my property, whether caused by the negligence or other actions of releasees or by any other persons.
7. This release extends to claims made on my behalf or as a result of my participation by my spouse, heirs, legal representatives, successors, and assigns.
8. Releasees include Capitol Tour Guides, the Legislative Services Agency, the Secretary of the Senate, the House Chief Clerk, the Capitol Facilities Manager, the General Assembly, and the State of Iowa, and their employees and agents.

I have carefully read and understood this release and am signing this release voluntarily, intending this release to be a complete and unconditional release of liability to the greatest extent permitted by law.

Participant's Name	Age
_____	_____

Releasor's or Parent/Guardian's Signature

Date

\_\_\_\_\_

\_\_\_\_\_

Tour Date and Time (to be completed by Tour Leader)

\_\_\_\_\_

0701RRnew

## INDEX

Prepared by the Legislative Services Agency  
September 2007

<b>AGENCY</b>	
Definition	1
Organization	3
<b>COMPENSATION - BENEFITS, generally</b>	5
Educational benefits	5
Full-time to part-time incentive program	6
Interviewing and moving expenses	5
Joint pay resolution	2
Sick leave conversion program	5, 8
Workers' compensation	5
<b>COMPENSATION - LEAVE</b>	
Attendance policy	6
Business leave	9
Compensatory leave	8
Court/jury leave	8
Educational leave	10
Family death leave	9
Family leave	12-13
Holiday leave	8
Joint pay resolution	2
Military leave	8
Parental leave	12-13
Scheduling of leave	6
Severe weather leave	11
Sick leave	7, 10
Conversion	5, 8
Transfer rights	9
Vacation leave	7
Vacation leave sharing	13-14
Voting leave	8
With or without pay, generally	10
Rights of return	11
Without pay, generally	10
Rights of return	11
<b>COMPENSATION - SALARY</b>	
Cost of living increases	3
Joint pay resolution	2
Merit increases	3-4
Overtime and compensatory time	4, 8
Promotions	17
Salary matrix	3

<b>COMPUTER ACCESS</b>	
Unauthorized access (hacking)	27
<b>CONFLICTS OF INTEREST</b>	27-28
<b>DEMOTIONS</b>	17
<b>DIRECTOR</b>	
Definition	1
Demotions, authority	17-18
Employee conduct, authority	26
Grievances, duties	19
Hiring, authority	15
Performance evaluations	16
Personnel records, duties	26
Position classification system	2-3
Promotions, authority	17
Report, annual	4
Sexual harassment investigation, duties	34
Statement of agency organization	3
Suspensions, authority	17
Terminations, authority	18
<b>DISABILITIES</b>	
Americans with Disabilities Act (ADA), requirements	56
Complaint procedure	58
Information and materials, access to	56-57
Interpreting services	56
Physical access	57
<b>EMPLOYEES</b>	
At will employees	2
Classification system	2
Conduct, generally	26
Conduct, partisanship	21-23
Definition	1
Evaluations	16
Financial disclosure	29
Personnel records	26
Tours	60-61
<b>FINANCIAL DISCLOSURE</b>	29
Form	30-33
<b>GIFTS</b>	23-24
Report of gifts received	25-26

<b>GRIEVANCES</b>	
Definitions	18
Procedures	18-21
<b>HIRING, generally</b>	15
Affirmative action - equal employment opportunity	15
Joint pay resolution	2
<b>LAYOFFS, generally</b>	16
Recall list	16
<b>LEGISLATIVE COUNCIL</b>	
Duties	1
Grievances, duties	20
Service Committee	1
<b>LEGISLATIVE SERVICES AGENCY</b>	
Confidentiality policies	
Drafting and research requests	40
Files after introduction, filing, prefiling, or public release	41
Files prior to introduction, filing, prefiling, or public release	40
Historical files	42
Policy chart	44-45
Departmental requests	48
Authorized prefiling agencies	49-52
Duties, legislative privileges	52
Governor's proposals	52
Legal research request policy	45
Legislative bills	
Prefiling	45-47
Request forms	47
<b>MERIT INCREASES</b>	3
<b>NONPARTISANSHIP, generally</b>	21
Advocate restrictions	22
Allowable political functions	22
Family members	23
Participation in partisan politics defined	21
Penalties	23
<b>PAY RESOLUTION, JOINT</b>	2
<b>PERFORMANCE EVALUATIONS</b>	16
<b>PERSONNEL RECORDS</b>	26

<b>POLICIES AND PROCEDURES</b>	
Amendments	1-2
At will employees	2
Effect	1-2
<b>POSITION CLASSIFICATION SYSTEM</b>	2-3
Duties of director	2-3
Duties of Legislative Council	2
Job titles, descriptions, grade level	2
<b>PROMOTIONS</b>	17
<b>SALES OF GOODS OR SERVICES</b>	24-25
<b>SERVICE COMMITTEE, OF THE LEGISLATIVE COUNCIL, generally</b>	1
Grievances, duties	19
Hiring, approval for exceeding entry level salary	15
Layoffs, approval	16
Promotion, approval	17
<b>SEXUAL HARASSMENT, generally</b>	33-35
Complaint form	36
Complaint procedure	34-35
<b>SUBSTANCE ABUSE</b>	37-39
Mitigating circumstances	38
Procedures	39
Prohibitions	37
<b>SUPERVISOR</b>	
Definition	1
Performance evaluations	16
<b>SUSPENSIONS</b>	17
<b>TERMINATIONS</b>	18
<b>TOURS, generally</b>	53-55
Employee tours, release form	60-61
Extended Capitol dome tours	58-59
Liability release form	59
Safety rules	54-55
Tour guides	53

0726RR