

REPORT OF THE SERVICE COMMITTEE TO THE LEGISLATIVE COUNCIL

**November 25, 1997
(Corrected Copy)**

The Service Committee of the Legislative Council met on November 25, 1997, and makes the following report and recommendations to the Legislative Council:

1. The Service Committee received and filed a personnel report from the Legislative Fiscal Bureau and recommends that the following employees be promoted:
 - Mr. Dave Kair, from Computer Systems Analyst III, grade 32, step 4, to Senior Computer Systems Analyst, grade 35, step 3, effective January 1998.
 - Ms. Valerie Thacker, from Legislative Analyst I, grade 29, step 3, to Legislative Analyst II, grade 32, step 2, effective December 1997.
 - Mr. Paige Piper/Bach, from Legislative Analyst, grade 27, step 3, to Legislative Analyst I, grade 29, step 2, effective December 1997.

2. The Service Committee received and filed a personnel report from the Legislative Service Bureau and recommends the following:
 - a) That the following employee be promoted:
 - Ms. Cathy Kelly, from Assistant Editor I, grade 24, step 3, to Assistant Editor II, grade 27, step 1, effective December 1997.
 - b) That the Capitol Tour Guide job series be reclassified by creating a new position, Senior Capitol Tour Guide at pay grade 14, and by increasing the pay grade for Capitol Tour Guide Supervisor to grade 22, and that the following employees be assigned as follows:
 - Ms. Joan Arnett, from Capitol Tour Guide Supervisor, grade 14, step 6, to Capitol Tour Guide Supervisor, grade 22, step 1, effective June 1997.
 - Ms. Karen Nichols, from Capitol Tour Guide, grade 12, step 6, to Senior Capitol Tour Guide, grade 14, step 5, effective June 1997.

3. The Service Committee received and filed a personnel report from the Legislative Computer Support Bureau and recommends that the following employees be promoted:
 - Mr. John Rafdal, from Computer Systems Analyst I, grade 27, step 3, to Computer Systems Engineer I*, grade 29, step 2, effective March 1998.
 - Ms. Virginia Rowen, from Computer Systems Analyst II, grade 29, step 6, to Computer Systems Analyst III, grade 32, step 5, effective November 1997.
 - Mr. Joe Kroes, from Computer Systems Engineer I, grade 29, step 3, to Computer Systems Engineer II, grade 32, step 2, effective November 1997.

* Corrected based upon original submission of Legislative Computer Support Bureau

4. The Service Committee received and filed a personnel report from the Office of Citizens' Aide/Ombudsman and recommends the following:
 - That Ms. Ruth Cooperrider, Senior Legal Counsel, grade 38, step 3, be hired as Deputy Citizens' Aide, grade 38, step 4, effective November 1997.
5. The Service Committee recommends the adoption of the following budgetary proposals:
 - a) That the Legislative Council approve the proposed budget and budget allocation for the fiscal year beginning July 1, 1998, pursuant to section 2.12 of the Code, for the following agencies:
 - Legislative Fiscal Bureau.
 - Legislative Service Bureau.
 - Legislative Computer Support Bureau.
 - Office of Citizens' Aide/Ombudsman.
 - b) That the Legislative Council approve the proposed supplemental budget allocation for the fiscal year beginning July 1, 1997, for the Legislative Fiscal Bureau.
6. The Service Committee recommends that the Computer Support Bureau shall continue to store home pages for each of the four legislative caucuses on the Iowa General Assembly's Internet home page for an additional six-month trial period or until the next Legislative Council meeting following the additional six-month period, whichever is later.
7. The Service Committee recommends that the Personnel Guidelines for the Central Legislative Staff Agencies be amended as provided in the attached document.

Respectfully submitted,

Representative Brent Siegrist
Chairperson

Personnel Guidelines for the Central Legislative Staff Agencies (last updated with June 14, 1995 Legislative Council changes), Chapter 3, Parts II, IV, V, VI, VII, VIII, X, XI, XII, XIV, XVI, and XX, are amended to read as follows:

1. Chapter 3, Part II, paragraph C, is amended to read as follows:

C. Guidelines Subject to Change -- Copies Provided to Employees

These guidelines are subject to change at any time by the Legislative Council, are informational in nature only, and describe and outline some of the policies, procedures, employment benefits, and other matters of interest to employees of the central legislative staff agencies. These guidelines in no way alter the nature of the employment relationship. All central legislative staff agency employees are employed at will. Nothing in these guidelines is intended to create any contractual rights in favor of an employee or a central legislative staff agency. Each director shall provide copies of these guidelines to each employee of the director's agency. Each employee shall acknowledge receipt of the guidelines. The acknowledgment shall identify major substantive changes, if any, to the guidelines and shall state that the employee has been given a reasonable opportunity to review the guidelines and to address in writing any questions concerning the guidelines to the director. The director shall respond to the questions in writing within thirty days after receipt of the questions.

2. Chapter 3, Part IV, paragraph D, subparagraph 3, is amended to read as follows:

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~~ first six months of employment, but a director may specify one or more standard eligibility dates for merit increases other than the anniversary date. However, a director shall not set an eligibility date different from the employee's anniversary date or a standard date. Granting of merit increases may be delayed or denied for performance shortcomings. The annual report filed with the Service Committee under this provision indicates eligibility for a merit increase but does not necessarily indicate that a merit increase will be granted.

3. Chapter 3, Part IV, paragraph E, subparagraphs 1 and 2, are amended to read as follows:

1. ~~Permanent part-time~~ Part-time employees who are employed continually year round are eligible for merit increases as if they were ~~permanent full-time employees employed year round~~.
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.

4. Chapter 3, Part V, paragraph A, is amended to read as follows:

A. Benefits in General

~~Employees~~ Unless otherwise provided by law or these guidelines, 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 executive branch. This includes, but is not limited to, health, dental, life, and long-term disability insurance programs ~~for permanent employees~~.

5. Chapter 3, Part V, paragraph D, is amended to read as follows:

D. Educational Benefits

~~Permanent employees~~ 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.

6. Chapter 3, Part VI, paragraph A, is amended to read as follows:

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.

7. Chapter 3, Part VI, paragraph C, subparagraph 1, subparagraph subdivision a, subparagraph subdivision part i, is amended to read as follows:

- i. ~~All permanent and probationary employees~~ Employees shall accrue vacation leave according to the rules adopted by the Department of Personnel.

8. Chapter 3, Part VI, paragraph C, subparagraph 1, subparagraph subdivision b, subparagraph subdivision part iii, is amended to read as follows:

- iii. Accrued sick leave, not exceeding forty hours per year, may also be used for leaves for temporary care of immediate family members, or for child care, ~~or for bereavement leave.~~

9. Chapter 3, Part VI, paragraph C, subparagraph 1, subparagraph subdivisions d and e, are amended to read as follows:

d. Holiday Leave

Holiday leave is granted to all ~~permanent~~ employees who work or receive leave with pay for the regular workday before the holiday and for the regular workday after the holiday. Holidays are observed as specified by statute. (See Code Section 1C.2.) A holiday shall not exceed eight hours for full-time employees. If an employee is required to work on a holiday, the employee may take holiday leave for the hours worked, 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~~ full-time and part-time employees employed year round who are members of the national guard, organized reserve, or any component of the military of the state of Iowa, when ordered by the proper authority to active military service, may serve for 30 days without loss of pay. Leave for inducted employees will be granted up to five years.

10. Chapter 3, Part VI, paragraph C, subparagraph 1, subparagraph subdivision i, unnumbered paragraph 2, is amended to read as follows:

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.~~

11. Chapter 3, Part VI, paragraph C, subparagraph 2, subparagraph subdivision b, is amended to read as follows:

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.~~

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

12. Chapter 3, Part VI, paragraph C, subparagraph 3, subparagraph subdivision d, subparagraph subdivision part i, is amended to read as follows:

- i. Eligibility and Request for Leave. All ~~permanent,~~ full-time and part-time employees employed year round are eligible for parental and family leave benefits regardless of their length of service at the Legislature. A request for parental or family leave shall be made in writing by the employee reasonably in advance of the beginning of the leave, unless a planned leave is precluded by an unforeseen circumstance. The request for leave shall state the purpose of the leave, the expected duration of absence, and the intention of the employee to return to work following completion of the leave. An employee's supervisor may agree to an arrangement for reduced working hours in lieu of granting parental or family leave.

13. Chapter 3, Part VI, paragraph C, subparagraph 3, subparagraph subdivision d, subparagraph subdivision part iii, unnumbered paragraph 1, is amended to read as follows:

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, or for child care, ~~or for bereavement leave~~. See Part VI.C.1.b.iii. of these guidelines.

14. Chapter 3, Part VI, paragraph D, subparagraph 1, unnumbered paragraph 1, is amended to read as follows:

The director shall permit a ~~permanent~~ full-time or part-time employee employed year round to transfer any vacation leave accrued by the employee in excess of eighty hours to another ~~permanent~~ full-time or part-time employee employed year round of the same or another agency, and the director of that same or other agency shall permit the other ~~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:

15. Chapter 3, Part VI, paragraph D, subparagraph 6, is amended to read as follows:

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~~ A full-time or part-time employee of a central legislative staff agency employed year round (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~~ full-time or part-time employee of the same or another central legislative staff agency employed year round (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.

16. Chapter 3, Part VII, paragraph C, is amended to read as follows:

~~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 probationary 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, 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.~~

17. Chapter 3, Part VIII, paragraph B, subparagraph 1, is amended to read as follows:

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 full-time and part-time employees employed year round 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).

18. Chapter 3, Part X, paragraphs B, C, and D, are amended to read as follows:

B. Probationary New Employees

~~Probationary~~ During the first six months of employment or, at the discretion of the director, until the completion of a legislative session if longer than six months, 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. However, during any twelve-month period, an employee shall not receive more than a two-step increase in pay due to a combination of a promotion and a merit step increase. 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~~pay step at the new grade level that results in a one-step increase. ~~However-Except as provided in paragraph C,~~ 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.

19. Chapter 3, Part XI, paragraphs C, D, and E, are amended to read as follows:

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.

20. Chapter 3, Part XII, is amended to read as follows:

XII. GRIEVANCE PROCEDURES

A. Grievance Procedures - Authority

Pursuant to section 2.42, subsection ~~4416~~, and section 2C.3, Code ~~1989-1997~~, 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.
5. "Grievance" means a complaint filed by an employee against a director for agency action affecting the employee and relating to any of the following:
 - a. Employment requirements which are alleged to be contrary to these personnel guidelines for the central legislative staff agencies.
 - b. Employment conditions alleged to violate any applicable federal or state constitutional or statutory provisions relating to civil rights or other protected status or fundamental rights, employment discrimination, occupational safety and health, wage payment, withholding, wage assignments, and hours of work.
 - c. A lawful disclosure of information pursuant to federal or state law regarding the agency or an abuse of authority.

C. Grievance Procedures - Rules

These rules shall constitute the procedures for resolving grievances ~~or complaints of~~ employees. Time limits specified within these rules begin the working day following the day an action takes place or is required. Time limits provided in these rules may be altered by mutual agreement. The Council shall require all directors to adhere to protocols relating to grievance communications, hearings, recordkeeping, and confidentiality of grievance proceedings and records. The grievance hearing shall be closed at the request of either the employee or the affected director. The Committee and Council shall adopt rules of procedures at the time of the consideration of a grievance. The rules shall meet all requirements of this Part.

D. Filing of Grievance or Complaint-- Right of Employee

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

E. Initiation of Complaint or Grievance

An employee shall file a The grievance or complaint resolution process commences when an employee files a grievance in writing with the director of the agency in which the employee is employed within five working days of the incident of from which the alleged grievance or complaint arose. The director may request additional information and may request that the information be presented in a specific form or letter and provided to all parties involved in the incident. If additional information is requested, the employee shall be granted five working days to provide the additional information to the director. The director shall review and investigate the grievance and transmit a written decision to the employee within five working days of receipt of the grievance or complaint. However, if the director needs additional time to issue a written decision, the director shall notify the employee and the committee in writing of the additional time required, not to exceed 30 days. A director's failure to comply with the time limitations or any extensions may be a basis for disciplinary action against the director.

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 the 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 Upon notification of the director of the filing of the grievance with the Committee, the director shall file a copy of the director's decision 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 Any information which is relevant to the grievance may be presented at the hearing of the grievance and shall become a part of any appeal from the Committee's decision. All hearings on grievances shall be held in an informal manner. Any party, a director, or the Committee may call witnesses and consider documents and written statements. Presentation of witnesses and other evidence shall not be limited by legal rules of evidence. Witnesses may decline to participate in the hearing. An employee may request that a third person designated by the employee be present to represent the employee; however, the third person may decline to represent the employee. If the Committee desires additional information from any person it- or desires additional time to consider the grievance, the Committee may continue the hearing and notify the employee and the director of its decision to continue the hearing. The Committee may then request the additional information from the director or the employee affected. The Committee shall make a written decision in regard to the grievance on the day the hearing on the grievance is concluded. A copy of the written decision shall be filed with the director and employee.

H. Appeal to Council

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

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

K. Notification of Hearing

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

L. Coercion of Employees

A director or another supervisor shall not coerce an employee into not proceeding with a grievance ~~or 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~~ Settlement

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

21. Chapter 3, Part XIV, paragraph B, subparagraph 3, unnumbered paragraph 1, is amended to read as follows:

Except as provided in this subparagraph, a permanent full-time legislative employee employed year round shall not sell, directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the general assembly.

22. Chapter 3, Part XVI, is amended to read as follows:

XVI. PERSONNEL RECORDS

The director or the director's designee shall maintain and be ~~eustodians~~ the custodian of all personnel files on each employee of that agency. These files shall also include but not be limited to performance evaluation records and any disciplinary proceedings against the employee. An employee who is no longer employed by the agency, whether by resignation or termination, shall have the employee's file kept in the agency for a period ~~not to exceed two~~ of at least three years, ~~then transmitted to the General Services Records Center.~~ Employees shall have the right to inspect and have copies made free of charge of their personnel files during regular business hours. All records shall be held as confidential in accordance with Code section ~~19A.15~~ 22.7(11).

23. Chapter 3, Part XX, paragraph B, is amended to read as follows:

B. Applicability

This policy applies to ~~full-time, part-time, and temporary~~ all central legislative staff agency employees as perpetrators or as victims of fellow central legislative staff agency employees. For purposes of this policy, the word "employee" also applies to central legislative staff agency volunteers, interns, and consultants. This policy shall be distributed to all employees at the time of hiring or orientation.

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

EXPLANATION

This revision of the Grievance Procedures and related policies from the Personnel Guidelines for the Central Legislative Staff Agencies is both substantive and nonsubstantive in nature. The nonsubstantive revisions generally rearrange provisions of the Grievance Procedures in a more systematic manner. The more substantive revisions are as follows:

1. The Policy Making and Oversight Authority provisions are revised to state that the Personnel Guidelines are informational in nature only and do not in any way alter the employment relationship or create contractual employment rights, to state that all employees of the central legislative staff agencies are employees at will, and to require that employees receive and acknowledge receipt of copies of the Guidelines and are given a reasonable opportunity to address in writing any questions to the appropriate director. The director is required to respond to the questions within 30 days. References to "permanent" employees throughout the Guidelines are revised to refer to full-time or part-time employees employed year round, as appropriate.
2. The Compensation - Benefits provisions in part IV of the Personnel Guidelines are revised to delete references to probationary employment and to the requirement of reporting completion of probationary employment since part VII of the Personnel Guidelines eliminates a probationary period of employment. Merit increase eligibility dates are required to be set on an employee's anniversary date or on a standard date.
3. The Sick Leave Without Pay provisions in part VI are revised to comply with the federal Americans with Disabilities Act.
4. Part VI is revised to eliminate the use of up to 40 hours of accrued sick leave (enforced sick leave) for bereavement leave and to eliminate the use of family leave upon the death of a family member. Parental and family leave is made available to full-time and part-time employees employed year round. Part VI is also revised to provide at least pro rata holiday pay to any employee working regular hours the day before and the day after a holiday.
5. The Hiring provisions in part VII of the Personnel Guidelines are revised to delete references to a probationary period of employment and to allow demotion during the first six months of employment.
6. The Promotions provisions in part X of the Personnel Guidelines are revised to delete references to probationary employment. Language is added that an employee may receive only two step increases during a twelve-month period.

7. The Suspension, Demotion, and Termination provisions in part XI are revised to delete the word "discretionary."
8. The Grievance Procedures in part XII of the Personnel Guidelines are revised to delete the references to complaints and to refer only to grievances and to define grievances as relating to any of the following:
 - a. Employment requirements contrary to the Personnel Guidelines.
 - b. Employment conditions violating any applicable federal or state constitutional or statutory provisions such as civil rights, employment discrimination, and worker safety laws.
 - c. Lawful disclosures of information pursuant to federal or state law.
 - d. Abuses of authority.

Part XII revisions also require the Service Committee and the Legislative Council to adopt rules of procedure at the time a grievance is considered and require all directors of the central legislative staff agencies to adhere to protocols relating to grievance communications, hearings, recordkeeping, and confidentiality of grievance proceedings and records. A grievance hearing shall be closed at the request of either the employee or the affected director. The term "relevant" is substituted for "germane" when referring to the type of information which may be presented at a grievance hearing. Relevance is the more common term used in the law of evidence. A provision is added to allow a grievance to be settled at any time during the grievance procedure. The settlement must be in writing and affirmed by the director or the Service Committee or Legislative Council. All references to smaller number of days are changed to working days. Five working days are provided for employees to provide additional information requested by a director. An employee is allowed to designate a third person to represent the employee. A director may have up to 30 days additional time to issue an initial written decision upon notice to the employee and the Service Committee. A director is subject to disciplinary action for failure to comply with time limitations.

The remaining revisions of the Grievance Procedures in part XII of the Personnel Guidelines are all nonsubstantive and are as follows:

- a. Paragraph A is amended to refer to the latest Code of Iowa which retains the same language regarding the statutory authority for the Legislative Council establishing grievance procedures.
- b. Language in paragraph C is taken from paragraph D.
- c. Language in paragraph D is taken from paragraphs E and J.
- d. Language in paragraph E is taken from paragraph J, applying the language to the original grievance as well as to appeals.

- e. Paragraph F is revised to use the definite rather than the indefinite article when referring to the appeal of a grievance already filed with the director.
 - f. Language in paragraph G is taken from paragraph J and the language regarding the written decision is moved within the paragraph and changed from the day the grievance is considered to the day the grievance is concluded.
 - g. Language in paragraph H is taken from paragraph J and the five-day appeal period language is moved within the paragraph.
 - h. Language in paragraph J is stricken and moved to other paragraphs as described above. Language from paragraph M is moved to paragraph J.
 - i. Language in paragraph M is stricken and moved to paragraph J.
9. The Personnel Records provisions in part XVI are revised to allow employees to obtain copies of their personnel records free of charge and to refer to the confidentiality provisions of the public records law, Code chapter 22, rather than to the personnel records provision of the law applicable to the Department of Personnel and the executive branch, Code chapter 19A. The retention period for employee records is extended to comply with federal immigration law. Language requiring transmittal of such records to the Department of General Services is deleted.

9757RR
11/25/97