

DATE: February 16, 2001
TO: All DHS Employees
FROM: Jessie K. Rasmussen, Director
SUBJECT: Contacts with Legislators

Recently there have been several questions regarding staff conversations with Legislators, which indicates that there may be misunderstandings about our policy. The purpose of this memo is to remind you of our policy. Previous communications have been in the December 6, 1996 "DHS Weekly," e-mail reminders to administrators and the policy is in our updated DHS Employee Handbook, section titled Legislative Contacts.

DHS does not have a "gag rule." You may speak to and write to legislators and their staff. You may tell them anything that is public information (not considered confidential under the law). You may express personal opinions when asked. That is your right as a citizen of Iowa. In these situations please indicate you are speaking as an individual and not as a spokesperson for the Department. These conversations are to be held on one's own time. The conversations are private, they are between the individual and Legislator.

As an employee of the Department of Human Services, you may be asked to respond to legislators' questions for program or activity information. You are to respond to legislators in a timely manner. Furthermore, we ask that you please notify your supervisor immediately and provide a summary of the discussion to your supervisor and your administrator or superintendent, deputy, director and Legislative Liaison. This enables effective and timely communication.

Please see the DHS Employee Handbook, section titled Legislative Contacts, page 17, for further explanation.

As a reminder regarding confidentiality, as you talk with Legislators you are bound by existing client confidentiality laws.

If you have specific questions related to this topic, please contact your Administrator or Superintendent.

- 5th through 11th year: 3 weeks per year at the rate of 5.85 hours per pay period
- 12th through 19th year: 4 weeks per year at the rate of 7.39 hours per pay period
- 20th through 24th year: 26 days per year at the rate of 8.00 hours per pay period
- 25th year +: 5 weeks per year at the rate of 8.92 hours per pay period

Legislative Contact

As a citizen of Iowa, you have the right to visit with or otherwise petition your legislators and Congressional representatives regarding matters of interest to you. However, in any contacts regarding issues which relate to the Department and its operations, you must indicate you are speaking as an individual and not as a spokesperson for the Department. If you wish to lobby an individual viewpoint in the Capitol during office hours, be sure to request vacation, compensatory or unpaid leave time, and check with the Chief Clerk of the House and the Secretary of the Senate on registration requirements.

If you are asked to speak as an authority on a Department program or activity, you are to secure your supervisor's permission and to notify the Department's Legislative Liaison. You will need to prepare a written statement for the liaison and several copies for the legislators. The liaison will help you place the information in the proper format, find the correct location of the meeting in the Capitol, and introduce you to legislators you have not previously met.

Media Contacts

It is common practice for a reporter working on a story to go "right to the source." As a result, reporters seeking information may contact employees at any level of the Department. If a reporter contacts you, respond by providing accurate information, while being careful not to give information that is considered confidential by law.

If you do not know the answer to a reporter's questions, and you know someone in the Department who can answer the questions, put the reporter in touch with that person.

Media Deadlines-

Most reporters operate under tight deadlines. When you are

December 6, 1996

DHS Weekly

UPDATE

...bringing you DHS news you can count on.

Responding to Legislators

16 1996

By John Fairweather, Legislative Liaison

Not long after the Legislature convenes January 13, DHS staff will start getting questions from legislators or their staff. It's important to know how to respond.

DHS Does Not Have a "Gag Rule"

You may speak to and write to legislators and their staff. You may tell them anything that is public information (not considered confidential under the law). You may express personal opinions when asked even when you disagree with a department position. Following are some guidelines.

Requests for Information

Generally, information requested falls into three categories: (1) "Factual" information such as background on how a program is run or how much money is expended. (2) The department's position on an issue. (3) Your personal opinion.

Factual Information

This is the type of information most frequently requested. Provide accurate information as quickly as possible.

Official Department Position

If you're asked for the department's position, give the position if you know it or refer the questioner to someone who does know.

Personal Opinion

If you're asked for your personal opinion and you want to share it, preface your remarks by saying, "In my personal opinion . . ."

Don't Lobby

You have the right to express your opinion but not

the right to lobby (promote) your opinions while on work time. For example, it would be wrong to use department phones or mail to promote personal opinions.

Contact Notations

Complete a contact notation when:

- * You've represented the department. Examples of "representing" the department include when you've been asked to present information about DHS policies, programs or budget.
- * In your judgment, others in the department need to know what information was requested and given or when others may need to provide more information.
- * As a result of the contact, you obtain information that would help others in the department improve service, correct mistakes or alert them to developments that may affect the department.

Don't complete a contact notation when Legislators or their staff request that their contact be kept confidential.

If you're asked for your opinion and you give it, you don't have to report that in a contact notation.

Field Hosts Welfare Reform Forums

DHS field staff are hosting more than 100 forums across Iowa this month at which people can learn about the welfare reform plan DHS submitted to the federal government last month and can react to the plan and suggest their ideas for future changes.

Got a news item that's of cross-cutting interest to DHS? Write or call us at: mconley1 + mconley1 @ max.state.ia.us + 515.281.8906.

IUP covered employees accrue vacation which includes unscheduled holidays at the following rates:

- 1st day through 4th year: 2 weeks per year at the rate of 4.31 hours per pay period
- 5th through 11th year: 3 weeks per year at the rate of 5.85 hours per pay period
- 12th through 19th year: 4 weeks per year at the rate of 7.39 hours per pay period
- 20th through 24th year: 26 days per year at the rate of 8.00 hours per pay period
- 25th year +: 5 weeks per year at the rate of 8.92 hours per pay period

Legislative Contacts

As a citizen of Iowa, you have the right to visit with or otherwise petition your legislators and Congressional representatives regarding matters of interest to you. However, in any contacts regarding issues which relate to the Department and its operations, you must indicate you are speaking as an individual and not as a spokesperson for the Department. If you wish to lobby an individual viewpoint in the Capitol during office hours, be sure to request vacation, compensatory or unpaid leave time, and check with the Chief Clerk of the House and the Secretary of the Senate on registration requirements.

If you are asked to speak as an authority on a department program or activity, you are to secure your supervisor's permission and to notify the Department's Legislative Liaison. You will need to prepare a written statement for the liaison and several copies for the legislators. The liaison will help you place the information in the proper format, find the correct location of the meeting in the Capitol, and introduce you to legislators you have not previously met.

We make a difference.

12/2/96

OFFICE OF COMMUNICATIONSINFORMATION ON CONTACTS TO COMMISSIONER*Policy*

The Commissioner's Office shall be notified of significant contacts with the press, Legislators, the Governor's office, or other significant persons when these contacts are made under any of the following circumstances:

- A. When the employee is representing the department in an official capacity or in the performance of delegated responsibilities.
- B. When, in the judgment of the employee, referral needs to be made to other persons in the department in order to obtain additional information or follow-up.
- C. When, in the judgment of the employee, information obtained from that contact would aid administrators in the performance of their duties, lead to improved delivery of services, correct errors or deficiencies in the operations of the department, or would alert administrators to the responses of other persons to issues pertaining to human services.

The following exceptions are made to the general requirement of reporting significant contacts:

- A. When an elected official or the official's designee requests confidentiality regarding the contact.
- B. When the employee is not representing the department in an official capacity or in the performance of delegated responsibilities and considers the contact to be a personal one.
- C. When the employee is lawfully engaged in partisan political activity as a private citizen.

Comment

This will insure that the Commissioner's Office is aware of questions being asked or comments being made, what the correct response is, and what items are controversial. It will also enable the office to refer similar questions to the appropriate persons. Judgment will be required of employees in deciding which contacts are significant and when such contacts do not fall under the list of exceptions to the requirement.

This policy is intended to assist the department in being as responsive as possible to comments and questions. However, it should be interpreted in a manner designed to protect the rights of employees in regards to freedom of expression and personal privacy.

From: LTRITCH --DHSVM
(To: AFITZGE --DHSVM Avis Fitzgerald

Date and time 12/17/93 10:26:44

FROM: LORRIE TRITCH
PROFS ID:LTRITCH
SUBJECT: What to do when a legislator calls
Please ensure this gets posted. Thanks.

*** Forwarding note from JFAIRWE --DHSVM 12/16/93 16:26 ***
To: SCUNNIN --DHSVM Sally Cunningham CJOHNSO --DHSVM Cecilia Johnson
JKROGMA --DHSVM James Krogman JNESBIT --DHSVM Jeanne Nesbit
HTEMPLE --DHSVM Harold Templeman DHERMAN --DHSVM Don Herman
DPINK --DHSVM Dolores Pink FBRID --DHSVM Federico Brid
BHAMILT1--DHSVM Betty Hamilton LTRITCH --DHSVM Lorrie Tritch
RCAMP --DHSVM Ray Camp TMAUDSL --DHSVM Thomas Maudsley

FROM: John Fairweather
PROFS ID:JFairwe
SUBJECT: What to do when a legislator calls

PLEASE SHARE THIS WITH ALL YOUR STAFF.

There seems to be some confusion about how to handle legislative requests for information, possibly because some folks are unaware that there is no reason any longer to be concerned that one is a "lobbyist" simply because one is talking with a legislator.

If a legislator calls for general information, give it to them. If there is question about confidentiality or the status of the information available, take note of the legislator's questions and assure them that someone will call them back.

If you take a legislator's call, handle it with your best professionalism and courtesy. Then fill out a Contact Notation.

Recently, a legislator was told "no one is allowed to talk to legislators except John Fairweather; you will have to call him." I can only assume the person taking the legislator's call was under the impression that state employees become lobbyists if they communicated with legislators. Until the amendment to the Ethics Law last session, it did appear that state employees had to be very careful lest they engage in lobbying. The amendments have returned the lobbyists designation, at least with respect to state agencies, to the customary definition: the person who is designated as the agency's lobbyist and so registered. No one who is contacted by a legislator in the course of business and responding to a request for information should be concerned about not being registered.

Please let your staff know they needn't be worried about being a lobbyist if they are communicating with legislators in the course of business. Any questions, give me a call. Thanks.

Thanks!

___John (515)281-4848