

**PROPOSED NEW PART TO THE
PERSONNEL GUIDELINES FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES**

(Revised per Staff Comments - 12/8/92)

XVIII - SEXUAL HARASSMENT

**DRAFT
FOR DISCUSSION PURPOSES
ONLY**

A. Sexual Harassment Policy.

1. Sexual harassment is prohibited under Iowa Code Section 19B.12. As defined in 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 full-time, part-time, and temporary central legislative staff agency employees as perpetrators or as victims of fellow central legislative staff employees. This policy also applies to volunteers, interns, and consultants as victims of central legislative staff employees. This policy shall be distributed to all employees at the time of hiring or orientation.

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

C. Employee's Responsibility.

A complaint may be filed after the first conduct constituting sexual harassment. However, an employee or director of a central legislative staff agency who has been harassed ~~should~~ is encouraged to first notify the harasser that the conduct is unwelcome and offensive. ~~If the conduct continues, a complaint may be filed with the director of the 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 an employee of the Senate or House of Representatives, the complaint should be filed with the Secretary of the Senate or the Chief Clerk of the House of Representatives respectively and forwarded to the Senate Rules and Administration Committee and the House Administration Committee respectively. If the complaint involves a member of the Senate or House of Representatives, the complaint should be filed with either the President of the Senate or the Speaker of the House of Representatives respectively, or with the appropriate Ethics Committee.

D. Director's Responsibility.

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 include the alleged harasser's supervisor in the investigation. 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 promptly investigate a sexual harassment complaint is also subject to the scope of disciplinary action described in this paragraph, up to and including termination from employment.

E. Service Committee's Responsibility.

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 shall be under the same guidelines as the Service Committee.

F. Confidentiality.

Any complaint or investigation of sexual harassment shall be handled confidentially in accordance with Iowa Code Section 19A.15.

G. 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.

H. Retaliation.

Retaliation, intimidation, or reprisal against any employee, director, or member of the General Assembly who files a sexual harassment complaint or assists in the investigation of a sexual harassment complaint is prohibited.

I. 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.

J. 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*. An employee may also file a complaint with the Iowa Civil Rights Commission or the U. S. Equal Employment Opportunity Commission.

SEXUAL HARASSMENT COMPLAINT FORM

Name: _____
Job Title: _____

Bureau or Office: _____
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 and in accordance with Section 19A.15 of the Iowa Code.

Employee Signature: _____

Date: _____

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**PROPOSED NEW PART TO THE
PERSONNEL GUIDELINES FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES**

DRAFT
FOR DISCUSSION PURPOSES
ONLY

XVIII - CONFLICTS OF INTEREST

A. An employee of a central legislative staff agency 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.

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 interests 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.

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

F. If the director of an employee's agency determines that a conflict of interests or potential conflict of interests 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 interests.

rj/conflict.sam

PROPOSED NEW PART TO THE
PERSONNEL GUIDELINES FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES

(Revised per Staff Comments - 12/8/92)

DRAFT
FOR DISCUSSION PURPOSES
ONLY

XVIII - 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 while under the influence of alcohol or ~~{nonprescribed} drugs~~ controlled substances.
- ii. The ~~unauthorized or~~ illegal manufacture, possession, sale, purchase, transfer, consumption, or use of alcohol or drugs controlled substances while engaged in state business, or on ~~state property or~~ the employer's premises or in state offices.
- iii. The illegal use or abuse of drugs controlled substances or the consumption of alcohol during ~~or preceding~~ 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 ~~unauthorized~~ abusive use of prescription drugs or controlled substances while engaged in state business or on ~~state property or~~ 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. Mitigating circumstances may include, but are not limited to, alcohol or drug dependency or unknowing or mistaken consumption. Summary discharge means discharge from employment upon completion of a fair and thorough investigation substantiating the egregious conduct. Such discharge ~~is 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 a an impaired condition that creates the appearance of impropriety, including, but not limited to, reporting to or returning to work with the odor of a beverage containing alcohol on the breath.

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, ~~or~~ prescription drugs, or controlled substances.

iii. Off duty misconduct involving the ~~unauthorized or~~ illegal manufacture, possession, sale, purchase, transfer, consumption, or use of alcohol or ~~drugs~~ controlled substances, the illegal use or abuse of ~~drugs~~ controlled substances or the consumption of alcohol during ~~or preceding~~ 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 ~~unauthorized~~ 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, to the public's perception of the ability of the employee to perform the duties, or to damage caused to the reputation of the employer. A nexus ~~will generally may~~ exist for employees of the central legislative staff agencies between off duty conduct which results in any serious criminal 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, or conspiring to engage or participate in any of the activities prohibited under this subparagraph 2 are subject to discipline or discharge, absent mitigating circumstances.

B. Mitigating Circumstances. Alcohol or drug dependency or other factors may be considered a mitigating circumstance if raised as a defense in the investigatory meeting by the employee or if the employer has a reasonable belief that alcohol or drug dependency or another factor may be a mitigating factor.

The 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 with abstention from the consumption of alcohol or use or abuse of drugs for a reasonable period of time as a condition of continued employment.

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 by carefully collecting and preserving any relevant evidence and by instructing 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.

If a criminal investigation is pending related to the alleged violation, the employer must conduct an independent administrative investigation of the alleged violation in order to determine appropriate disciplinary action, regardless of the status or outcome of the criminal investigation. 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 upon 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.

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**PROPOSED NEW SUBSTITUTE PART TO THE
PERSONNEL GUIDELINES FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES**

XIV - GIFTS AND SALES OF GOODS AND SERVICES

A. Gifts.

1. As used in this paragraph A, the words "gift," "honorarium," "immediate family member," "person," and "public disclosure" have the same meanings as provided in chapter 68B of the Iowa Code.

2. Except as provided in this paragraph A, a person or persons 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.

3. Gifts of food, beverages, travel, and lodging which would otherwise be prohibited may be received by an employee if the requirements of section 68B.22, subsection 4, of the Iowa Code are satisfied.

4. A person may give, and an employee or an immediate family member of an employee may accept, a 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 General 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 fifteenth 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 Chapter 22 of the Iowa Code.

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 chapter 68B of the Iowa Code.

2. A legislative employee shall not sell goods or services with a value in excess of \$500 to a state agency, 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 teachers 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 permanent legislative employee 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 A 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 \$500, or the value is greater than \$500 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 Chapter 22 of the Iowa Code. 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 section 68B.6 of the Iowa Code.

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REPORT OF GIFTS RECEIVED

An employee of a central legislative staff agency is required to file this report with the employee's agency when any gift or series of gifts, as defined in section 68B.2, is received by the employee or an immediate family member of the employee. This does not apply to gifts of food, beverage, travel, and lodging if the requirements of section 68B.22, subsection 4, are met and the director is notified. This report is due by the 15th of the month following the month in which the gift was received.

Please note: Iowa law prohibits the acceptance of any gift or series of gifts, but allows the acceptance of a nonmonetary gift or series of gifts if donated within 30 days to a public body, a bona fide educational or charitable organization, or the Department of General Services. Iowa Code Chapter 68B should be reviewed with respect to the definition of gift and other pertinent requirements.

GIFTS:

1. Donor/Organization _____
Date Received _____
Nature and Amount _____

Disposition _____

2. Donor/Organization _____
Date Received _____
Nature and Amount _____

Disposition _____

1. Donor/Organization _____
Date Received _____
Nature and Amount _____

Disposition _____

Date

Donee's Signature

**PROPOSED NEW PART TO THE
PERSONNEL GUIDELINES FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES**

(Revised per Staff Comments - 12/8/92)

XVIII - SEXUAL HARASSMENT

**DRAFT
FOR DISCUSSION PURPOSES
ONLY**

A. Sexual Harassment Policy.

1. Sexual harassment is prohibited under Iowa Code Section 19B.12. As defined in 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 full-time, part-time, and temporary central legislative staff agency employees as perpetrators or as victims of fellow central legislative staff employees. This policy also applies to volunteers, interns, and consultants as victims of central legislative staff employees. This policy shall be distributed to all employees at the time of hiring or orientation.

and lobbyists

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

C. Employee's Responsibility.

required A complaint may be filed after the first conduct constituting sexual harassment. However, an employee or director of a central legislative staff agency who has been harassed ~~should be encouraged~~ *is required* to first notify the harasser that the conduct is unwelcome and offensive. ~~If the conduct continues, a complaint may be filed with the director of the 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.

or a lobbyist If the complaint involves an employee of the Senate or House of Representatives, the complaint should be filed with the Secretary of the Senate or the Chief Clerk of the House of Representatives respectively and forwarded to the Senate Rules and Administration Committee and the House Administration Committee respectively. If the complaint involves a member of the Senate or House of Representatives, the complaint should be filed with either the President of the Senate or the Speaker of the House of Representatives respectively, or with the appropriate Ethics Committee.

D. Director's Responsibility.

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 include the alleged harasser's supervisor in the investigation. 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 promptly investigate a sexual harassment complaint is also subject to the scope of disciplinary action described in this paragraph, up to and including termination from employment.

E. Service Committee's Responsibility.

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 shall be under the same guidelines as the Service Committee.

F. Confidentiality.

Any complaint or investigation of sexual harassment shall be handled confidentially in accordance with Iowa Code Section 19A.15.

G. 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.

H. Retaliation.

Retaliation, intimidation, or reprisal against any employee, director, or member of the General Assembly who files a sexual harassment complaint or assists in the investigation of a sexual harassment complaint is prohibited.

I. 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.

J. 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*. An employee may also file a complaint with the Iowa Civil Rights Commission or the U. S. Equal Employment Opportunity Commission.

SEXUAL HARASSMENT COMPLAINT FORM

Name: _____
Job Title: _____

Bureau or Office: _____
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 and in accordance with Section 19A.15 of the Iowa Code.

Employee Signature: _____

Date: _____

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PERSONNEL GUIDELINES FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES

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ONLY

XVIII - CONFLICTS OF INTEREST

- A. An employee of a central legislative staff agency 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.**
- 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 interests 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.**
- E. An employee may consult with the agency director in order to determine whether a conflict of interests or potential conflict of interests exists.**

F. If the director of an employee's agency determines that a conflict of interests or potential conflict of interests 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 interests.

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**EXPLANATION TO
PROPOSED PERSONNEL POLICIES**

December 16, 1992

GIFTS

The proposed policy on gifts is intended to implement the gift law changes enacted during the 1992 legislative session. The policy simply follows the statutory law and in addition requires reports of any gifts, which can be accepted, to be filed with the central agency director as public records.

SALES OF GOODS OR SERVICES

The proposed policy on sales of goods and services is also intended to implement the current statutory law as amended during the 1992 legislative session. The policy parrots the statute in terms of prohibiting sales of goods or services to state agencies with a value over \$500 without public notice and competitive bidding. The policy also parrots the statute in restricting sales of goods or services by legislative employees to lobbyists or lobbying organizations to only those sales not involving lobbying and approved by either the central agency director or the Legislative Council. Such approval of sales must be recorded as a public record under the policy.

SUBSTANCE ABUSE

The proposed policy on substance abuse is similar to the executive branch's policy, except that the executive branch policy is broader and more vague in some respects. The policy establishes certain illegal conduct involving controlled substances and alcohol and certain abusive uses of alcohol, prescription drugs, or controlled substances as violations subjecting an employee to summary dismissal absent any mitigating circumstances. The policy also establishes certain uses of alcohol, prescription drugs, and controlled substances as violations subjecting an employee to discipline or discharge, absent mitigating circumstances. Such uses are tied to an employee's impairment on the job, below standard job performance or on-the-job misconduct, or off-duty misconduct if a nexus exists between the off-duty misconduct and the employee's job duties. Mitigating circumstances may include alcohol or drug dependency or other factors if raised as a defense by the employee or by the employer due to the employer's reasonable belief of the existence of the dependency or other factor. The policy also includes certain investigatory procedures and dispositional alternatives.

SEXUAL HARASSMENT

The proposed policy on sexual harassment is intended to implement Iowa Code section 19B.12 enacted during the 1992 legislative session. The policy uses the statutory definition of

sexual harassment and establishes employee and employer responsibilities in filing and investigating sexual harassment complaints. The Service Committee is initially responsible for investigating complaints involving more than one central agency or a central agency director. Complaints are to be handled confidentially. The applicable evidentiary standard is to take the perspective of a reasonable person of the same sex as the victim. Disciplinary action can range from a written warning or reprimand to suspension with or without pay to termination of employment, depending on the severity of the sexual harassment. Retaliation against a complainant is prohibited. Each central agency is required to establish a sexual harassment training policy. If an employee is dissatisfied with the results of a sexual harassment investigation, the employee may file a grievance under the personnel guidelines already established for central agency employees or may file a complaint with the Iowa Civil Rights Commission or the U.S. Equal Employment Opportunity Commission.

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PERSONNEL GUIDELINES FOR THE CENTRAL LEGISLATIVE STAFF AGENCIES

(as amended December 17, 1992)

I. DEFINITIONS

- "Agency" means the Legislative Service Bureau, the Legislative Fiscal Bureau, the Computer Support Bureau, 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. POLICY-MAKING AND OVERSIGHT AUTHORITY

A. Legislative Council

The Legislative Council is the policy-making and oversight authority for the central legislative staff agencies under Chapter 2 of the Code of Iowa. Such statutory power can be found in Code Section 2.42, subsections 1, 11, 12, 14, and 17. Code Sections 2.48, 2.58, and 2.100 establish the Legislative Fiscal Bureau, the Legislative Service Bureau, and the Computer Support Bureau, respectively. Code Chapter 2C establishes the Office of the Citizens' Aide, commonly known as Citizens' Aide/Ombudsman. Section 2C.3 makes the Citizens' Aide responsible to the Legislative Council.

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). Executive branch policies referenced herein shall be accepted as of July 1, 1989. Subsequent changes in executive branch policies 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. Such approval by the Council is customarily given by Council adoption of Service Committee recommendations contained in the reports of the Service Committee to the Council.

C. Guidelines Subject to Change

These guidelines are subject to change at any time by the Legislative Council.

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 Service Bureau, 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 determined by the legislative branch comparable worth process. 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 set through the comparable worth process by the Service Committee.
4. The Comparable Worth Staff Report of August 1986 shall serve as the reference for the grade level of positions, except for positions whose grade level has been established or changed under the comparable worth process and approved by the Service Committee since the issuance of the report. Grade levels for positions that have been established or changed since the issuance of the report shall be developed in accordance with the factor scores in the comparable worth report.
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 Service Bureau, 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, except agency directors, shall be at a grade and step on the legislative branch salary matrix. Grade levels for positions shall be as determined under Part III 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 branch who are not included in a collective bargaining agreement.

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 step six of a grade based upon satisfactory performance according to annual evaluations as provided in Part IX 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 step six 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. 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 the successful completion of probationary employment and 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

probationary period, but a director may specify one or more standard eligibility dates for merit increases other than the anniversary 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. Permanent part-time employees are eligible for merit increases as if they were permanent full-time employees.
2. Temporary full-time employees who work intermittently shall have their eligibility for probationary and annual merit increases determined by their cumulative length of service.
3. Temporary part-time employees are eligible for merit increases as if they were temporary full-time employees.

F. Overtime and Compensatory Time

1. At the discretion of the director, support positions are to be designated as eligible for full compensation for overtime. Those positions eligible for full compensation for overtime accrued shall be compensated with either overtime pay or compensatory time at a one and one-half hour rate for each hour of overtime accrued as determined by the director for each particular class of support positions. Employees in support positions shall be notified whether compensation for their positions is overtime pay or compensatory time. Legislative library employees are compensated pursuant to the requirements of federal law. The annual personnel report filed with the Service Committee shall specify the specific support positions designated as eligible for full compensation for overtime accrued.
2. Those professional positions eligible for only partial compensation for overtime accrued shall be compensated with compensatory time on an hour-for-hour basis, computed each pay period, which compensatory time shall be used within a one-year period. Compensatory time is accrued only after the accumulation of 40 hours of overtime and is limited to a maximum accrual of 120 hours.
3. The annual personnel report shall specify the annual period for which employees accrue compensatory time and shall state the compensatory time earned by each employee.

V. COMPENSATION - BENEFITS

A. Benefits in General

Employees in the central legislative staff agencies are eligible for employee benefits under the same terms and conditions as provided by law for employees in the legislative branch. This includes, but is not limited to, health, dental, life, and long-term disability insurance programs for permanent employees.

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.

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. Reimbursement for moving expenses shall not be made until a new employee is on the state payroll. The payment of such expenses shall be reported to the Service Committee. (See Code Section 70A.16.)

D. Educational Benefits

Permanent employees are eligible for educational leave and educational assistance as provided in Code Section 70A.25 and Part VI 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.

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, whether permanent, temporary, or probationary, 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 and filed with the Legislative Council. 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 and filed with the Legislative Council. Leave granted by a director in excess of thirty consecutive calendar days shall be reported to the Service Committee.

C. Leave Types

1. Leaves With Pay

a. Vacation Leave

- i. All permanent and probationary employees shall accrue vacation leave according to the rules adopted by the Department of Personnel.
- ii. Vacation leave does not accrue during leave without pay, nor can vacation leave be granted in excess of the amount accumulated.

b. Sick Leave

- i. Employees shall accrue sick leave according to rules adopted by the Department of Personnel. 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 are covered by sick leave. Absences for sick leave may require verification by an authorized practitioner.
- iii. Accrued sick leave, not exceeding forty hours per year, may also be used for leaves for temporary care of immediate family members, for child care, or for bereavement leave.
- iv. Sick leave may be converted to vacation time according to the rules of the Department of Personnel.

c. Compensatory Leave

Compensatory leave is accumulated as provided in Part IV of these guidelines. Sick and vacation leave shall accumulate on compensatory time.

- d. Holiday Leave**
Holiday leave is granted to all permanent employees. 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, 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 permanent or probationary employees 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. Olympic Leave**
Employees may request leave for participation in Olympic competition. The maximum leave granted for participation in Olympic competition sanctioned by the U.S. Olympic Committee, including travel and pretraining time, shall not exceed 90 working days. All vacation and sick leave still accrue during this time. Eligibility for pay raises and insurance eligibility remain in force. Olympic leave will not be granted during a legislative session. (See Code Section 70A.24.)

i. 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 an in-state 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.

j. 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. An employee is not required to exhaust other leaves available to the employee before taking family death leave.

For purposes of this lettered paragraph, "employee's immediate family member" means an employee's spouse, child, or parent, and "employee's family member" means family member as defined in Part VI.C.3.d.iii. of these guidelines.

k. 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 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 written request, grant sick leave without pay to an employee for a length of time the director determines is appropriate. If an employee requests to use sick leave without pay in excess of 30 days, the director shall consult the employee's attending physician or other licensed practitioner. The employee may be terminated or must return to work immediately if the director determines that any of the following are true:

- i. The employee fails or refuses to supply requested information about the illness within a stated time.
- ii. The employee does not show sufficient continued reason to prevent the performance of duties.
- iii. The employee is performing work or activity incompatible with the purpose for which sick leave was granted.

3. Leaves Which May Be With Pay or Without Pay

a. Educational Leave

- i. 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.
- 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 Personnel apply.
- 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 permanent, full-time employees 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.
 - ii. **Parental Leave.** An employee is entitled to parental leave, not to exceed three months in duration, upon the birth or placement for adoption of a child. Parental leave shall begin no later than eight weeks following 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 or upon the death of a family member. Family leave is in addition to the 40 hours per year of accrued sick leave provided for the temporary care of immediate family members, for child care, or for bereavement leave. See Part VI.C.1.b.iii. 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 employees'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 continue 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 these guidelines, entitled "Rights of Return," does not apply to parental and family leave.

D. Vacation Leave Sharing

- 1. The director shall permit a permanent employee to transfer any vacation leave accrued by the employee in excess of eighty hours to another permanent

employee of the same or another agency, and the director of that same or other agency shall permit the other permanent 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.
2. An employee receiving vacation leave under this paragraph shall not receive more than 2088 hours of transferred vacation leave per calendar year under this paragraph.
 3. 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.
 4. 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.
 5. 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.
 6. Vacation Leave Sharing Policy - Transfer Procedure. (Not approved by Legislative Council but agreed to by all four central legislative staff agency directors on May 1, 1991.)
 - a. Confidential Requests for Transfer. Pursuant to the vacation leave sharing policy adopted by the Legislative Council, a permanent 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 80 hours to a specified, named permanent employee of the same

or another central legislative staff 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 director of the transferring agency shall immediately notify the director of 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 by the directors and finance officers of the transferring and receiving agencies as a confidential personnel record. In administering the transfer procedure, if the transferring and receiving agencies are not one and the same, the director and finance officer of a transferring agency shall not disclose the name of a transferring employee to the director or finance officer of the receiving agency.
- c. **Eligibility Determination and Acceptance or Abeyance of Transfer.** Upon a determination by the director of the receiving agency that the specified, named employee is eligible to receive transferred vacation leave under the vacation leave sharing policy adopted by the Legislative Council, the receiving agency shall determine the time period or periods during which the receiving employee would be able to use transferred vacation leave, and the number of hours which could be transferred to the receiving employee without the receiving employee exceeding the receiving employee's vacation ceiling. At any point in time the directors and finance officers of the transferring and receiving agencies may hold requests for transfer in abeyance if the receiving employee is currently not able to use all of the hours requested to be transferred. The directors and finance officers may periodically transfer such hours when the receiving employee is able to use the hours. If such hours are still being held in abeyance at the end of the calendar year in which the hours were requested to be transferred, the transferring agency's director shall notify the transferring employee that a transfer has not been made and that the request for transfer will be automatically terminated at the end of the calendar year unless the transferring employee files a written request for transfer for the next calendar year.
- d. **Actual Transfer.** The receiving agency's finance officer shall notify the transferring agency's finance officer of the number of hours which can be transferred and, upon approval of the request for transfer by the director of the transferring agency, the transferring agency's finance officer shall subtract that number of hours from the transferring employee's accrued

vacation hours and the receiving agency's finance officer shall add that number of hours to the receiving employee's accrued vacation hours, if any.

- e. **Multiple Requests for Transfer.** If the receiving agency has been notified of more than one approved request for the transfer of vacation leave to the receiving employee, the finance officer of each transferring agency shall separate the requests by date of approval. The transferring and receiving agencies' finance officers shall transfer vacation hours, beginning with the requests for transfer approved at the earliest date.
- f. **Pro Rata Return of Unused Hours.** If all or a portion of the vacation leave hours which were actually transferred cannot be used by the receiving employee, the transferring and receiving agencies' finance officers shall arrange the return of the unused vacation leave hours to the transferring employee, or if more than one transferring employee is involved, to the transferring employees on a pro rata basis.

VII. HIRING

A. General Authority

Each director has discretionary hiring authority for all authorized and funded vacant positions within the agency, provided such hiring is at the entry level salary. 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 prior 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 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 Chapter 216 of the Code. 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.

An agency shall not favor or discriminate against any person in training, professional development, promotional opportunities, salary, or working conditions, because of race, religion, color, sex, national origin, age, sexual orientation, or physical or mental disability. 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.

C. Probationary Period

For the purposes of evaluating the performance of new employees (original appointment or reappointment of a returning employee to a permanent or temporary position), a period will be implemented. The probationary period is, at the discretion of the director, the first six months of employment or the completion of a legislative session. During this period, the employee shall be ineligible for promotion or demotion. After the probationary period is over, either the director or the employee's supervisor will recommend to continue or terminate the employee. During the probationary period, employees may be terminated at will and the grievance procedure is not applicable to them.

VIII. LAYOFF AND RECALL

A. Layoffs and Order of Layoffs

With the approval of the Service Committee, a director may, due to budgetary requirements or workload demands, lay off an employee. Layoff shall be by job classification in reverse order of seniority.

B. Recall List

1. Each director shall establish and maintain a recall list used for filling vacant positions. Recall lists will be established by job classification and seniority. These lists shall consist of the names of permanent employees who were separated by layoffs. Employees shall be placed on the list in order of seniority (years-months-days of continuous service prior to layoff).

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

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 shall 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 the guidelines.

B. Probationary Employees

Probationary employees shall be ineligible for a promotion during their probationary period.

C. 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 prior 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 prior 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. A salary increase due to a promotion is in addition to any salary increase that an employee may receive under Part IV 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.

D. Post Promotion

For current employees, a new probationary period may be required. For pay purposes, when an employee is promoted, the employee's salary shall be adjusted to step one of the grade level of the new position. If that does not result in at least a one-step increase, then the employee's salary shall be adjusted to the paystep at the new grade level that results in a one-step increase. However, for promotions between classes with a three or more pay grade difference, the employee shall be given a two-step increase in pay or the employee's salary shall be adjusted to step one of the grade level of the new position, whichever is greater.

XI. DEMOTIONS AND TERMINATION

A. Informal Review of Performance Shortcomings

The employee's director or immediate supervisor may at any time, in an informal manner, 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.

B. Formal Review of Performance Shortcomings

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.

C. Suspension

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

D. Demotion

A director has discretionary 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 step 6 in the grade of the next lower classification in the employee's job series or career ladder. If that does not result in at least a one-step decrease in salary, then the employee's salary shall be adjusted to the pay step at the new grade level that results in a one-step decrease in salary. Demotions shall be reported to the Service Committee.

E. Termination

The director has discretionary 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 section 2.42, subsection 14, and section 2C.3, Code 1989, the following rules for hearing and acting upon appeals of aggrieved employees of the Legislative Service Bureau, Legislative Fiscal Bureau, Computer Support Bureau, 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 Service Bureau, Legislative Fiscal Bureau, Computer Support Bureau, or the Office of Citizens' Aide.
2. "Employee" means a person employed by the Legislative Service Bureau, Legislative Fiscal Bureau, Computer Support Bureau, or the Office of Citizens' Aide. "Employee" does not include the director of the Legislative Service Bureau, the director of the Legislative Fiscal Bureau, the director of the Computer Support Bureau, or the Citizens' Aide.
3. "Committee" means the Service Committee of the Legislative Council.
4. "Council" means the Legislative Council.

C. Grievance Procedures - Rules

These rules shall constitute the procedures for resolving grievances or complaints of employees. Time limits specified within these rules begin the working day following the day an action takes place or is required.

D. Filing of Grievance or Complaint - Right of Employee

An employee may file or submit a grievance or complaint with a director, the Committee, or the Council 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 employing authority so that there will be a minimum of interference with normal operation of the agency's work. Time limits provided in these rules may be altered by mutual agreement.

E. Initiation of Complaint or Grievance

An employee shall file a grievance or complaint in writing with the director within five working days of the incident of the alleged grievance or complaint. The director shall transmit a written decision to the employee within five working days of receipt of the grievance or complaint.

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 a grievance or complaint in writing with the chairperson of the Committee. A copy of the written grievance or complaint shall be filed with the director at the same time as the filing with the chairperson of the Committee. The director shall file a copy of the director's decision upon notification of the filing of the grievance or complaint with the Committee.

G. Consideration of the Written Grievance or Complaint by the Committee

The Committee shall consider the written complaint or 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. The Committee shall make a written decision in regard to the grievance or complaint on the day the complaint or grievance is considered. However, if the Committee desires additional information from any person it 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. A copy of the written decision shall be filed with the director and employee.

H. Appeal to Council

If the employee is not satisfied with the decision of the Committee, the employee may appeal the Committee's decision to the Council by filing a written appeal with the chairperson and vice chairperson of the Council. A copy of the appeal shall be filed with the director at the same time. The chairperson shall set a time for hearing the written appeal of the grievance or complaint. The hearing may be part of a regular meeting of the Council or may be held during a special meeting called for such purpose. The appeal to the Council must be filed within five working days of the decision of the Committee. The decision of the Council in regard to the grievance or complaint 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 or complaint within the time limits set forth in these rules or special time limits agreed upon, it shall be assumed the grievance or complaint 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. Form and Content of Written Appeals

The written appeal shall contain such specific information as will adequately inform a director, the Committee, or the Council of the incident from which the appeal arose. A director, the Committee, or 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. An employee may request that a third person be present to give evidence or represent the employee, however, the third person may decline to present evidence or represent the employee. All germane information presented at any hearing may be added to and shall become a part of an appeal. All hearings shall be held in an informal manner. Any party, a director, the Committee, or the Council may call witnesses and consider documents and written statements which shall not be limited by legal rules of evidence. Witnesses may decline to participate in the hearing.

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 a complaint or appearing as a witness at a hearing. An act of coercion shall

be considered as a reason for a grievance or complaint which may be combined with the original grievance or complaint.

M. Amendments

A complaint or a grievance may be amended at any time prior to a decision. The amendment must relate directly to the original complaint or grievance and allowance of such amendments shall be within the discretion of the chairperson of the Committee or Council. 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.

XIII. NONPARTISAN POLITICAL PARTICIPATION GUIDELINES

In order to maintain fair and effective functioning of the Legislative Service Bureau, the Legislative Fiscal Bureau, the Computer Support Bureau, 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 or club.
2. Actively participating in or attending fund-raising activities for a partisan candidate or partisan political party.
3. Becoming a partisan candidate for or campaigning for an 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.
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," "person," and "public disclosure" have the same meanings as provided in chapter 68B of the Iowa Code.
2. Except as provided in this paragraph A, a person or persons 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.
3. Gifts of food, beverages, travel, and lodging which would otherwise be prohibited may be received by an employee if the requirements of section 68B.22, subsection 4, of the Iowa Code are satisfied.
4. A person may give, and an employee or an immediate family member of an employee may accept, a 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 General 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 fifteenth 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 Chapter 22 of the Iowa Code.

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 chapter 68B of the Iowa Code.
2. A legislative employee shall not sell goods or services with a value in excess of \$500 to a state agency, 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 teachers 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 permanent legislative employee 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 A 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 \$500, or the value is greater than \$500 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 Chapter 22 of the Iowa Code. 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 section 68B.6 of the Iowa Code.

REPORT OF GIFTS RECEIVED

GIFTS:

1.	Donor/Organization _____
	Date Received _____
	Nature and Amount _____

	Disposition _____

2.	Donor/Organization _____
	Date Received _____
	Nature and Amount _____

	Disposition _____

3.	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

An employee of a central legislative staff agency is required to file this report with the employee's agency when any gift or series of gifts, as defined in section 68B.2, is received by the employee or an immediate family member of the employee. This does not apply to gifts of food, beverage, travel, and lodging if the requirements of section 68B.22, subsection 4, are met and the director is notified. This report is due by the 15th of the month following the month in which the gift was received.

Please note: Iowa law prohibits the acceptance of any gift or series of gifts, but allows the acceptance of a nonmonetary gift or series of gifts if donated within 30 days to a public body, a bona fide educational or charitable organization, or the Department of General Services. Iowa Code Chapter 68B should be reviewed with respect to the definition of gift and other pertinent requirements.

The director or the director's designee shall maintain and be custodians 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 not to exceed two years, then transmitted to the General Services Records Center. Employees shall have the right to inspect and have copies made of their personnel files during regular business hours. All records shall be held as confidential in accordance with Code Section 19A.15.

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 Computer Support Bureau. 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 Computer Support Bureau.

Unauthorized access attempts will be monitored by the Legislative Computer Support Bureau and immediate notification will be made to the Secretary of the Senate, Chief Clerk of the House, and the directors of the central staff agencies.

The Legislative Computer Support Bureau 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 Computer Support Bureau may disable the user-id of any employee found attempting unauthorized access and will restore the user privilege only at the direction of the Service Committee. The Legislative Computer Support Bureau shall notify the employee and the employee's director 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 these guidelines.

XVIII.CONFLICTS OF INTEREST

- A. An employee of a central legislative staff agency 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.
- 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 interests 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.**
- E. An employee may consult with the agency director in order to determine whether a conflict of interests or potential conflict of interests exists.**
 - F. If the director of an employee's agency determines that a conflict of interests or potential conflict of interests 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 interests.**

**PROPOSED NEW PART TO THE
PERSONNEL GUIDELINES FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES**

(Revised per Service Committee 12/17/92)

XVIII - SEXUAL HARASSMENT

A. Sexual Harassment Policy.

1. Sexual harassment is prohibited under Iowa Code Section 19B.12. As defined in 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 full-time, part-time, and temporary central legislative staff agency employees as perpetrators or as victims of fellow central legislative staff employees. This policy also applies to volunteers, interns, and consultants as victims of central legislative staff employees. This policy shall be distributed to all employees at the time of hiring or orientation.

Members and employees 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. Employee's Responsibility.

required A complaint may be filed after the first conduct constituting sexual harassment. However, an employee or director of a central legislative staff agency who has been harassed ~~should~~ is ~~required~~ to first notify the harasser that the conduct is unwelcome and offensive. If the conduct continues, a complaint may be filed with the director of the 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 an employee of the Senate or House of Representatives, the complaint should be filed with the Secretary of the Senate or the Chief Clerk of the House of Representatives respectively and forwarded to the Senate Rules and Administration Committee and the House Administration Committee respectively. If the complaint involves a member of the Senate or House of Representatives or a lobbyist, the complaint should be filed with either the President of the Senate or the Speaker of the House of Representatives respectively, or with the appropriate Ethics Committee.

D. Director's Responsibility.

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 include the alleged harasser's supervisor in the investigation. 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 promptly investigate a sexual harassment complaint is also subject to the scope of disciplinary action described in this paragraph, up to and including termination from employment.

E. Service Committee's Responsibility.

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 shall be under the same guidelines as the Service Committee.

F. Confidentiality.

Any complaint or investigation of sexual harassment shall be handled confidentially in accordance with Iowa Code Section 19A.15.

G. 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.

H. Retaliation.

Retaliation, intimidation, or reprisal against any employee, director, or member of the General Assembly who files a sexual harassment complaint or assists in the investigation of a sexual harassment complaint is prohibited.

I. 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.

J. 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*. An employee may also file a complaint with the Iowa Civil Rights Commission or the U. S. Equal Employment Opportunity Commission.

SEXUAL HARASSMENT COMPLAINT FORM

Name: _____
Job Title: _____

Bureau or Office: _____
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 and in accordance with Section 19A.15 of the Iowa Code.

Employee Signature: _____

Date: _____

g:/johnsonr/sexharr36731gdlr



DENNIS C. PROUTY
DIRECTOR
515/281-5279

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

MEMO

TO: Service Committee of the Legislative Council

FROM: Dennis C. Prouty, Legislative Fiscal Bureau

RE: Fiscal Bureau Personnel Report

DATE: December 8, 1992

Attached is the Legislative Fiscal Bureau's Personnel Report covering the period November 10, 1992 through December 17, 1992. The Report covers all personnel action since the last report, which was submitted November 10, 1992. All promotions are subject to satisfactory performance reviews.

LFB PERSONNEL REPORT
1992 Interim

PERSONNEL ACTIONS SINCE LAST REPORT: November 10, 1992

SERVICE COMMITTEE REVIEW

MERIT INCREASES:

None

VACANT POSITIONS:

None

VACANT POSITIONS FILLED:

None

PARENTAL/SICK LEAVE:

None

SERVICE COMMITTEE APPROVAL

PROMOTIONS

Larry C. Sigel
Leroy A. McGarity
Holly M. Lyons
Glen P. Dickinson

FROM

Legislative Analyst
Legislative Analyst
Div. Administrator I
Div. Administrator I

TO

Legislative Analyst I
Legislative Analyst I
Div. Administrator II
Div. Administrator II

GENERAL ASSEMBLY OF IOWA

LEGAL COUNSELS

Douglas L. Adkisson
Derry M. Carr
Dwain G. Cook
Susan E. Crowley
Patricia A. Funaro
Michael J. Goedert
Leslie E. W. Hickey
Mark W. Johnson
Michael A. Kuehn
Carolyn T. Lumbard
Julie A. Smith

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

December 22, 1992

MEMORANDUM

TO: CHAIRPERSON GRONSTAL AND MEMBERS OF THE SERVICE COMMITTEE

FROM: DIANE BOLENDER, DIRECTOR

RE: DECEMBER PERSONNEL REPORT (CORRECTED COPY)

Notification is made of the following personnel actions:

Merit Step increase: Donna Munzenmaier

New Employees: Judy Neff, Assistant Librarian (Permanent part-time)
Steven Grote, Page (Session only)
Kate Chartier, Page (Session only)
Beverly Burkett, Proofreader (Session only)

Approval is requested for the following position reclassifications effective 12/18/92:

Douglas Adkisson, Legal Counsel 1 (Grade 32, step 6) to Legal Counsel 2
(Grade 35, step 5)

Patricia Funaro, Legal Counsel 1 (Grade 32, step 4) to Legal Counsel 2
(Grade 35, step 3)

Mark Johnson, Legal Counsel 1 (Grade 32, step 5) to Legal Counsel 2
(Grade 35, step 4)

Leslie Hickey, Legal Counsel 1 (Grade 32, step 6) to Legal Counsel 2
(Grade 35, step 5)

Bridget McNerney, Senior Document Processor (Grade 22, step 2) to
Document Processor Supervisor (Grade 25, step 1)

Donna Munzenmaier, Proofreader 1 (Grade 16, step 4) to Proofreader 2
(Grade 19, step 3)

Cathie Young, Proofreader 1 (Grade 16, step 5) to Proofreader 2
(Grade 19, Step 4)

Mary Ann Scott, Assistant Indexer (Grade 19, step 3) to Administrative
Secretary (Grade 21, step 2)

Approval is requested for the following position reclassification effective 12/4/92:

K'Ann Brandt, Assistant Finance Officer (Grade 21, step 2) to
Finance Officer 1 (Grade 24, step 1)

DIANE E. BOLENDER
DIRECTOR

RICHARD L. JOHNSON
DEPUTY DIRECTOR

JOHN C. POLLAK
COMMITTEE SERVICES ADMINISTRATOR

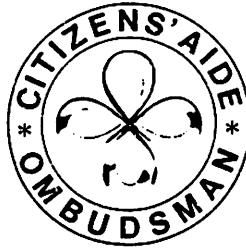
LOANNE DODGE
IOWA CODE EDITOR

PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

JULIE E. LIVERS
LEGISLATIVE INFORMATION OFFICE DIRECTOR

STATE OF IOWA

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



WILLIAM P. ANGRICK II
CITIZENS' AIDE / OMBUDSMAN

In reply, please refer to:

December 17, 1992

Senator Mike Gronstal, Chair
Service Committee, Legislative Council
Iowa Senate
LOCAL

Dear Senator Gronstal:

Personnel Report

I wish to advise the Service Committee of the following personnel actions in the office of Citizens' Aide/Ombudsman (CA/O) during December, 1992:

- ♦ Jeffrey Burnham, Assistant CA/O, successfully completed his six-month probationary period and was awarded a merit step increase from Grade 27, Step 1, to Grade 27, Step 2, effective December 4, 1992.
- ♦ Maureen (Kennedy) Lee, CA/O Secretary, participated in her annual review and was awarded a merit step increase from Grade 19, Step 3, to Grade 19, Step 4, effective December 18, 1992.

I request Service Committee approval of the following personnel promotions:

- ♦ Ruth L. Mosher, Deputy CA/O, at Grade 38, Step 3, to Senior Deputy CA/O, at Grade 41, Step 2, effective January 1, 1993. Ms. Mosher has served as Deputy CA/O for 17 years, including 14 months as Acting CA/O from February, 1977 through March, 1978. She exceeds the minimum requirements for the position of Senior Deputy and this promotion is in accordance with Chapter 10, Section C of the Personnel Guidelines for the Central Legislative Staff Agencies.
- ♦ Ruth H. Cooperrider, Legal Counsel I, at Grade 32, Step 1, to Legal Counsel II, at Grade 35, Step Minus One, effective January 1, 1993. Ms. Cooperrider has served as Legal Counsel in the office of CA/O since July, 1990. The position requires that the CA/O legal counsel be admitted to practice before the Iowa Bar and both the Southern

and Northern Districts of the United States Federal Court. Prior to assuming her position with the CA/O Ms. Cooperrider served six years as an assistant county attorney, four in Story County and two in Wapello County, and held attorney positions with the Legal Services Corporation of Iowa; served as a judicial clerk in the Second Judicial District of Iowa; and was briefly employed with the Legislative Service Bureau. Her combined employment experience exceeds the minimum requirements for this promotion. She is being limited in her promotion to a minus step in accordance with Condition 3 of the Position Classification System Implementation Plan adopted by the Service Committee and Legislative Council on June 17, 1992 because there are a number of Grade 35, Step Minus One positions remaining in the legislative branch.

- ♦ Michael J. Ferjak from Assistant CA/O II, at Grade 32, Step 2, to Assistant CA/O III, at Grade 35, Step Minus One, effective January 1, 1993. Mr. Ferjak has been employed in the office of CA/O since December, 1987. He has held various institutional assignments and has served as the Assistant for Public Safety since January, 1991. During his tenure with this office Mr. Ferjak has participated in or coordinated three major investigations resulting in formal reports and currently serves as the senior field investigation coordinator whenever the office is involved in formal investigations. Mr. Ferjak has received training in both the introductory and advanced Reid Techniques and recently attended and was certified as an investigator by the Council on Licensure, Enforcement and Regulation (CLEAR). Additionally, Mr. Ferjak has eight years of service in law enforcement and his combined employment experience exceeds the minimum requirements for this promotion. He is being limited in his promotion to a minus step in accordance with Condition 3 of the Position Classification System Implementation Plan because there are a number of Grade 35, Step Minus One positions remaining in the legislative branch.

Sincerely,



William P. Angrick II

WPA:jg

Copy: Service Committee members

sc1292-3/green



SANFORD B. SCHARF
DIRECTOR
515-281-7840

LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA
50319

STATE OF IOWA

LEGISLATIVE COMPUTER SUPPORT BUREAU

PERSONNEL REPORT

REQUIRES SERVICE COMMITTEE ACTION

1. Hire Virginia Rowen as a Computer Systems Analyst Trainee, Grade 24, Step 6 starting January 1, 1993.
2. Approve increase of \$18,919.00 to FY'93 Budget for Personal Services to cover salary of Computer Systems Analyst Trainee, Grade 24, Step 6 to July 1993.

3. Promote the following employees:

Bryan Boyd from Computer Systems Analyst I, Grade 27 Step 2
to Computer Systems Engineer I, Grade 29 Step 1

Roel Campos from Computer System Analyst I, Grade 27, Step 2
to Computer Systems Analyst II, Grade 29 Step 1

Sherry Frederick from Administrative Secretary, Grade 21, Step 4
to Executive Secretary, Grade 24, Step 3

REPORT OF MERIT INCREASES

The following employees have received a satisfactory evaluation and have been granted a merit increase:

Kay Evans - 11/20/92
Cheryl Ritter - 11/20/92

**SERVICE COMMITTEE
OF THE LEGISLATIVE COUNCIL**

MEMBERS

<i>Senator Mike Gronstal, Chairperson</i>	<i>Representative John Connors, Vice Chairperson</i>
<i>Senator Wally Horn</i>	<i>Representative Kay Chapman</i>
<i>Senator Jack Rife</i>	<i>Representative Harold Van Maanen</i>

TENTATIVE AGENDA

Thursday, December 17, 1992
Committee Room 22

2:30 p.m.

Call to Order

Roll Call

Consider Minutes of November 10
(Previously Distributed)

Proposed Policies for Personnel Guidelines

- Gifts and Sales
- Substance Abuse
- Sexual Harassment
- Conflicts of Interest

Consideration of Personnel Reports

- Legislative Fiscal Bureau
- Legislative Service Bureau
- Citizens' Aide/Ombudsman
- Computer Support Bureau

Administration Report of Citizens' Aide/Ombudsman
Regarding Environmental Ombudsman

Consideration of Proposed FY 94 Budgets

- Legislative Fiscal Bureau
- Legislative Service Bureau
- Citizens' Aide/Ombudsman
- Computer Support Bureau

Additional Business, if any

Adjournment