

**SERVICE COMMITTEE  
OF THE LEGISLATIVE COUNCIL**

*MEMBERS*

*Speaker Harold Van Maanen, Chairperson  
Representative John H. Connors  
Representative Teresa Garman*

*Senator Donald E. Gettings  
Senator Wally E. Horn  
Senator Jack Rife*

**TENTATIVE AGENDA**

Wednesday, May 11, 1994  
Committee Room 22

10:30 a.m.

Call to Order

Roll Call

Approval of Minutes of February 16 Meeting  
(Previously Distributed)

Personnel Reports

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

Personnel Guidelines Change

Additional Business?

Adjournment

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: May 11, 1994

Attached is the Legislative Fiscal Bureau's Personnel Report covering the period February 3, 1994, through May 11, 1994. The Report covers all personnel action since the last report, which was submitted February 3, 1994.

**LFB PERSONNEL REPORT**  
**FY 1994**

PERSONNEL ACTIONS SINCE LAST REPORT: 2/3/94

**SERVICE COMMITTEE REVIEW**

**MERIT INCREASES:**

Darlene Kruse	Legislative Analyst	3/11/94
Leah Churchman	Legislative Analyst	3/11/94
Larry Sigel	Legislative Analyst I	3/11/94
Leroy McGarity	Legislative Analyst I	3/11/94
Glen Dickinson	Division Administrator II	3/11/94
Brad Hudson	Legislative Analyst III	3/25/94
Valerie Thacker	Legislative Analyst	3/25/94
Jon Muller	Legislative Analyst	3/25/94
Jon Neiderbach	Senior Legislative Analyst	4/22/94

**VACANT POSITIONS:**

None

**VACANT POSITIONS FILLED:**

None

**SICK LEAVE:**

Sue Lerdal	Senior Legislative Analyst	3/94 - 5/94
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**SERVICE COMMITTEE APPROVAL**

<u>PROMOTIONS</u>	<u>FROM</u>	<u>TO</u>
None		

# GENERAL ASSEMBLY OF IOWA

## LEGAL COUNSELS

Douglas L. Adkisson  
Henry M. Carr  
Kevin 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

**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

May 9, 1994

## MEMORANDUM

**TO: CHAIRPERSON VAN MAANEN AND MEMBERS OF THE SERVICE COMMITTEE**

**FROM: DIANE BOLENDER, DIRECTOR**

**RE: MAY PERSONNEL REPORT**

Notification is made of the following personnel actions since the February 16, 1994, Legislative Council meeting:

1. Judith Black, Tour Guide, resigned effective March 1, 1994.

2. Sheila Mauck, Administrative Code Editorial Assistant, resigned effective April 1, 1994. The vacant position has been filled by Gerry Rydell, formerly Publications Assistant in the Administrative Code Division. Because the filling of the position constitutes a promotion, approval of the promotion of Ms. Rydell from grade 21, step 4, to grade 24, step 3, is requested, effective to the date of the filling of the position, on April 8, 1994.

3. The following employees received annual merit step increases on the dates indicated:

	Effective Date	Previous Grade/Step	Date Attained	Current Grade/Step
Lucinda Parker LIO Officer	3/11/94	24-2	3/12/93	24-3
Helen DeBartolo Text Processor	4/22/94	19-2	4/23/93	19-3
John Pollak Committee Services Administrator	5/6/94	38-1	5/7/93	38-2

This interim the Bureau will be reviewing its personnel needs regarding bill and amendment editing and proofreading and regarding the Administrative Code computerization project.

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May 9, 1994

## MEMORANDUM

**TO: CHAIRPERSON VAN MAANEN AND MEMBERS OF THE SERVICE COMMITTEE**

**FROM: DIANE BOLENDER**

**RE: PERSONNEL GUIDELINES CHANGES**

The following changes are proposed to the Personnel Guidelines for the Central Legislative Staff Agencies:

1. Part VI (Compensation - Leave), paragraph D (Vacation Leave Sharing), subparagraph 2, is amended to read as follows:

2. An employee receiving vacation leave under this paragraph shall not receive more than 2080 hours of transferred vacation leave per calendar year under this paragraph.

2. Part XIX (Personal Financial Disclosure), paragraph D, is amended to read as follows:

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

## STATE OF IOWA

CITIZENS' AIDE/OMBUDSMAN  
CAPITOL COMPLEX  
215 EAST 7TH STREET  
DES MOINES, IOWA 50319-0891  
(515) 281-3592



WILLIAM P. ANGRICK II  
CITIZENS' AIDE OMBUDSMAN

In reply, please refer to:

COPY

May 4, 1994

The Honorable Harold Van Maanen, Chair  
Service Committee, Legislative Council  
State Capitol  
Local

Dear Speaker Van Maanen:

Enclosed please find the following report for the Service  
Committee meeting on May 11, 1994.

Personnel Report

- Steven Exley, Assistant, successfully participated in his annual review and was awarded a merit increase from Grade 27, Step 3, to Grade 27, Step 4, effective March 11, 1994.
- Duncan Fowler, former Ombudsman for the state of Alaska, has been hired as Deputy Citizens' Aide/Ombudsman at the entry level of Grade 38, Step 1. In consideration for accepting the position at the entry rather than an advanced step I have agreed to pay a portion of his moving expenses. Mr. Fowler is scheduled to assume the position on or before June 10, 1994.

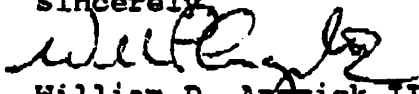
Administrative Report

- On May 4, 1994 a representative of the Parole Board contacted our office inquiring if we would be willing to be designated as the site location for a fiber optic link in order to allow families of inmates to participate in parole board hearings. The monies to provide for this link are being sought from an

The Honorable Harold Van Maanen, Chair  
May 4, 1994  
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IOLTA grant. In addition to allowing the site access required, having a fiber optic link station at the CA/O would allow us to reduce travel costs to institutions and other locations because we should be able to conduct certain intake and investigative interviews across the state without leaving the office. I gave initial support to the concept and will keep the Service Committee advised of these explorations.

Sincerely,



William P. Angrick II

WPA:jg

scmay94

# **PERSONNEL GUIDELINES FOR THE CENTRAL LEGISLATIVE STAFF AGENCIES**

(last updated with May 11, 1994 Legislative Council changes)

## **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.

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 employee's household, and other persons for whom the employee is the primary caretaker.

- iv. **Seniority and Benefits During Leave.** During any period of authorized parental or family leave, seniority continues to accrue, state benefits continue in force, and the employer's share of state benefit premiums or payments 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 2080 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

- B.** The following legislative employees of the central legislative staff agencies are required to file a financial statement containing the information enumerated in paragraph C:
1. Directors of the central legislative staff agencies.
  2. Deputy directors of central legislative staff agencies.
  3. Central legislative staff agency employees who exercise substantial administrative or supervisory authority over other employees.
  4. Central legislative staff agency employees who expend or approve the expenditure of agency funds as part of their regular duties.
- C.** The personal financial statements shall be in writing and shall contain the following financial information:
1. A list of each business, occupation, or profession in which the person is engaged and the nature of that business, occupation or profession, unless already apparent.
  2. A list of any other sources of income if the source produces more than one thousand dollars annually in gross income. Sources of income listed pursuant to this subparagraph shall be listed under the following categories:
    - a. Securities.
    - b. Instruments of financial institutions.
    - c. Trusts.
    - d. Real estate.
    - e. Retirement systems.
    - f. Other income categories specified in state and federal income tax regulations.
- D.** Personal financial statements required under this section shall be filed annually, on or before February 15 for the most recently completed calendar year, with the Service Committee of the Legislative Council and shall be on file in the Legislative Service Bureau.

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

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

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

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

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

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

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

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

#### **E. Confidentiality.**

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

#### **F. Evidentiary Standards.**

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

#### **G. Retaliation.**

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

#### **H. Training.**

Each agency shall establish and submit to the Council a sexual harassment training policy for that agency. The policy shall set out the agency's plan for creating,

maintaining, and monitoring a workplace free of harassment, and for advising employees of their rights and duties in participating in a workplace free of harassment.

**I. Procedural and Filing Alternatives.**

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

**SEXUAL HARASSMENT COMPLAINT FORM**

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



## **XXI.SUBSTANCE ABUSE**

### **A. Prohibitions**

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

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

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

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

appropriate supervisor of the impaired condition prior to reporting to work.

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

#### **B. Mitigating Circumstances.**

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

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

1. The employee's violation of paragraph A, subparagraph 1 or 2 compromises the employee's ability to responsibly perform the employee's job duties or compromises the employer's fulfillment of the agency's mission.

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

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

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

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

### **C. Procedures.**

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

circumstances. The employer may suspend the employee with pay pending the completion of the investigation. Upon completion of the investigation, the employer must meet with the employee to inform the employee of the imposition of any discipline or of discharge.

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

## STATE OF IOWA

CITIZENS' AIDE/OMBUDSMAN  
CAPITOL COMPLEX  
215 EAST 7TH STREET  
DES MOINES, IOWA 50319-0291  
(515) 281-3532



WILLIAM P. ANGRICK II  
CITIZENS' AIDE OMBUDSMAN

In reply, please refer to:

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May 4, 1994

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Service Committee, Legislative Council  
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May 4, 1994  
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IOLTA grant. In addition to allowing the site access required, having a fiber optic link station at the CA/O would allow us to reduce travel costs to institutions and other locations because we should be able to conduct certain intake and investigative interviews across the state without leaving the office. I gave initial support to the concept and will keep the Service Committee advised of these explorations.

Sincerely,



William P. Angrick II

WPA:jg

scmay94

# GENERAL ASSEMBLY OF IOWA

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Henry M. Carr  
Kevin G. Cook  
Susan E. Crowley  
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Michael J. Goedert  
Leslie E. W. Hickey  
Mark W. Johnson  
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May 9, 1994

## MEMORANDUM

**TO: CHAIRPERSON VAN MAANEN AND MEMBERS OF THE SERVICE COMMITTEE**

**FROM: DIANE BOLENDER, DIRECTOR**

**RE: MAY PERSONNEL REPORT**

Notification is made of the following personnel actions since the February 16, 1994, Legislative Council meeting:

1. Judith Black, Tour Guide, resigned effective March 1, 1994.

2. Sheila Mauck, Administrative Code Editorial Assistant, resigned effective April 1, 1994. The vacant position has been filled by Gerry Rydell, formerly Publications Assistant in the Administrative Code Division. Because the filling of the position constitutes a promotion, approval of the promotion of Ms. Rydell from grade 21, step 4, to grade 24, step 3, is requested, effective to the date of the filling of the position, on April 8, 1994.

3. The following employees received annual merit step increases on the dates indicated:

	Effective Date	Previous Grade/Step	Date Attained	Current Grade/Step
Lucinda Parker LIO Officer	3/11/94	24-2	3/12/93	24-3
Helen DeBartolo Text Processor	4/22/94	19-2	4/23/93	19-3
John Pollak Committee Services Administrator	5/6/94	38-1	5/7/93	38-2

This interim the Bureau will be reviewing its personnel needs regarding bill and amendment editing and proofreading and regarding the Administrative Code computerization project.

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May 9, 1994

## MEMORANDUM

**TO: CHAIRPERSON VAN MAANEN AND MEMBERS OF THE SERVICE COMMITTEE**

**FROM: DIANE BOLENDER**

**RE: PERSONNEL GUIDELINES CHANGES**

The following changes are proposed to the Personnel Guidelines for the Central Legislative Staff Agencies:

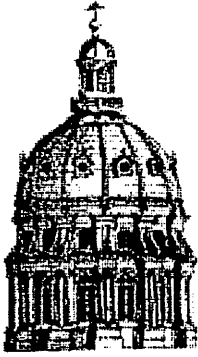
1. Part VI (Compensation - Leave), paragraph D (Vacation Leave Sharing), subparagraph 2, is amended to read as follows:

2. An employee receiving vacation leave under this paragraph shall not receive more than 2080 hours of transferred vacation leave per calendar year under this paragraph.

2. Part XIX (Personal Financial Disclosure), paragraph D, is amended to read as follows:

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





# MEMO FROM THE OFFICE OF

SPEAKER HAROLD VAN MAANEN  
Iowa House of Representatives  
State Capitol  
Des Moines, Iowa 50319

(515) 281-5566

TO: Service Committee of Legislative Council  
FROM: Speaker Van Maanen, Chair  
RE: Legislative Agency Directors' Salaries  
DATE: May 11, 1994

June 15, 1994

*Corrective  
revisions*

The following information relative to salaries of Legislative agency directors is being provided to you for possible discussion at the June meeting of the Service Committee.

**November 9, 1993** -- Service Committee received a request for an evaluation of agency directors, including consideration of a merit pay increase.

**December 1, 1993** -- Evaluations were conducted. All directors received favorable evaluation but ~~due to language in the central staffing agency salary resolution adopted by the Legislature in 1993~~, no increases were given because, at the time of the evaluations all directors were at the top of their salary range *as set out in the central staffing agency salary resolution adopted by the legislature in 1993.*

- It was later discovered the resolution also contains language which states those ranges are to be automatically adjusted to reflect any cost of living increases granted state employees not covered by a collective bargaining agreement " ... or to reflect any increases provided by the Legislative Council."

At a subsequent Service Committee meeting, the December 1 decision was affirmed.

With enactment of the FY95 salary bill:

- Statewide elected officials will receive no salary increase.

- Justices, judges and magistrates will receive a two percent across-the-board salary increase on July 1, 1994 and again on January 1, 1995.
- ***The salary ranges for appointed officials ~~received a~~ will be increased*** three percent ~~across the board salary increase~~ on July 1, 1994 ***(appointed officials are eligible to receive a salary increase, within their respective salary range if authorized by the Governor)***; except all PER board members will receive a four percent salary increase on December 30, 1994.
- Noncontract state employees will receive a two percent across-the-board salary increase on July 1, 1994 and again on January 1, 1995 and are eligible for merit increases -- with language in the current central staffing agency salary resolution, Legislative agency directors will ***also*** receive the across-the-board salary increases ***on those dates (other legislative employees receive these salary increases and are eligible for merit increases)***.

In **1993** Legislative action, beginning January 1995 legislators' salaries increase \$700 per year, per diem increases \$10 per day and constituent expenses increase \$50 per month.

Legislative agency directors received a ~~five~~ ***from two to four*** percent increase in ~~FY91~~, merit increases in January 1991, a 7.5 percent ***COLA*** increase in FY93, ***as did other state employees***, and the \$650 bonus received by all state employees during FY94.