

LEGISLATIVE PAY MATRIX

(Same as the Collective Bargaining Exempt 000 pay matrix with steps added)

Adjusted for 2.5% cost of living increase effective 6/28/96

June 1996

GRADE	STEP	1	2	3	4	5	6
8	Bi-weekly	\$ 488.00	\$ 512.80	\$ 538.40	\$ 565.60	\$ 594.40	\$ 623.20
	Hourly	6.10	6.41	6.73	7.07	7.43	7.79
9		512.80	538.40	565.60	594.40	623.20	656.00
		6.41	6.73	7.07	7.43	7.79	8.20
10		538.40	565.60	594.40	623.20	656.00	691.20
		6.73	7.07	7.43	7.79	8.20	8.64
11		565.60	594.40	623.20	656.00	691.20	725.60
		7.07	7.43	7.79	8.20	8.64	9.07
12		594.40	623.20	656.00	691.20	725.60	758.40
		7.43	7.79	8.20	8.64	9.07	9.48
13		623.20	656.00	691.20	725.60	758.40	794.40
		7.79	8.20	8.64	9.07	9.48	9.93
14		656.00	691.20	725.60	758.40	794.40	832.00
		8.20	8.64	9.07	9.48	9.93	10.40
15		691.20	725.60	758.40	794.40	832.00	874.40
		8.64	9.07	9.48	9.93	10.40	10.93
16		725.60	758.40	794.40	832.00	874.40	914.40
		9.07	9.48	9.93	10.40	10.93	11.43
17		758.40	794.40	832.00	874.40	914.40	959.20
		9.48	9.93	10.40	10.93	11.43	11.99
18		794.40	832.00	874.40	914.40	959.20	1,006.40
		9.93	10.40	10.93	11.43	11.99	12.58
19		832.00	874.40	914.40	959.20	1,006.40	1,052.00
		10.40	10.93	11.43	11.99	12.58	13.15
20		874.40	914.40	959.20	1,006.40	1,052.00	1,104.80
		10.93	11.43	11.99	12.58	13.15	13.81
21		914.40	959.20	1,006.40	1,052.00	1,104.80	1,156.00
		11.43	11.99	12.58	13.15	13.81	14.45
22		959.20	1,006.40	1,052.00	1,104.80	1,156.00	1,212.00
		11.99	12.58	13.15	13.81	14.45	15.15
23		1,006.40	1,052.00	1,104.80	1,156.00	1,212.00	1,271.20
		12.58	13.15	13.81	14.45	15.15	15.89
24		1,052.00	1,104.80	1,156.00	1,212.00	1,271.20	1,332.00
		13.15	13.81	14.45	15.15	15.89	16.65

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25		1,104.80	1,156.00	1,212.00	1,271.20	1,332.00	1,396.00
	\$28,724.80	13.81	14.45	15.15	15.89	16.65	17.45
26		1,156.00	1,212.00	1,271.20	1,332.00	1,396.00	1,464.00
	\$30,056.00	14.45	15.15	15.89	16.65	17.45	18.30
27		1,212.00	1,271.20	1,332.00	1,396.00	1,464.00	1,532.00
	\$31,512.00	15.15	15.89	16.65	17.45	18.30	19.15
28		1,271.20	1,332.00	1,396.00	1,464.00	1,532.00	1,608.00
	\$33,051.20	15.89	16.65	17.45	18.30	19.15	20.10
29		1,332.00	1,396.00	1,464.00	1,532.00	1,608.00	1,683.20
	\$34,632.00	16.65	17.45	18.30	19.15	20.10	21.04
30		1,396.00	1,464.00	1,532.00	1,608.00	1,683.20	1,764.00
	\$36,296.00	17.45	18.30	19.15	20.10	21.04	22.05
31		1,464.00	1,532.00	1,608.00	1,683.20	1,764.00	1,848.80
	\$38,064.00	18.30	19.15	20.10	21.04	22.05	23.11
32		1,532.00	1,608.00	1,683.20	1,764.00	1,848.80	1,938.40
	\$39,832.00	19.15	20.10	21.04	22.05	23.11	24.23
33		1,608.00	1,683.20	1,764.00	1,848.80	1,938.40	2,030.40
	\$41,808.00	20.10	21.04	22.05	23.11	24.23	25.38
34		1,683.20	1,764.00	1,848.80	1,938.40	2,030.40	2,128.80
	\$43,763.20	21.04	22.05	23.11	24.23	25.38	26.61
35		1,764.00	1,848.80	1,938.40	2,030.40	2,128.80	2,232.00
	\$45,864.00	22.05	23.11	24.23	25.38	26.61	27.90
36		1,848.80	1,938.40	2,030.40	2,128.80	2,232.00	2,338.40
	\$48,068.80	23.11	24.23	25.38	26.61	27.90	29.23
37		1,938.40	2,030.40	2,128.80	2,232.00	2,338.40	2,452.00
	\$50,398.40	24.23	25.38	26.61	27.90	29.23	30.65
38		2,030.40	2,128.80	2,232.00	2,338.40	2,452.00	2,567.20
	\$52,790.40	25.38	26.61	27.90	29.23	30.65	32.09
39		2,128.80	2,232.00	2,338.40	2,452.00	2,567.20	2,692.80
	\$55,348.80	26.61	27.90	29.23	30.65	32.09	33.66
40		2,232.00	2,338.40	2,452.00	2,567.20	2,692.80	2,821.60
	\$58,032.00	27.90	29.23	30.65	32.09	33.66	35.27

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41		2,338.40	2,452.00	2,567.20	2,692.80	2,821.60	2,956.00
	\$60,798.40	29.23	30.65	32.09	33.66	35.27	36.95
42		2,452.00	2,567.20	2,692.80	2,821.60	2,956.00	3,097.60
	\$63,752.00	30.65	32.09	33.66	35.27	36.95	38.72
43		2,567.20	2,692.80	2,821.60	2,956.00	3,097.60	3,313.60
	\$66,747.20	32.09	33.66	35.27	36.95	38.72	41.42
44		2,692.80	2,821.60	2,956.00	3,097.60	3,313.60	3,479.20
	\$70,012.80	33.66	35.27	36.95	38.72	41.42	43.49
45		2,821.60	2,956.00	3,097.60	3,313.60	3,479.20	3,653.60
	\$73,361.60	35.27	36.95	38.72	41.42	43.49	45.67
46		2,956.00	3,097.60	3,313.60	3,479.20	3,653.60	3,824.80
	\$76,856.00	36.95	38.72	41.42	43.49	45.67	47.81
47		3,097.60	3,313.60	3,479.20	3,653.60	3,824.80	4,012.80
	\$80,537.60	38.72	41.42	43.49	45.67	47.81	50.16
48		3,313.60	3,479.20	3,653.60	3,824.80	4,012.80	4,189.60
	\$86,153.60	41.42	43.49	45.67	47.81	50.16	52.37
49		3,479.20	3,653.60	3,824.80	4,012.80	4,189.60	4,398.40
	\$90,459.20	43.49	45.67	47.81	50.16	52.37	54.98
50		3,653.60	3,824.80	4,012.80	4,189.60	4,398.40	4,618.40
	\$94,993.60	45.67	47.81	50.16	52.37	54.98	57.73

The Collective Bargaining Exempt 000 pay matrix in the Executive Branch extends to pay grade 55, however, at the current time, the highest classification in the Legislative Branch is Grade 41.



Nov. 6 4 1996

Department of Justice

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ATTORNEY GENERAL

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November 1, 1996

CONFIDENTIAL: ATTORNEY-CLIENT MATTER

Hand Delivered

Ms. Diane E. Bolender, Director
Legislative Service Bureau
State Capitol
LOCAL

Mr. Richard L. Johnson, Deputy Director
Legislative Service Bureau
State Capitol
LOCAL

Re: **Review of Personnel Guidelines for Central Staff Agencies**

Dear Diane & Rich:

In my June 7, 1996, letter, I reviewed the Personnel Guidelines for the Central Staff Agencies ("Guidelines") and identified a number of further issues that I would provide you with legal advice at a later date. The purpose of this letter is to follow up on the additional issues raised in my earlier letter. Before addressing these issues, I want to apologize for my delay in providing you with this informal advice.

I. PART VI

Part VI deals with leave, including family medical leave issues. Part VI.C.2.b deals with sick leave without pay and, as presently drafted, presents potential ADA issues and is also ambiguous. Therefore, I recommend that Part VI.C.2.b as it is presently drafted be deleted and the following language be used in its place:

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After all sick leave without pay has been exhausted, the director may, upon an employee's written request, grant sick leave without pay for not more than six months.¹ 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 doctor's certificate. Upon the employee's written request, the director may grant an extension of up to an additional three² months of leave without pay provided that the employee provides proof of continuing illness or disability in the form of a doctor's certificate which shall state a prognosis and expected date of return.³

II. PART XII

Part XII sets forth the grievance process available to employees of the Central Staff Agencies. In my earlier letter, I provided you with some specific suggestions on the grievance process itself. In light of the recent employment problems experienced by the General Assembly, I want to raise a more

¹The maximum length of sick leave without pay is, of course, within the sound discretion of the General Assembly as the employer. However, six months is a fairly well accepted leave without pay period.

²The exact length of time for extensions of sick leave is up to the General Assembly.

³The General Assembly may also want to address whether the employee's position is protected during the leave without pay. A number of options exist. On one hand, the employee's position is protected which could impose a significant burden on the employer in getting the work done. On the other hand, the employee could be given limited job protection. For example, the policy could provide: "Upon certification from the employee's doctor that the employee is able to return to work, the employee shall be offered his or her same or similar position. If a position is not available, the employee shall be offered another vacant position which the employee is qualified if one exists. If the employee refuses an offer of a same or similar position, the employee shall be separated from employment. If the employee accepts an alternate position, his or her pay rate shall be for that position and not for the one previously held."

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fundamental issue--whether legislators should play any role in the employee grievance process. In my opinion, there are significant disadvantages with legislators playing a role in the grievance process.

The most significant risk associated with state legislators playing a role in the grievance process is that legislators will not be absolutely immune from lawsuits. It is well accepted that state legislators are absolutely immune from damages and injunctive relief for legislative acts. *See, e.g., Tenney v. Brandhove*, 341 U.S. 367, 71 S.Ct. 783, 95 L.Ed.2d 1019 (1951); *Supreme Court of Virginia v. Consumers Union of U.S., Inc.*, 446 U.S. 719, 100 S.Ct. 1967, 64 L.Ed.2d 641 (1980); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 95 S.Ct. 1813, 44 L.Ed.2d 324 (1975). State legislators are absolutely immune when they act "in a field where legislators traditionally have the power to act." *Tenney*, 341 U.S. at 379.

Courts take a functional approach to legislative immunity: whether the challenged act is legislative in nature. Courts, in cases brought under 42 U.S.C. § 1983, have found that legislative immunity bars claims against state legislators who voted for particular legislation (*City of Safety Harbor v. Birchfield*, 529 F.2d 1251 (5th Cir. 1976); *Johnson v. Reagan*, 524 F.2d 1123 (9th Cir. 1975)) or housekeeping resolutions (*Eslinger v. Thomas*, 476 F.2d 225 (4th Cir. 1973)). Legislative participation in committee work and on statutory commissions are also the types of activities to which immunity applies. *Berrios v. Agosto*, 716 F.2d 85 (1st Cir. 1983) (*per curiam*); *Star Distributors, Ltd. v. Marino*, 613 F.2d 4 (2nd Cir. 1980); *Green v. DeCamp*, 612 F.2d 368 (8th Cir. 1980); *Gambocz v. Sub-Committee on Claims of Joint Legislative Appropriations Committee*, 423 F.2d 674 (3d Cir. 1970); *Bergman v. Stein*, 404 F.Supp. 287 (SDNY 1975); *Schultz v. Sundberg*, 759 F.2d 714 (9th Cir. 1985) (*per curiam*). However, conduct which is administrative in nature does not fall within the type of legislative activity protected by absolute legislative immunity. Generally, employment-related conduct is considered administrative in nature and, as a result, legislators are not entitled to absolute immunity on such claims. *See, e.g., Forrester v. White*, 484 U.S. 219, 108 S.Ct. 538, 98 L.Ed.2d 555 (1988); *Davis v. Passman*, 442 U.S. 228, 99 S.Ct. 2264, 60 L.Ed.2d 846 (1971).

Therefore, when state legislators participate in an employee grievance process, which is administrative conduct, absolute legislative immunity is probably not available. This means that legislators who participate in employee grievance proceedings could be named as defendants in a § 1983 action

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alleging due process violations or other violations of constitutional or certain federal rights and absolute legislative immunity would not be available. In light of these concerns, the Legislative Council may want to consider revising the Guidelines so that legislators do not play any role in the employee grievance process. For example, grievances could be decided by a committee of Central Agency staff managers or supervisors.

III. UNAUTHORIZED COMPUTER ACCESS (HACKING)

Part XVII deals with unauthorized computer access or what is commonly referred to as hacking. Part XVII deals only with unauthorized computer access by agency employees and does not address the employer's right to regulate and monitor an employee's use of e-mail, voice mail, computer files, and the Internet. As indicated in my earlier letter, I recommend that the Legislative Council consider developing a policy dealing with the employer's right to regulate and monitor employees' use of communication mediums such as e-mail, voice mail, computers, and the Internet.

Such a policy implicates a number of legal considerations. Nearly all states have recognized a common law "invasion of privacy" claim by employees against employers. In addition to invasion of privacy claims, public employers are subject to the first, fourth, fifth, fourteenth amendments to the United States Constitution; in particular, constitutional limitations on searches and seizures. A public employer can therefore be sued, under 42 U.S.C. 1983, if it infringes upon an employee's "legitimate expectation of privacy." *O'Connor v. Ortega*, 480 U.S. 709, 107 S.Ct. 1492, 94 L.Ed.2d 714 (1987).

Public employees may have a reasonable expectation of privacy in their place of work, including such things as files, desks, stored communications, and other private places. *Ortega*, 480 U.S. at 717, 107 S.Ct. at 1497. An employee's expectation of privacy must be assessed in the context of the workplace. Generally, public employees' expectations of privacy are minimal. "An office is seldom a private enclave free from entry by supervisors, other employees, and business and personal invitees. ... Simply put, it is the nature of government offices that others--such as fellow employees, supervisors, consensual visitors, and the general public--may have frequent access to an individual's office." *Ortega*, 480 U.S. at 717, 107 S.Ct. at 1467. This interest must then be balanced with the governmental employer's interests. The governmental interest "justifying work-related intrusions by public employers is the efficient and proper

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operation of the workplace." *Ortega*, 480 U.S. at 723, 107 S.Ct. at 1500. Public employers can intrude on constitutionally protected privacy interests of governmental employees "for noninvestigatory, work-related purposes, as well as for investigations of work-related misconduct, should be judged by the standard of reasonableness under all circumstances. Under this reasonableness standard, both the inception and the scope of the intrusion must be reasonable." *Ortega*, 480 U.S. 725-26, 107 S.Ct. at 1502.

Taking into account constitutional limitations, a public employer should be able to institute a workplace policy including the following rules:

1. E-mail, voice mail, and computer equipment are State property and should be used predominately for official business.
2. The employer states that it has the right to immediately monitor any employee's e-mail and voice mail messages and computer files when there is a reasonable cause to believe that employee communications have violations any statutes, rules, regulations, or policies.
3. Employees are strongly discouraged from using the employer's e-mail and voice mail systems and computers for personal use, other than to receive and send short informational messages.

Additionally, the Federal Wiretapping Act (18 U.S.C. § 2510 et seq.), and the Communications Decency Act (18 U.S.C. § 2701 et seq.) are implicated by such a policy as well.

The Federal Wiretapping Act, which governs "Wire and Electronic Communications Interception and Interception of Oral Communications," was broadly amended in 1986. The result of these amendments was to bring most, if not all, forms of electronic communication, as well as electronic storage of telephone communications, within the ambit of the law. The definitions of "wire communication", "electronic communication", and "electronic communication system" cover most communication devices over which communications affecting interstate or foreign commerce. *See, e.g.*, 18 U.S.C. § 25101(1), (12), (14) (Supp. 1995). This includes most e-mail systems and voice mail systems.

The Federal Wiretapping Act also provides for liability for any "person" who

- (a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication; or
- (c) intentionally discloses, or endeavors to disclose, to any other person the contents of any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or
- (d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection.

18 U.S.C. § 2511(1) (Supp. 1995). An employer who is found in violation of this law may find itself facing a hefty damages award. Federal law provides for limited liability at the outset. A party found in violation of the statute for the first time may be required to pay actual damages, or a statutory fine of \$50 to \$500. 18 U.S.C. § 2520(c) (Supp. 1995). If the party accused of wiretapping has been enjoined from wiretapping or held civilly liable for wiretapping more than once in the past, however, damages increase dramatically: the plaintiff may be awarded the greater of (1) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation, (2) or statutory damages of whichever is greater of \$100 a day for each day of violation or \$10,000. 18 U.S.C. § 2520(c)(2) (Supp. 1995).

The federal definitions of "wire" and "electronic" communications share the requirement that the communication at some point pass through a system which "affects interstate or foreign commerce," such as a local or national telephone system. A fully internal e-mail system arguably does not qualify, as the "signal" never leaves the workplace to go through a system affecting interstate or foreign commerce. The same may hold true for an internal voice mail system-- particularly where the office itself has no direct telephone numbers for each employee, but instead has only one central number, from which all external calls are transferred to internal telephones by an operator. *But see Epps v. St. Mary's Hospital of Athens, Inc.*, 802 F.2d 412, 414 (11th Cir. 1986) (while employee's

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conversation from internal telephone to connected telephone was monitored through internal dispatch center, telephone and dispatch center were part of entire telephone system provided by Southern Bell; therefore, system did "affect interstate or foreign commerce"). Where an employee receives e-mail or voice mail messages from outside the office, however, those "aural" and "electronic" signals have passed through a facility or system which affects interstate or foreign commerce. Such communications may fall under the definition of wire or electronic communication and thus may be governed by the wiretapping restrictions. Chances are very good that the General Assembly's e-mail and voice mail systems will be subject to the federal wiretapping statute.

The federal wiretapping statute contains an exception for communications for the ordinary course of business monitoring. Under federal law, an interception of a wire or electronic communication through the use of a mechanical device does not include the interception of a communication by means of "any telephone or telegraph instrument, equipment or facility, or any component thereof, (i) furnished to the subscriber or user by a provider [of] wire or electronic communications service in the ordinary course of business and being used by the subscriber or user in the ordinary course of its business or furnished by the subscriber or user for connection to the facilities of service and used in the ordinary course of business ..." 18 U.S.C. § 2510(5)(Supp. 1995). Courts have interpreted this exception to mean that an employer who uses a piece of equipment routinely as part of its communications system to monitor employee communications in the ordinary course of business does not violate wiretapping laws. See, e.g., *Briggs v. American Air Filter Co., Inc.*, 630 F.2d 414, 420 (5th Cir. 1980).

What constitutes the "ordinary course of business," however, remains under some dispute. Courts have clearly held that "a telephone extension used without authorization or consent to surreptitiously record a private telephone conversation is not used in the ordinary course of business." *United States v. Harpel*, 493 F.2d 346, 351 (10th Cir. 1974). In contrast, an employer may install a monitoring system in order to allow supervisors to give employees training and instruction regarding their telephone technique, if that system is not installed surreptitiously, and all employees are notified of the installation. *James v. Newspaper Agency Corp.*, 591 F.2d 579, 581 (10th Cir. 1979). Even where an employer validly monitors employee calls in order to improve their sales techniques, however, that employer does not also automatically gain the right to listen to those employees' personal calls; the employer should monitor such

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calls only long enough to determine that they are not business calls. *Watkins v. L.M. Berry & Co.*, 704 F.2d 577, 582 (11th Cir. 1983).

An employer is likely to protect itself from liability if it informs its employees of its monitoring policy. Furthermore, an employer who has a specific reason to believe that an employee is engaged in conduct which may be injurious to the employer (such as sexual harassment of another employee), and which involves that employer's e-mail or voice mail systems, may be able to monitor that employee's messages for the purposes of determining if such conduct is taking place. On the other hand, an employer who undertakes full-scale or random monitoring of all of its employees e-mail and voice mail messages, regardless of whether those messages are business-related, may find itself in violation of the law.

The Electronic Communications Privacy Act, enacted in 1986, directly addresses "unauthorized access" to electronically stored "wire" and "electronic" communications. This Act provides that whoever "(1) intentionally accesses without authorization a facility through which an electronic communication service is provided; or (2) intentionally exceeds an authorization to access that facility; and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in such system" violates the statute, and may be held criminally or civilly liable. 18 U.S.C. § 2701 (Supp. 1995).

Case law under this statute is scarce, and some of the exceptions in the statute may shield an employer who accesses messages stored in an e-mail or voice mail system which it operates. For example, the statute does not apply to conduct authorized (1) by the person or entity providing a wire or electronic communications service, or (2) by a user of that service with respect to a communication of or intended for that user. 18 U.S.C. § 2701(c) (Supp. 1995).

An employer who simply objects to pervasive use of its e-mail and voice mail systems for non-business related messages may be hard-pressed to institute a valid monitoring program to limit this type of activity. See, e.g., *Watkins v. L.M. Berry & Co.*, 704 F.2d 577, 582 (11th Cir. 1983). This is quite a dilemma for employers who wish to use monitoring to limit personal uses of their communications systems.

The Electronic Communications Privacy Act also provides that there is no liability where one of the parties to the conversation consents to the

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"interception." 18 U.S.C. § 27011(c)(2). And courts have held that where employees are notified in advance that their communications may be monitored, the employer does not violate wiretapping laws where it later monitors those employee's conversations. *See, e.g., James v. Newspaper Agency Corp.*, 591 F.2d 579, 581 (10th Cir. 1979) (no liability where employer openly installed a monitoring system in order to allow supervisors to give employees training and instruction regarding their telephone technique, and all employees were notified of the installation).

Taking into account the stringent requirements of federal statutes, an employer should be able to proceed with instituting a work place policy including the following rules:

1. The employer reserves the right to immediately monitor any employee's e-mail and voice mail messages if there is a reasonable suspicion that employee communications violate criminal or civil law, or have a significant adverse affect on the company or its employees. Examples of "significant adverse affect" include e-mail "flaming," voice mail messages containing sexual innuendo or off-color jokes, or downloading, copying or sending sexually explicit materials from the Internet.

2. Employees are strongly discouraged from using the employer's e-mail and voice mail systems for personal use, other than to receive and send short informational messages. While the employer does not have *carte blanche* to monitor personal electronic communications, it can gauge the amount of time an employee spends on personal electronic communications versus business-related ones, and excessive personal use of the employer's electronic communication systems may subject the employee to disciplinary action.

Normally, I would develop draft language which we could use as the starting point for discussion. However, given the broad range of policy interests, I believe that it would be more prudent for this policy to be drafted once some of the essential policy decisions have been made.

IV. PART XXI

Part XXI sets forth the substance abuse policy. My concerns about the substance abuse policy, as it is presently drafted, are discussed in detail in my earlier letter. Again, there are a wide variety of policy options available for the

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Legislative Council. I have enclosed a number of sample policies for your review and consideration. These policies can then form the basis of our continued discussion and revision.

If you have any questions or need additional information, please feel free to contact me. Best regards.

Sincerely,



GRANT K. DUGDALE
Assistant Attorney General
(515) 281-3395

GKD

IOWA GENERAL ASSEMBLY'S SUBSTANCE ABUSE POLICY

Section 1. Definitions.

1.1 Alcohol or alcoholic beverage means any beverage that may be legally sold and consumed and that has an alcoholic content in excess of .5% by volume.

1.2 Drug means any substance other than alcohol capable of altering the mood, perception, pain level, or judgment of the individual consuming it.

1.3 Prescribed drug means any substance prescribed for the individual consuming it by a licensed medical practitioner.

1.4 Illegal drug means any drug or controlled substance the sale or consumption of which is illegal under federal or state law.

Section 2. Alcoholic Beverages. The following are prohibited regarding alcoholic beverages:

2.1 No alcoholic beverage will be brought into, possessed, or consumed on State premises, State property, State vehicles, or during any on-duty status.

2.2 Drinking or being under the influence of alcoholic beverages while on duty is cause for discipline up to and including termination.

2.3 Any employee whose off-duty alcohol abuse results in excessive absenteeism or tardiness, or is the cause of accidents or poor work, will be referred to the Employee Assistance Program (EAP) for rehabilitation. If the employee refuses or fails rehabilitation, he or she shall be subject to discipline up to and including termination.

Section 3. Prescription Drugs. The following are prohibited regarding prescription drugs:

3.1 No prescription drug shall be brought upon State premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and the drug shall be used only in the manner, combination, and quantity prescribed.

3.2 Any employee whose prescription drug abuse results in excessive absenteeism or tardiness, or is the cause of accidents or poor work, will be referred to the Employee Assistance Program (EAP) for rehabilitation. If the

employee refuses or fails rehabilitation, he or she shall be subject to discipline up to and including termination.

3.3 Any employee undergoing prescribed medical treatment with a controlled substance that may affect job performance should report this treatment to his or her supervisor. A controlled substance's use as part of a prescribed medical treatment is not grounds for disciplinary action, although it is important for the General Assembly to know the use is occurring. It may, however, be necessary to change an employee's job assignment while the employee is undergoing treatment.¹

Section 4. Illegal Drugs. The following are prohibited regarding illegal drugs:

4.1 The use of an illegal drug, controlled substance, or the possession of one at or outside the workplace is subject to discipline up to and including termination.

4.2 The sale, trade, or delivery of illegal drugs or controlled substances by an employee to another person is cause for discipline up to and including termination.

4.3 The occasional, recreational, or off-duty use of illegal drugs will not be excused and will subject the employee to discipline up to and including termination. The General Assembly's understanding indicates that employee involvement with illegal drugs, even recreationally, may be expected to result in:

4.3.1 Financial and domestic difficulties causing unstable performance and theft.

4.3.2 Embarrassment to the General Assembly due to employee arrests, unsatisfactory work, short tempers, and so forth.

Section 5. General Prohibited Conduct. Any employee found to be using, selling, possessing, trafficking in, or under the influence of any alcoholic beverage or drug on State property, or while performing assigned duties off State property, will be considered in willful violation of this policy and will be subject to appropriate disciplinary action up to and including termination. Employees may be suspended with or without pay pending completion of an investigation. The General Assembly reserves the right to search employee personal effects and the work area of an employee suspected to be involved in alcohol or drug abuse activities.

¹This provision may be more appropriate for manufacturing employers than service employers.

Section 6. Employee Assistance Program. Any employee who desires assistance in dealing with personal, alcohol, or drug dependency problem may seek help, voluntarily, in confidence, by contacting the Employee Assistance Program (EAP). These individuals must be capable of performing their assigned duties and must cease all involvement with alcohol and drugs that will impact their job with the General Assembly. They must enroll in and complete a prescribed treatment program. Any employee who refuses to use the EAP as required by this policy or who refuses to follow the treatment recommendations will be subject to discipline up to and including termination. Employees undergoing counseling or treatment will not be exempt from the General Assembly's rules, policies, procedures, or disciplinary application.

Section 7. Confidentiality. All information obtained in the course of rehabilitation and treatment of employees with alcohol and drug abuse problems shall be protected as confidential medical information and shall be kept separate from the employee's official personnel file to the maximum extent possible under applicable state and federal law. Only those who have a need to know shall be given access to this information.

**IOWA GENERAL ASSEMBLY'S SUBSTANCE ABUSE POLICY
RECEIPT AND ACKNOWLEDGMENT**

I acknowledge receipt of the Iowa General Assembly's Substance Abuse Policy. I have read the policy and understand its contents and acknowledge that I must comply with its terms.

Employee Signature

Date

Witness

SAMPLE FORM H

POLICY ON DRUG-FREE WORKPLACE

It is the policy of _____ to maintain a safe, healthy and productive work environment for all of its employees; to produce quality goods and services for its customers in an efficient manner; to maintain the integrity and security of its facilities and property; and to perform all these functions in a fashion consistent with the interests and concerns of the communities in which it is located. In accordance with this policy:

- 1) Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent to provide a drug-free, healthful, safe and secure work environment.
- 2) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on Company premises of while conducting company business off company premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- 3) The company recognizes drug dependency as an illness and a major health problem. The company also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our employee assistance program and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record.
- 4) Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off company premises while conducting company business. A report of a conviction must be made within five (5) days after the conviction. (This requirement is mandated by the Drug-Free Workplace Act of 1988.)

SUBSTANCE ABUSE PROGRAM

I. Statement of Policy

Substance and alcohol abuse poses a serious threat to the workplace. The Company is addressing this problem by adopting a substance and alcohol abuse policy to promote a safe, productive and drug free workplace.

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. Our intention is to facilitate the prevention and treatment of substance abuse before it impacts on job performance. We encourage those who use drugs or abuse alcohol to seek help in overcoming their problem. Those individuals who, prior to the imposition of any discipline or the occurrence of any drug or alcohol work-related incident, seek assistance, become fully rehabilitated, and who remain drug-free can continue as employees in good standing.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off company premises while conducting company business. A report of a conviction must be made within five days after the conviction. This requirement is mandated by the Drug-Free Workplace Act of 1988.

II. Definitions

- A. "Legal Drug" - includes alcohol, prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.
- B. "Illegal Drug" - any drug: (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained; or (c) which is being used in a manner or for a purpose other than as prescribed.

III. Policy and Work Rule

The company's policy is to employ a work force free from use of illegal drugs and abuse of alcohol. Any employee determined to be in violation of this policy is subject to disciplinary action, which may include termination, even for the first offense. In order to promote this policy, the company has established and presently maintains the programs and rules set forth below.

A. General Procedures

If an employee reports for work in an impaired condition or an employee is unable to properly perform required duties, he or she will not be allowed to work. When practical, the employee's supervisor may seek the opinion of the _____

_____ or, in his or her absence, _____ to confirm the employee's status. The supervisor may consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is impaired, he or she may be sent home or to a medical facility by taxi or another safe mode of transportation. The employee may be accompanied by the supervisor or another employee if deemed necessary. An impaired employee may not be allowed to drive. When there is probable cause to believe the employee is impaired, he or she may be required to submit to a drug test as a condition of continued employment. (See Section B3 herein.)

While the company understands some employees and job applicants under a physician's care are required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substances. Drugs prescribed by the employee's physician may be taken during work hours. The employee should notify the supervisor if the use of properly prescribed prescription drugs will affect the employee's work performance. The supervisor will in turn notify the Human Resources Department of this fact. Abuse of prescription drugs will not be tolerated.

B. Drug/Alcohol Testing

1. Pre-Employment Screening

The company will conduct a pre-employment drug test as part of its pre-employment physicals to identify individuals who use illegal drugs or individuals whose abuse of legal drugs indicates a potential for impaired or unsafe job performance. Notice that the applicant must undergo a pre-employment physical examination and drug test will be provided in any advertisement soliciting applicants for employment or in the applications for employment. Furthermore, applicants for employment shall be personally informed of the requirement for a drug test at the first interview. Drug tests will be conducted at a laboratory chosen by the company. Testing will be in compliance with applicable state and federal laws.

2. Probable Cause

Employees may be required to submit to a drug test when there is probable cause to believe the employee's faculties are impaired on the job. Submission to such testing shall be a condition of continued employment.

No disciplinary action shall be taken against an employee the first time the employee's drug test indicates the presence of a legal drug or illegal drug if the employee undergoes a substance abuse evaluation, and if the employee successfully completes substance abuse treatment, if treatment is

recommended by the evaluation. However, if an employee fails to undergo substance abuse evaluation when required under the results of a drug test, or fails to successfully complete substance abuse treatment when recommended by an evaluation, the employee may be disciplined up to and including discharge.

C. Employee Assistance Program

The company maintains an Employee Assistance Program (EAP) which provides help to employees and their families who suffer from alcohol or drug abuse. It is the responsibility of the employee to seek assistance from the Employee Assistance Program before alcohol or drug problems lead to disciplinary actions.

The employee's decision to voluntarily seek assistance from the Employee Assistance Program prior to the imposition of any discipline or the occurrence of any drug or alcohol work-related incident will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding.

When an employee voluntarily seeks help through the Employee Assistance Program prior to the imposition of any discipline or the occurrence of any drug or alcohol work-related incident, the company will provide appropriate evaluation, referral, and treatment of drug and alcohol abuse (subject to the provisions of the company's health insurance plan and applicable state law). Such employees may be granted leave with a conditional return to work depending on successful completion of the agreed upon appropriate treatment regimen which may include periodic screening if recommended by the evaluation.

On the other hand, use of the EAP may not be used as a defense to imposition of disciplinary action where facts providing a violation of this policy are obtained outside of the EAP or through a regularly scheduled physical examination or probable cause test.

D. Illegal Drug Use/Alcohol Abuse Prohibited

1. Illegal Drug Use

An employee bringing onto the company's premises or property, having possession of, being under the influence of, possessing in the employee's body, blood or urine in any detectable amount, or using, consuming, transferring, distributing, selling or attempting to sell or transfer any form of illegal drug as defined above while on company business or at any time during the hours between the beginning and ending of the employee's work day, whether on company business, property or not, is guilty of misconduct and may be subject to discipline including discharge, even for the first

offense. Failure to submit to required medical or physical examinations or tests is also misconduct and may result in discipline, including discharge.

2. Alcohol Abuse

An employee who is under the influence of alcohol at any time while on company business or at any time during the hours between the beginning and ending of the employee's work day, whether on duty or not and whether on company business or property or not, shall be guilty of misconduct and is subject to discipline including discharge, even for the first offense.

An employee shall be determined to be under the influence of alcohol if:

- (a) The employee's normal faculties are impaired due to the consumption of alcohol, or
- (b) The employee has a blood alcohol level of .05 or higher.

Failure to submit to required medical or physical examinations or tests is misconduct and is grounds for discipline, including discharge, even for the first offense. State and federal laws will be observed.

Company sponsored activities or business meetings which may include the serving of alcoholic beverages are not included in this provision.

PROBABLE CAUSE SUBSTANCE ABUSE TESTING PROCEDURE

Employees may be required to submit to drug and/or alcohol testing to be conducted at a laboratory chosen by the company if there is probable cause to believe that an employee's faculties are impaired on the job. Testing will be in compliance with state and federal laws.

Whenever practical, the supervisor should have the employee observed by the _____, or in his or her absence, _____, before requiring testing. Employees who refuse testing under these circumstances will be terminated.

Circumstances that could be indicators of a substance abuse problem among others include:

- 1. Observed alcohol or drug abuse or activity during work hours on or off company premises.
- 2. Apparent physical state of impairment.

3. Incoherent mental state.
4. Marked changes in personal behavior that are otherwise unexplainable.
5. Deteriorating work performance that is not attributable to other factors.
6. Accidents or other actions that suggest the employee's faculties may be impaired due to legal or illegal drug use.
7. Attendance problems.

(This list is not intended to be descriptive or definitional. Other appropriate factors may also be taken into account.)

"Drug test" means any blood, urine, saliva, chemical or skin tissue test conducted for the purpose of detecting the presence of a chemical substance in an individual. The test sample withdrawn from an employee or applicant for employment will be analyzed by a laboratory or testing facility that has been approved under the rules adopted by the department of public health. If a test is conducted and the results indicate that the employee is under the influence of alcohol or a controlled substance or indicate the presence of alcohol or a controlled substance, a second test using an alternative method of analysis will be conducted. When possible and practical, the second test will use a portion of the same test sample withdrawn from the employee for use in the first test.

An employee will be accorded a reasonable opportunity to rebut or explain the results of a drug test.

If the test results are positive, the employee may be administratively referred to the Employee Assistance Program (EAP) or other appropriate evaluation facility. As a result of the evaluation, treatment may be recommended. If the employee refuses evaluation or treatment, or does not comply with the treatment recommended, disciplinary action up to and including termination may result.

If the tests are positive and if an employee is granted a leave of absence for substance abuse treatment, he or she will be required to participate in all recommended after-care and work rehabilitation programs. Upon successful completion of all or part of these required programs, the employee may be released to resume work but must agree to substance abuse testing and close performance monitoring to ensure that he or she remains drug free if such testing is recommended in the evaluation. Testing in these circumstances will observe applicable state and federal laws.

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November 14, 1996

MEMORANDUM

TO: CHAIRPERSON GRONSTAL AND MEMBERS OF THE SERVICE COMMITTEE
FROM: DIANE BOLENDER *DB*
RE: Service Committee Materials

Pursuant to section 2.12 of the Code of Iowa, I am transmitting to the members of the Service Committee proposed budgets for the Legislative Service Bureau, the Legislative Fiscal Bureau, the Computer Support Bureau, and the Citizens' Aide/Ombudsman for the fiscal year beginning July 1, 1997. Section 2.12 requires that the Legislative Council review the proposed budgets and approve the budgets not later than December 1 of each year. The approved budgets will then be transmitted to the Department of Management for inclusion in the Governor's proposed budget for that fiscal year.

Also enclosed are personnel reports from each of the four agencies.



DENNIS C. PROUTY
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515/281-5279
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STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

Memorandum

TO: Service Committee of the Legislative Council
FROM: Dennis C. Prouty, Director *Dcp*
RE: FY 1998 Budget
DATE: November 15, 1996

Attached is the Legislative Fiscal Bureau's FY 1998 Budget Request.

**LEGISLATIVE FISCAL BUREAU
PROPOSED ALLOCATION
FY 1998**

	<u>FY 1996 ACTUAL</u>	<u>FY 1997 ALLOCATION</u>	<u>FY 1998 REQUEST</u>
Personal Services	\$ 1,500,224	\$ 1,690,000	\$ 1,710,000 *
Travel	48,901	30,000	35,000
Office Supplies	63,038	60,000	65,000
Communications	21,103	25,000	35,000
Rental	0	10,000	5,000
Office Equipment	55,528	40,000	40,000
Outside Services	74,440	10,000	40,000
Outside Repairs	128	10,000	5,000
TOTAL	<u><u>\$ 1,763,362</u></u>	<u><u>\$ 1,875,000</u></u>	<u><u>\$ 1,935,000</u></u>
Funded FTE's	27.0	27.5	27.5

* Because the terms of the collective bargaining agreement have not yet been finalized, funding for cost-of-living increases for employees is not included. Approval of this budget includes an adjustment to it for the cost of implementing the cost-of-living increases granted to state employees under the collective bargaining agreement.

FY 1998 PROPOSED ALLOCATION BREAKDOWN

ITEM	DOLLARS	ASSUMPTIONS
Salaries	\$ 1,710,000	<i>Salary annualization. Merit step based on salary review date. 27.5 FTE positions funded. Includes funding for promotions.</i>
Travel	35,000	<i>Reflects the current level of training, conferences, seminars, and meetings attended by LFB staff, and travel associated with the Fiscal Committee.</i>
Office Supplies	65,000	<i>Maintains the current level of operation.</i>
Communications	35,000	<i>Maintains the current level of operation.</i>
Rental	5,000	<i>Maintains the current level of operation.</i>
Office Equipment	40,000	<i>Maintains the current level of operation.</i>
Outside Services	40,000	<i>Maintains the current level of operation.</i>
Outside Repairs	<u>5,000</u>	<i>Maintains the current level of operation.</i>
TOTAL	<u><u>\$ 1,935,000</u></u>	

**Legislative Service Bureau
Proposed Allocation
FY 1998**

	<u>FY 1996 ACTUAL</u>	<u>FY 1997 ALLOCATION</u>	<u>FY 1998 REQUEST</u>
Personal Services	2,749,199.57	3,146,958.00	3,153,728.00 *
Personal Travel	33,626.82	31,000.00	32,000.00
Office Supplies	69,593.85	71,000.00	73,000.00
Other Supplies	881.16	3,000.00	3,000.00
Printing & Binding	371,559.07	1,033,100.00	548,000.00
Uniforms & Related Items	2,050.27	3,000.00	3,000.00
Communications	30,200.24	34,000.00	34,000.00
Rentals	1,449.26	2,000.00	2,000.00
Professional & Scientific Services	675,136.51	310,000.00	40,000.00
Outside Services	4,474.35	3,000.00	4,000.00
Advertising & Publicity	3,141.97	2,000.00	2,500.00
Outside Repairs/Services	18,561.30	26,000.00	26,000.00
Office Equipment	161,559.05	42,000.00	60,000.00
Bill Drafting System		<u>200,000.00</u>	
TOTAL **	<u>4,121,433.42</u>	<u>4,907,058.00</u>	<u>3,981,228.00</u>
Funded FTEs	64.25	64.25	64.25
**Excluding Printing	<u>3,749,874.35</u>	<u>3,873,958.00</u>	<u>3,433,228.00</u>

*Because the terms of the collective bargaining agreement have not yet been finalized, funding for cost-of-living increases for employees is not included. Approval of this budget includes adjustment to it for the costs of implementing the cost-of-living increases granted to state employees under the collective bargaining agreement.

FY-98 Budget Allocation Breakdown:

ITEM	DOLLAR	ASSUMPTIONS
Personal Services	3,153,728	* Provides for normal merit increases based upon salary review dates. Provides minimal funding for promotions.
Personal Travel	32,000	* Maintains current level.
Office Supplies	73,000	* Provides minimal increase from current year for inflation.
Other Supplies	3,000	* No increase from current year.
Printing & Binding	548,000	* Anticipates increases in printing costs and paper costs; anticipates current number of pages for Iowa Administrative Code Supplement and Iowa Administrative Bulletin. Anticipates publishing new edition of Iowa Court Rules. Majority of costs for publications are recouped to the General Fund of the State through sales of legal publications.
Uniforms & Related Items	3,000	* No increase from current year.
Communications	34,000	* No increase from current year.
Rentals	2,000	* No increase from current year.
Professional & Scientific Services	40,000	* Reverts to more normal level of funding after completion of major technology projects. Maintains some funding for additional programming work to fully implement projects.
Outside Services	4,000	* Increases amount to accommodate local training needs.
Advertising & Publicity	2,500	* Increases amount for request-for-proposal and employment advertising.
Outside Repairs/Services	26,000	* Maintains current level.
Office Equipment	60,000	* Increases amount to fund equipment purchases for Unisys bill drafting and Interleaf Administrative Code projects.

**Legislative Computer Support Bureau
Proposed Allocation
1997-98 Fiscal Year**

	FY-96 <u>ACTUAL</u>	FY-97 <u>ALLOCATION</u>	FY-98 <u>REQUEST</u>
Personal Services	651,675	770,812	827,915 *
Training, Travel, Education	36,571	20,000	25,000
Office Supplies	11,107	15,000	16,000
Communications	23,091	35,000	37,000
Rental	1,116	2,000	2,000
Office Equipment	15,885	20,000	20,000
Outside Maintenance, Repairs/Service	122,494	200,000	220,000
Data Processing, Hardware & Software	<u>851,338</u>	<u>680,368</u>	<u>769,575</u>
Expenditures	<u>1,713,277</u>	<u>1,743,180</u>	<u>1,917,490</u>
	FTE's	11.4	14.4
		14.4	14.4

* Because the terms of the collective bargaining agreement have not yet been finalized, funding for cost of living increases for employees is not included. Approval of this budget includes an adjustment to it for the costs of implementing the cost of living increases granted to State employees under the collective bargaining agreement.

Legislative Computer Support Bureau (FY-98 Budget Request Breakdown:)

ITEM	DOLLARS	ASSUMPTIONS
Salaries	\$827,915	* Assumes merit increase in FY 1998 * All 14.4 FTE positions will be filled * Merit steps based upon salary review * No new positions. * Includes minimal amount for reallocations, promotions.
Travel	\$ 25,000	*maintain current level of training, education seminars and conferences attended by staff
Office Supplies	\$ 16,000	*maintain current level of operation
Communications	\$ 37,000	*maintain current level of operation
Rentals	\$ 2,000	*maintain current level of operation
Office Equipment	\$ 20,000	*maintain current level of operation

Outside Maintenance, Repairs/Service \$220,000

Anticipated maintenance charges for computer equipment including laser printers and UPS	\$160,000
Anticipated maintenance increases	\$ 15,000
Anticipated mainframe software upgrade	\$ 30,000
Anticipated off hours maintenance	\$ 15,000

Data Processing Hardware and Software \$769,575

Anticipated Lease Purchase Payments	\$430,368
PC & Network Software upgrades and purchases, PC & network hardware upgrades and purchases.	\$339,207

**CITIZENS' AIDE/OMBUDSMAN
Proposed Allocation
FY 1998**

Expenditure Category	FY-1996			FY-1997 Allocation	CA/O Base Request	Small Business Request	FY-1998 Sub Total CA/O & Small Business	Data Processing Request	TOTAL
	CA/O Actual	Air Actual	TOTAL						
Personal Services*	590,551	67,553	658,104	685,459	690,186	65,924	756,110		756,110
Travel	13,377	6,153	19,530	13,002	13,000	3,800	16,800		16,800
Office Supplies	21,798	1,309	23,107	14,156	17,000	3,000	20,000		20,000
Printing	6,787	2,361	9,148	6,200	6,000	1,500	7,500		7,500
Communications	18,241	337	18,578	21,600	20,000	2,000	22,000		22,000
Rental	315	0	315	500	600	0	600		600
Professional Services	502	5,000	5,502	4,700	5,000	2,000	7,000	75,000	82,000
Outside Services	5,625	0	5,625	1,000	5,000	200	5,200		5,200
Advertising	845	93	938	750	1,000	200	1,200		1,200
Office Equipment	5,371	461	5,832	23,100	4,500	500	5,000	13,479	18,479
Other (Remodeling)**	62,338	0	62,338	40,219	1,000	0	1,000		1,000
Totals*	725,750	83,267	809,017	810,686	763,286	79,124	842,410	88,479	930,889
FTE	12	1.5	13.5	12	12	1.5	13.5		

*FY 1996 Actual includes monies from CA/O appropriation and DNR Agreement rolled per Iowa Code Section 8.33 plus monies specifically identified in Air Grant

**FY 1997 Allocation includes monies from CA/O appropriation and DNR Agreement rolled per Iowa Code Section 8.33

FY 1996

Asst for Environmental Affairs vacant from 8/24/95 to 11/13/95

Administrative Secretary vacant from 10/27/95 to 12/15/95

CA/O Secretary vacant from 12/15/95 to 6/30/96

*Because the terms of the collective bargaining agreement have not yet been finalized, funding for cost of living increases for employees is not included. Approval of this budget includes an adjustment to it for the costs of implementing the cost of living increases granted to state employees under the collective bargaining agreement.

98Proposed Budget4 (Includes CA/O Base, Asst for Small Business Package and Data Processing Request)
Final1

**CITIZENS' AIDE/OMBUDSMAN
FY 1998 Proposed Allocation Breakdown**

ITEM	CA/O BASE	SMALL BUSINESS	DATA PROCESSING	TOTAL	ASSUMPTIONS
Personal Services	690,186	65,924		756,110	Base salary and benefits Merit by salary review date Promotions approved No vacancies on TO Add full-time assistant and .5 intern for Small Business
Travel	13,000	3,800		16,800	Maintains institutional visits and contingency for site investigations, outreach, training and conferences Decrease in out-of-state travel Adjusted for Small Business program
Office Supplies	17,000	3,000		20,000	Postage, subscriptions, resource books, photocopying, outreach materials, and other items to run the office Adjusted for Small Business program
Printing	6,000	1,500		7,500	Publication of annual, critical and special reports; printing of brochures and other office outreach material Adjusted for Small Business program
Communications	20,000	2,000		22,000	Maintains current level of operation Adjusted for Small Business program
Rental	600	0		600	Space rental for field investigations and outreach
Professional Services	5,000	2,000	75,000	82,000	Legal transcriptions, outside professional consultations and language translations Design and implementation of staff/complaint management system Adjusted for Small Business program
Outside Services	5,000	200		5,200	Maintaining current level of operation Adjusted for Small Business program
Advertising	1,000	200		1,200	Outreach, position announcements and news releases Adjusted for Small Business program
Equipment	4,500	500	13,479	18,479	Office furniture; equipment upgrades and replacements Case staff/complaint management server and software licenses Adjusted for Small Business program
Other	1,000	0		1,000	Office repairs
TOTAL	763,286	79,124	88,479	930,889	



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STATE CAPITOL
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STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

Memorandum

TO: Service Committee of the Legislative Council
FROM: Dennis C. Prouty, Director *Dcp*
RE: Fiscal Bureau Personnel Report
DATE: November 15, 1996

Attached is the Legislative Fiscal Bureau's Personnel Report for the period June 20, 1996, through November 20, 1996. The Report covers all personnel action since the last report, which was submitted June 19, 1996.

**LEGISLATIVE FISCAL BUREAU
PERSONNEL REPORT
November 15, 1996**

PERSONNEL ACTION SINCE LAST REPORT: 6/19/96

SERVICE COMMITTEE REVIEW

MERIT INCREASES:

<u>NAME</u>	<u>TITLE</u>	<u>PREVIOUS GRADE/STEP</u>	<u>DATE ATTAINED</u>	<u>CURRENT GRADE/STEP</u>	<u>DATE ATTAINED</u>
Nicole Navara	Executive Secretary	24-4	10/95	24-5	10/96

VACANT POSITIONS:

Dave Hinman	Computer Sys. Analyst II	Effective - June 1996
Leah Churchman	Legislative Analyst I	Effective - June 1996
Jon Neiderbach	Senior Legislative Analyst	Effective - September 1996
Bob Snyder	Senior Legislative Analyst	Effective - October 1996
Darlene Kruse	Legislative Analyst I	Effective - October 1996

VACANT POSITIONS FILLED:

Scott Miller	Computer Sys. Analyst I	Effective - September 1996
Deborah Anderson	Legislative Analyst	Effective - October 1996
Ron Robinson	Legislative Analyst	Effective - September 1996
Debra Kozel	Legislative Analyst	Effective - October 1996
Diane Tegtmeyer	Legislative Analyst	Effective - October 1996

SICK/PARENTAL LEAVE:

Valerie Thacker	Legislative Analyst I	10/14/96 thru 12/30/96
Jon Muller	Legislative Analyst I	7/5/96 thru 9/16/96

SERVICE COMMITTEE APPROVAL

PROMOTIONS:

<u>NAME</u>	<u>FROM</u>		<u>TO</u>	
	<u>TITLE/ DATE ATTAINED</u>	<u>GRADE & STEP/ DATE ATTAINED</u>	<u>TITLE/ DATE ATTAINED</u>	<u>GRADE & STEP/ DATE ATTAINED</u>
Jon Studer	Legislative Analyst III 12/94	35-3 12/96	Sen. Legislative Analyst	38-1 12/96
Dave Reynolds	Legislative Analyst III 12/94	35-3 12/96	Sen. Legislative Analyst	38-1 12/96
Mary Shipman	Legislative Analyst III 12/94	35-3 12/96	Sen. Legislative Analyst	38-1 12/96
Jon Muller	Legislative Analyst I 12/94	29-4 12/96	Legislative Analyst II	32-2 12/96
Margaret Buckton	Legislative Analyst 11/94	27-3 5/96	Legislative Analyst I	29-2 12/96
Angela Frey	Legislative Analyst 11/94	27-3 5/96	Legislative Analyst I	29-2 12/96

GENERAL ASSEMBLY OF IOWA

LEGAL COUNSELS

Douglas L. Adkisson
Kevin G. Cook
Susan E. Crowley
Patricia A. Funaro
Michael J. Goedert
Leslie E. W. Hickey
Mark W. Johnson
Michael A. Kuehn
Timothy C. McDermott
Richard S. Nelson
Janet L. Simmons

RESEARCH ANALYSTS

Kathleen B. Hanlon
Thane R. Johnson



LEGISLATIVE SERVICE BUREAU

STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
(515) 281-3566
FAX (515) 281-8027

DIANE E. BOLENDER
DIRECTOR

RICHARD L. JOHNSON
DEPUTY DIRECTOR

JOHN C. POLLAK
COMMITTEE SERVICES ADMINISTRATOR

LOANNE M. DODGE
IOWA CODE EDITOR

KATHLEEN K. BATES
ADMINISTRATIVE CODE EDITOR

JULIE E. LIVERS
LEGISLATIVE INFORMATION OFFICE DIRECTOR

November 14, 1996

MEMORANDUM

TO: CHAIRPERSON MICHAEL GRONSTAL AND MEMBERS OF THE SERVICE COMMITTEE

FROM: DIANE BOLENDER, DIRECTOR *DB*

RE: DECEMBER 1996 MONTHLY PERSONNEL REPORT

Approval is sought for the following personnel actions which are detailed on the attached listing:

- For the appointment of Kathleen Bates as Administrative Code Editor and for the reemployment of Leslie Hickey as a Legal Counsel. I discussed these employment decisions with you by phone and your agreement to recommend that the Legislative Council approve these decisions was memorialized in a memorandum mailed to you and dated September 25, 1996.
- For the promotions of Richard Nelson and Janet Simmons based upon their significant and directly related years of experience prior to their employment by the Legislative Service Bureau.
- For the promotions of the remaining three employees.

Notification is made of the following actions:

- Merit step increases granted since June 20, 1996, are included on the attached listing. The listing indicates those employees who have completed their 6-month probationary period.

**LEGISLATIVE SERVICE BUREAU
PROPOSED PROMOTIONS**

Name Date of Hire	Current Position		Recommended Position
	Job Title Grade Date Attained	Job Title Grade, Step Last Step Increase	Job Title Grade, Step Effective Date
Kathleen Bates 6/13/86	Dep. Admin. Code Editor 35 6/17/94	Dep. Admin. Code Editor 35-3 6/14/96	Admin. Code Editor 38-1 10/4/96
Leslie Hickey 2/1/88	Legal Counsel 2 35 12/18/92	Legal Counsel 2 35-6 12/17/93	Senior Legal Counsel 38-5 10/21/96
Richard Nelson 11/6/95	Legal Counsel 30 11/6/95	Legal Counsel 30-2 5/17/96	Legal Counsel 1 32-1 12/13/96
Janet Simmons 11/15/95	Legal Counsel 30 11/15/95	Legal Counsel 30-2 5/17/96	Legal Counsel 1 32-1 12/13/96
Susan Weddell 11/6/87	Computer Systems An. 1 27 6/18/93	Computer Systems An. 1 27-4 6/14/96	Computer Systems An. 2 29-3 12/13/96
Helen DeBartolo 10/19/92	Text Processor 2 22 12/30/94	Text Processor 2 22-3 12/29/95	Senior Text Processor 25-2 12/27/96
Shellie Tobis 12/12/94	Sr. Document Processor 22 12/12/94	Sr. Document Processor 22-3 6/14/96	Document Processor Super. 25-1 12/13/96

**LEGISLATIVE SERVICE BUREAU
PERSONNEL REPORT**

**NOTIFICATION OF MERIT STEP INCREASES
Since June 20, 1996**

Name	Position	Effective Date Previous Grade & Step	Effective Date Current Grade & Step
Gina Garrett	Proofreader 1	06/30/95 16-2	06/28/96 16-3
Roger Kams	Document Processor 1	12/27/95 16-1	06/28/96* 16-2
Diane Ackerman	Assistant Editor 1	12/29/95 24-1	06/28/96* 24-2
Cathy Kelly	Assistant Editor 1	12/29/95 24-1	06/28/96* 24-2
Gary Thompson	LIO Officer	07/14/95 24-4	07/12/96 24-5
Bruce Carr	Publications Assistant	01/26/96 21-1	07/26/96* 21-2
Pat Arnold	Tour Guide	03/03/95 12-1	07/26/96 12-2
Doris F. Saf	Proofreader 2	03/10/95 19-2	08/09/96 19-3
Stephanie Hoff	Proofreader 1	02/09/96 16-1	08/09/96* 16-2
Andrea Zastrow	Text Processor 1	03/18/96 19-1	09/20/96* 19-2
Betty Shea	Proofreader 1	11/17/95 16-2	11/15/96 16-3

*completed 6 months probation

**NOTIFICATION OF VACANT POSITIONS FILLED
Since June 20, 1996**

Name	Position	Date Filled	Grade & Step
Stephanie Hoff	Proofreader 1	07/26/96	16-1
Roger Kams	Document Processor	10/07/96	16-2
Stephanie Hoff	Assistant Editor 1	10/18/96	24-1
Joyce Lathrum	Text Processor	10/24/96	19-1
Timothy McDermott	Legal Counsel	11/13/96	30-1

RESIGNATIONS

Rosa Snyder, Tour Guide, June 28, 1996
Randy Balch, Proofreader 1, July 12, 1996
Kregg Halstead, Legal Counsel, July 19, 1996
Roger Kams, Document Processor 1, August 12, 1996
Jeanette Alt, Text Processor 1, August 16, 1996
Julie Smith, Legal Counsel, September 5, 1996
Mary Carr, Legal Counsel, November 14, 1996

PART-TIME POSITIONS FILLED

Kathleen Ferguson, Proofreader 1, 08/19/96, 16-1
Cindy Lewis, Proofreader, 09/10/96, 16-1
Lisa Schlautman, Proofreader, 10/04/96, 16-1

PARENTAL/FAMILY LEAVE

K'Ann Brandt
Michael Kuehn
Douglas Adkisson

**LEGISLATIVE COMPUTER SUPPORT BUREAU
PERSONNEL REPORT
NOVEMBER 20, 1996**

MERIT INCREASE

<u>Employee Name</u>	<u>Position</u>	<u>Previous Grade/Step</u>	<u>Date</u>	<u>Current Grade/Step</u>	<u>Date</u>
Bryan Boyd	Computer Systems Engineer II	32/2	6/95	32/3	6/96
Roel Campos	Computer Systems Analyst III	32/2	6/95	32/3	6/96
Kay Evans	Division Administrator II	38/5	11/95	38/6	11/96
Jason Hunt	Computer Systems Analyst I	27/1	1/96	27/2	7/96
Joe Kroes	Computer Systems Engineer I	29/2	11/95	29/3	11/96
Scott Mathews	Computer Systems Analyst I	27/1	1/96	27/2	7/96
Steve Nelson	Computer Operator II	24/5	11/95	24/6	11/96
Cheryl Ritter	Computer Systems Analyst II	29/5	6/95	29/6	6/96

SUCCESSFULLY PASSED PROBATIONARY PERIOD, MERIT INCREASE LISTED ABOVE

Jason Hunt	7/96
Scott Mathews	7/96

PARENTAL/FAMILY LEAVE

John Rafdal

NEW POSITIONS

Computer Systems Analyst I	27/1
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STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592
TOLL FREE 1-800-358-5510

WILLIAM P. ANGRICK II
CITIZENS' AIDE / OMBUDSMAN

In reply, please refer to:

November 15, 1996

The Honorable Mike Gronstal
Chair, Service Committee
Iowa Legislative Council
Capitol Building
LOCAL

Dear Senator Gronstal:

I wish to submit the following for the November 20, 1996 Service Committee meeting.

PERSONNEL REPORT

Resignation

Steven L. Exley, Assistant II, resigned his position on October 17, 1996 to accept employment in the Cedar Rapids area.

Contract Employee

Lisa Bean, an employee of Olsten Staffing Services, has been employed as a temporary receptionist since October 28, 1996.

Merit Step Increases

The following individuals are eligible to receive merit increases pending successful completion of their annual reviews on the dates indicated.

Maureen A. Lee, Administrative Secretary, from Grade 21, Step 5 to Grade 21, Step 6, effective December 13, 1996.

Michael J. Ferjak, Assistant III, from Grade 35, Step 2 to Grade 35, Step 3, effective December 27, 1996.

Judith Milosevich, Assistant III, from Grade 35, Step 3 to Grade 35, Step 4, effective December 27, 1996.

Promotions

The following individuals are recommended for promotion pending successful completion of their annual reviews on the dates indicated.

<u>Employee Name & Date of Hire</u>	<u>Position & Date of Appointment</u>	<u>Current Grade/Step Date Attained</u>	<u>Anticipated Position</u>	<u>Anticipated Grade/Step & Date Effective</u>
Jeffrey E. Burnham 06/05/92	Assistant I 12/02/94	29/3 12/01/95	Assistant II	32/2 11/29/96
Duncan C. Fowler 06/10/94	Deputy 06/10/94	38/3 12/15/95	Senior Deputy	41/2 12/13/96
Wendy L. Sheetz 09/14/90	Assistant II 12/16/94	32/3 12/15/95	Assistant III	35/2 12/13/96

Should the Service Committee have any questions or require additional information please contact me.

Sincerely,



William P. Angrick II

WPA:jg

SerComNov96