

**REPORT OF THE FISCAL COMMITTEE TO THE
LEGISLATIVE COUNCIL**

June 7, 1995

The Fiscal Committee met June 7, 1995, in Room 22 of the State Capitol. Committee rules were approved for 1995-1996.

The Committee made the following recommendation:

- Committee members stated that they disagreed with the Governor's item veto and allegation that Subsection 40 of SF 481, the Transportation and Capitals Appropriations Bill, was an invasion of his item veto authority. Members believe that the \$2.2 million in item vetoed dollars should be made available to the State Fair Foundation pursuant to Subsection 40. The Committee unanimously voted to send a letter to Attorney General Tom Miller asking for an opinion on the matter (see attached).

The Committee discussed:

- Revenue Update:
 - Reviewed the FY 1996 Projected General Fund Balance Sheet
 - Presented spreadsheets reflecting the Governor's item vetoes
 - Governor's item vetoes in SF 481, the Transportation and Capitals Appropriations Bill
- Iowa Communications Network (ICN) Update - the ICN Monthly Financial Update, ICN Part III Implementation and received copies of the ICN Five Year Financial Plan.
- Transfer Notifications - reviewed the Section 8.39 Appropriation Transfers received to date and briefly discussed a notice of appropriations transfer from the Department of Revenue and Finance for \$293,500.
- Potential agenda issues - the Committee discussed various issues that the members would like to have on the Fiscal Committee agenda during the 1995 interim. The co-chairpersons will review the members suggestions and priorities and develop tentative agendas for monthly meetings.

Respectfully submitted,

Senator Larry Murphy
Co-chairperson

Representative Dave Millage
Co-chairperson

**REPORT OF THE ADMINISTRATION COMMITTEE
OF THE LEGISLATIVE COUNCIL**

June 14, 1995

The Administration Committee met on June 14, 1995, and makes the following report:

1. The Administration Committee received an update and background information relating to the electronic version of the Administrative Code which is being developed by the Legislative Service Bureau.

2. The Administration Committee received an update regarding sales of other electronic information. The Committee received a memorandum briefly describing the process which is utilized by the Committee in reviewing and approving agreements for the sale of the Iowa Code database and received a legal memorandum discussing issues related to public access of electronic records. The Committee took the public policy implications under advisement.

3. The Administration Committee received an update on the legislative bill drafting system project. The Committee was informed that the project is in the design phase which should be completed later this year. The third phase is an implementation phase.

Respectfully Submitted,

TONY BISIGNANO
Acting Chairperson

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**REPORT OF THE
CAPITOL PROJECTS COMMITTEE**

June 14, 1995

The Capital Projects Committee met on June 14, 1995, and makes the following recommendations:

1. The Committee will participate in planning meetings relating to the renovation of the State Capitol as provided in the joint report of the Administration Committee and the Capital Projects Committee.

2. The Committee reviewed its charge under section 2.47A of the Code which it determined is very broad and encompasses receiving documents from the Governor and state agencies regarding their capital project requests and their five year capital project plans and making recommendations to the Legislative Fiscal Committee, the Legislative Council, and the General Assembly relating to the planning, budgeting, and expenditure of capital project funding.

3. The Committee Chairperson will contact the Chairperson and Vice Chairperson of the Legislative Council for direction regarding an authorization for the Capital Projects Committee to meet other than in conjunction with Legislative Council meetings to review the following:

a. The five year capital plans of the various state agencies as submitted to the Department of Management.

b. The portion of the Infrastructure Study conducted by the Design Engineering Department of Iowa State University that relates to the infrastructure needs of state agencies.

c. The capital projects budget requests of state agencies.

RESPECTFULLY SUBMITTED,

Representative David Millage, Chairperson

**REPORT OF THE JOINT MEETING
OF THE ADMINISTRATION COMMITTEE
AND THE
CAPITAL PROJECTS COMMITTEE**

June 14, 1995

The Administration Committee and Capital Projects Committee conducted a joint meeting and make the following report:

1. The Joint Committee received a report from Mark Willemsen, Department of General Services, concerning the progress of fire and life safety projects approved by the Legislative Council at the Council's June 15, 1994 meeting. The Joint Committee makes the following recommendation:

That Chairperson Millage, Capital Projects Committee, and acting Chairperson Bisignano, Administration Committee, meet with Speaker Corbett and Senator Horn to determine the responsibilities and duties of each committee regarding the Capitol Building renovation and utilization of space, that the two committees continue to meet jointly as necessary concerning these issues, and that representatives from all other affected offices in the Capitol Building and the Department of General Services be invited to meet with the committees at a joint meeting concerning this issue for the purpose of developing a plan.

2. The Joint Committee recommends that the Legislative Council approve the expenditure of \$45,000 from funds available under section 2.12 of the Code for the printing of the pamphlet "Under the Golden Dome".

Respectfully submitted,

SENATOR TONY BISIGNANO
Acting Chairperson
Administration Committee

REPRESENTATIVE DAVID MILLAGE
Chairperson
Capital Projects Committee

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**REPORT OF THE SERVICE COMMITTEE
TO THE LEGISLATIVE COUNCIL**

June 14, 1995

The Service Committee of the Legislative Council met on June 14, 1995. The meeting was called to order by Senator Mike Gronstal, Temporary Chairperson, at 10:20 a.m. in Room 22 of the State House, Des Moines, Iowa.

The Service Committee respectfully submits to the Legislative Council the following report and recommendations:

1. The Service Committee received and filed the annual personnel reports of the Legislative Service Bureau, the Legislative Fiscal Bureau, the Legislative Computer Support Bureau, and the Office of Citizens' Aide/Ombudsman.
2. The Service Committee received and filed a personnel report from the Legislative Fiscal Bureau.
3. The Service Committee received and filed a personnel report from the Legislative Computer Support Bureau.
4. The Service Committee recommends that the Legislative Council approve the promotion of Mr. Bryan Boyd from the position of Computer Systems Engineer I, at grade 29, step 3, to Computer Systems Engineer II, at grade 32, step 2. The promotion is to be effective June 30, 1995.
5. The Service Committee recommends that the Legislative Council approve the promotion of Mr. Roel Campos from the position of Computer Systems Analyst II, at grade 29, step 3, to Computer Systems Analyst III, at grade 32, step 2. The promotion is to be effective June 30, 1995.
6. The Service Committee received and filed a personnel report from the Legislative Service Bureau.
7. The Service Committee recommends that the Legislative Council approve the hiring of Mr. Dan Degen as a permanent Proofreader, at grade 16, step 3. Mr. Degen previously held the position of temporary Proofreader, at grade 16, step 3. The effective date of the hiring is June 16, 1995.
8. The Service Committee recommends that the Legislative Council approve the promotion of Mr. Ed Cook from the position of Legal Counsel, at grade 30, step 4, to Legal Counsel 1, at grade 32, step 3. The promotion is to be effective on June 16, 1995.
9. The Service Committee received and filed a personnel report from the Office of Citizens' Aide/Ombudsman.

10. The Service Committee recommends that the Legislative Council approve the reclassification of Ms. Judith L. Green from the position of Executive Secretary, at grade 24, step 6, to Finance Officer I, at grade 24, step 6. The reclassification is to be effective on June 16, 1995.
11. The Service Committee recommends that the Legislative Council approve the granting of a meritorious step increase in addition to the annual merit step increase to Mr. Steven L. Exley. The effective date of the meritorious step increase is June 16, 1995.
12. The Service Committee recommends that the Legislative Council approve the promotion of Ms. Ruth H. Cooperrider from the position of Legal Counsel II, at grade 35, step 2, to Senior Legal Counsel, at grade 38, step 1. The promotion is to be effective on June 16, 1995.
13. The Service Committee recommends that the Legislative Council approve the promotion of Ms. Connie L. Bencke from the position of Assistant II, at grade 32, step 3, to Assistant III, at grade 35, step 2. The promotion is to be effective on June 16, 1995.
14. The Service Committee received and filed a report from the Office of Citizens' Aide/Ombudsman regarding the operation of the Small Business Ombudsman Program pursuant to the chapter 28E agreement with the Department of Natural Resources.
15. The Service Committee received and filed a notification of the vacation buy out plans for employees of the Central Legislative Staff Agencies.
16. The Service Committee received and filed a report from the Computer User Policy Direction Committee.
17. The Service Committee received, filed, and recommends approval of proposed amendments to the Personnel Guidelines of the Central Legislative Staff Agencies.
18. The Service Committee received, filed, and deferred action on a proposed Pay Resolution for the Central Legislative Staff Agencies.

Respectfully submitted,
SENATOR MIKE GRONSTAL
Chairperson

**REPORT OF THE STUDIES COMMITTEE
TO THE LEGISLATIVE COUNCIL**

June 14, 1995

The Studies Committee of the Legislative Council met on June 23, and makes the following report and recommendations:

1. That the attached interim study committee guidelines be adopted to apply to the 1995 and 1996 legislative interim periods.
2. That approval be given to the establishment of the interim committees on the attached listing.
3. That \$37,500 be authorized as a joint expenditure under section 2.12 to support a performance audit to be conducted by the Auditor of State regarding elderly care and nursing homes in Iowa in accordance with the request of the Oversight, Audit, and Government Reform Appropriations Subcommittee.

Respectfully submitted,

SENATOR WALLY HORN
CHAIRPERSON

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**PROPOSED
GUIDELINES FOR INTERIM STUDY COMMITTEES**

1995 - 1996 INTERIMS

ADOPTION OF RULES

Interim study committees which have no public members must have a majority of the members representing each house voting affirmatively in order to adopt rules.

COMPENSATION OF PUBLIC MEMBERS

Persons serving as public members are eligible to receive actual expenses only, if they are not eligible for expense reimbursement by an organization that they represent.

STAFF WORK FOR PUBLIC MEMBERS

After consultation with, as appropriate, the LSB or LFB Director, a study committee chair may authorize research or legislative drafting work by the LSB or LFB for public members of study committees.

APPROVAL OF NOMINEES

Public members of study committees may be nominated by designated organizations, subject to Legislative Council approval.

GENDER BALANCE

Appointment of public members to study committees shall be gender balanced.

APPROVAL OF MEETINGS OUTSIDE DES MOINES

Any meeting or public hearing by a study committee held outside of Des Moines requires the prior approval of the Studies Committee or legislative leadership.

APPROVAL OF EXPENSES FOR SPEAKERS AND CONSULTING WORK

Any expenditure by a study committee for a speaker or presentation or for contractual consulting work requires the prior approval of the Studies Committee and Legislative Council.

SCHEDULING GUIDELINES

If the Legislative Council adopts deadlines for meeting dates of an interim study committee, the interim study committee must meet those deadlines or receive an exemption or a revised deadline date from the Legislative Council.

PUBLIC HEARINGS

When authorization is given for a public hearing by a study committee, the committee may hold one hearing as a body or individual members may each hold a public hearing or groups of two or more members may hold public hearings. However, for each authorized public hearing, no members of the study committee may receive compensation for attendance at more than one session.

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PROPOSED 1995 INTERIM STUDY COMMITTEES

CHARGES	# OF MEETING DAYS	MEMBERSHIP
1. Housing Development	2	5-3 SENATE 5-3 HOUSE
<p>Determine what, if any, changes should be made to Iowa's laws regarding housing development and make recommendations. The chairs of the committee will be responsible for contacting persons representing the groups listed below for participation in the interim study: The Director of the Department of Economic Development and the Director of the Iowa Finance Authority, or their designees; a representative of the Iowa League of Cities; a representative of the Iowa State Association of Counties; a representative of an organization representing home builders; a person with experience in municipal bonding and knowledgeable about the legal requirements for issuing bonds; a person representing an organization which advocates for low and moderate income persons regarding housing; a person with experience in financing the development and purchase of housing; a representative of the Iowa association of regional councils; and a representative of an organization representing real estate brokers. The chairpersons of the committee should consult with the Department of Economic Development and the Iowa Finance Authority and coordinate the activities of the committee, the Housing Summit, and the Executive Branch.</p>		
2. Public Retirement Systems	2	set by statute
<p>Review and evaluate all public retirement systems in place in Iowa, including the Iowa Public Employees Retirement System (IPERS), the Municipal Fire and Police Retirement System of Iowa (411), the Department of Public Safety Peace Officers Retirement System (PORS), the Judicial Retirement System, and TIAA-CREF. Consider the recommendations from the systems regarding a combined benefit formula, benefit portability, surviving spouse benefits, and a Department of Corrections study of occupational injuries/deaths of correctional institution and judicial district employees. The Committee may also review an independent consultant's analysis of the IPERS system that is due in September and make recommendations.</p>		

PROPOSED 1995 INTERIM STUDY COMMITTEES

CHARGES	# OF MEETING DAYS	MEMBERSHIP
<p>3. Livestock Production</p> <p>The Committee shall study the following issues: a. The increasing degree of vertical integration of the livestock market by packers and processors, including threats to economic competition, independent production, and consumer protection; b. Market practices engaged in by packers, processors, or buyers which increasingly threaten open and fair markets, by establishing arbitrary and inconsistent pricing without public disclosure or price discovery mechanisms, including price differences based on the time of delivery, and transaction. The committee shall report its findings to the Legislative Council.</p>	2 and each member is allowed one day to attend public hearing	3-2 SENATE 3-2 HOUSE
<p>4. Business Taxation</p> <p>Review taxation of all businesses in Iowa including sole proprietorships, partnerships, limited liability companies, Subchapter S corporations, and C-Corporations. Analyze tax equity, taxation incentives and disincentives for economic development and the long-term objectives of business taxation. The interim committee may spend up to \$100,000 for a consultant. The committee shall hold one meeting with the Nonbusiness State Taxation study committee and make joint recommendations.</p>	4	3-2 SENATE 3-2 HOUSE
<p>5. Nonbusiness State Taxation</p> <p>Review nonbusiness state taxation including property, income, sales, and inheritance taxes. Analyze tax equity, taxation incentives and disincentives for economic development, and the long-term objectives of nonbusiness taxation. The committee shall hold one meeting with the Business Taxation study committee and make joint recommendations.</p>	3	3-2 SENATE 3-2 HOUSE

PROPOSED 1995 INTERIM STUDY COMMITTEES

CHARGES	# OF MEETING DAYS	MEMBERSHIP
<p>6. Iowa Advisory Commission on Intergovernmental Relations</p> <p>Monitor and foster intergovernmental cooperation by, among other steps, researching topical and pertinent issues including completion of the 1994 Mandate Study. The group, whose members represent state and local governments and councils of government, should make recommendations to improve intergovernmental cooperation and may look at: current pattern of local government structure; powers and functions of local governments, including their fiscal powers; existing, necessary, and desirable relationships among local governments and the state; necessary and desirable allocation of state and local fiscal resources; necessary and desirable roles of the state as the creator of local governmental systems; and special problems in interstate areas facing their general local governments, interstate regional units, and areawide bodies. The studies, where possible, shall be conducted in conjunction with studies of commissions on intergovernmental relations of other states.</p>	<p>Quarterly Meetings</p>	<p>Appoint Current Members</p>
<p>7. One Call Statewide Underground Facility Notification System</p> <p>Review current law regarding Iowa's statewide underground facility notification system to ensure that the goals of the one-call system as originally established are being met. Review the notification center procedures and the impact of the notification system, both financially and administratively, on one-call participants and make recommendations for improvements to the system.</p>	<p>1</p>	<p>3-2 SENATE*** 3-2 HOUSE</p>
<p>8. Alternative Energy Production</p> <p>Review issues relating to alternative energy production, including subsidization of purchases by regulated utilities, wind energy, and other incentives to increase utilization of alternative energy production.</p>	<p>2</p>	<p>3-2 SENATE*** 3-2 HOUSE</p>

PROPOSED 1995 INTERIM STUDY COMMITTEES

9. Blueprint for Iowa's Young Children

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3-2 SENATE***

3-2 HOUSE

Review the Blueprint for Iowa's Young Children, existing state prevention program and spending, and other major state reform initiatives that promote innovative approaches to build the capacity of communities to meet the needs of children and families. Consult with persons knowledgeable in the area of the needs of children and families.

* All interim studies shall be completed by Nov. 24, 1995.

** The Senate Majority Leader, Senate Minority Leader, Speaker of the House, and House Minority Leader will appoint members from their respective caucuses.

*** Membership recommended by the Chairperson and Vice Chairperson of the Studies Committee following the Studies Committee meeting.

Chapter 3. PERSONNEL GUIDELINES FOR THE CENTRAL LEGISLATIVE STAFF AGENCIES

(last updated with June 14, 1995 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). Changes in executive branch policies that require modifications to these guidelines are subject to review by the Service Committee prior to the policy's adoption. Any reference in these guidelines to a requirement of Service Committee approval also includes a requirement of Legislative Council approval. Such approval by the Council is customarily given by Council adoption of Service Committee recommendations contained in the reports of the Service Committee to the Council.

C. Guidelines Subject to Change

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

III. POSITION CLASSIFICATION SYSTEM AND AGENCY ORGANIZATION

A. Position Classification System

1. Each director shall develop and file with the Service Committee a position classification system covering all authorized positions within the agency of the director. The position classification system shall contain guidelines for eligibility of an employee for promotion from one job title in a series to the next. The Legislative Service Bureau, as the staff agency to the Service Committee, shall keep these on file.
2. The position classification system shall include, but is not limited to, a job title, job description (including duties and qualifications), and grade level for each authorized position classification in an agency.
3. Job titles and job descriptions are at the discretion of each director. Grade levels are determined by the legislative branch comparable worth process. Changes in grade level due to changes in the duties or structuring of existing positions require prior approval by the Service Committee. Grade levels for new positions are set through the comparable worth process by the Service Committee.
4. The Comparable Worth Staff Report of August 1986 shall serve as the reference for the grade level of positions, except for positions whose grade level has been established or changed under the comparable worth process and approved by the Service Committee since the issuance of the report. Grade levels for positions that have been established or changed since the issuance of the report shall be developed in accordance with the factor scores in the comparable worth report.
5. Each director shall provide copies of the position classification system for the agency to the agency's employees.

B. Agency Organization

Each director shall develop and file with the Service Committee a statement of agency organization showing the interrelationship of authorized positions within the agency. The Legislative Service Bureau, as the staff agency to the Service Committee, shall keep these on file. The statement of agency organization may be in the form of an organization chart. Changes in the existing organizational structure of an agency require the prior approval of the Service Committee.

IV. COMPENSATION - SALARY

A. Salary Matrix

All employees, except agency directors, shall be at a grade and step on the legislative branch salary matrix. Grade levels for positions shall be as determined under Part III of these guidelines.

B. Cost-of-Living Increases

Employees shall receive the same cost-of-living increases as are granted to those employees in the executive branch who are not included in a collective bargaining agreement.

C. No Temporary Raises

Unless prior approval of the Service Committee is obtained, a director shall not grant raises for a temporary increase in duties.

D. Annual Merit Increases

1. Employees are eligible for annual one-step merit increases up to and including step six of a grade based upon satisfactory performance according to annual evaluations as provided in Part IX of these guidelines. Such an annual increase may be delayed or denied by a director for performance shortcomings. An additional salary increase may be given to an employee by a director for exceptional job performance with the approval of the Service Committee. The additional salary increase for exceptional job performance shall not exceed one step, shall not be given more than once a year, and shall not result in an increase beyond step six in the employee's grade level. Written justification setting forth the nature of the exceptional job performance shall be maintained on file by the director.
2. Employees who are on step one of a grade may receive a merit step increase after the satisfactory completion of a six-month period of employment. Any merit step increase after step two may be granted to an employee only after completion of at least one full year on a step unless the employee is recommended for a step increase for exceptional job performance.
3. Each director shall file an annual report with the Service Committee listing all employees under their supervision with their current grade and step and the effective date of a merit increase for which they are eligible. Notification of the successful completion of probationary employment and merit increases granted and increases for exceptional job performance shall be made by the director at the next following Service Committee meeting. The effective date for a merit increase is normally the employee's anniversary date at the end of

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

E. Merit Increases for Part-Time and Temporary Employees

1. Permanent part-time employees are eligible for merit increases as if they were permanent full-time employees.
2. Temporary full-time employees who work intermittently shall have their eligibility for probationary and annual merit increases determined by their cumulative length of service.
3. Temporary part-time employees are eligible for merit increases as if they were temporary full-time employees.

F. Overtime and Compensatory Time

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

termination date sufficient to prevent any cancellation of unused compensatory leave upon termination.

V. COMPENSATION - BENEFITS

A. Benefits in General

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

B. Workers' Compensation

An employee's supervisor shall be immediately notified if an employee is injured while on the job. The employee shall seek appropriate medical care.

C. Interviewing and Moving Expenses

At the director's discretion, expenses may be paid for interviewing prospective employees. Payment shall be made at the same rate a state employee would be reimbursed in performance of state duties. Also, at the director's discretion, newly hired employees may be reimbursed for moving expenses in accordance with executive branch standards. Reimbursement for moving expenses shall not be made until a new employee is on the state payroll. The payment of such expenses shall be reported to the Service Committee. (See Code Section 70A.16.)

D. Educational Benefits

Permanent employees are eligible for educational leave and educational assistance as provided in Code Section 70A.25 and Part VI of these guidelines. Such benefits are to be granted on a case-by-case basis for each semester-long course based on its relevance to the employee's job duties and the agency's needs. A particular course may or may not be part of a program leading to a degree or a certificate. The granting of such leave and assistance shall be reported to the Service Committee, including the specification of any college courses taken.

VI. COMPENSATION - LEAVE

A. Attendance

The director shall establish a written work attendance policy which shall be provided to all employees and which shall be filed with the Legislative Council. The director or the supervisor shall establish the work schedule, work stations, and required hours of work for employees under the director's or supervisor's supervision. All regulations and

schedules shall be made known to the affected employees. Such regulations and schedules may include "flextime" arrangements at the discretion of the director. All absences of employees, whether permanent, temporary, or probationary, from the established work schedule shall be charged to one of the leave or leave without pay categories.

B. Scheduling of Leave

All leave, such as vacation time, compensatory time, sick leave, or any other form of leave, including leave without pay, must be requested and granted under procedures established by each director and filed with the Legislative Council. Application should be made to the director or the director's designee. Sick leave is the only form of leave that is allowed to be unscheduled and shall be subject to written reporting requirements as established by each director and filed with the Legislative Council. Leave granted by a director in excess of thirty consecutive calendar days shall be reported to the Service Committee.

C. Leave Types

1. Leaves With Pay

a. Vacation Leave

- i. All permanent and probationary employees shall accrue vacation leave according to the rules adopted by the Department of Personnel.**
- ii. Vacation leave does not accrue during leave without pay, nor can vacation leave be granted in excess of the amount accumulated.**
- iii. The directors of the central legislative staff agencies, in consultation with the secretary of the senate and the chief clerk of the house, may pay employees who have a balance of 160 or more hours of accrued vacation leave on June 1, for up to 40 hours of the accrued vacation leave. The decision to make such payments and the number of hours paid shall be the same for all central legislative staff agencies. Any employee may decline to accept the payment and to retain the hours of accrued vacation leave otherwise paid to eligible employees. The payments shall be made on separate warrants on the payday which represents the last pay period of the fiscal year. The grievance procedure is not applicable to a decision to make or to decline to make payments for accrued vacation leave.**

b. Sick Leave

- i. Employees shall accrue sick leave according to rules adopted by the Department of Personnel. Sick leave will not be granted in excess of the amount accrued nor will it accrue during any absence without pay.**

- ii. Accrued sick leave may be used during a period in which an employee is unable to perform the employee's duties because of medical disabilities, physical or mental illness, doctor, dentist, or optical examination or treatment, parental or family leave, or when the performance of assigned duties would jeopardize the employee's health or recovery. Pregnancy disability or recovery from pregnancy are covered by sick leave. Absences for sick leave may require verification by an authorized practitioner.
 - iii. Accrued sick leave, not exceeding forty hours per year, may also be used for leaves for temporary care of immediate family members, for child care, or for bereavement leave.
 - iv. Sick leave may be converted to vacation time according to the rules of the Department of Personnel.
- c. **Compensatory Leave**
Compensatory leave is accumulated as provided in Part IV of these guidelines. Sick and vacation leave shall accumulate on compensatory time.
- d. **Holiday Leave**
Holiday leave is granted to all permanent employees. Holidays are observed as specified by statute. (See Code Section 1C.2.) A holiday shall not exceed eight hours for full-time employees. If an employee is required to work on a holiday, the employee may take holiday leave for the hours worked, not exceeding eight, at a future date. Hours worked on a holiday in excess of eight hours shall accrue as overtime hours in the manner overtime hours accrue for that employee.
- e. **Military Leave**
All permanent or probationary employees who are members of the national guard, organized reserve, or any component of the military of the state of Iowa, when ordered by the proper authority to active military service, may serve for 30 days without loss of pay. Leave for inducted employees will be granted up to five years.
- f. **Court/Jury Leave**
When, in obedience to a subpoena, summons, or direction by proper authority, an employee appears as a witness or jury member in public or private litigation, in which the employee is not a party to the proceedings, the employee is entitled to leave from regularly scheduled duty with regular compensation. However, all payments or reimbursements shall be turned over to the director except the amount necessary for travel or personal expense. Hours spent in court outside of scheduled work hours are not subject to this rule. If two or more hours remain in a work day when released for the day, the employee shall return to work. Employees shall notify the director immediately upon receiving a subpoena, summons, or direction. Court/Jury leave does not

apply to those involved in expert testimony outside of their capacity as a state employee.

g. Voting Leave

An employee, who is eligible to vote in a public election in the state of Iowa, may request time off from work with regular pay for a period not to exceed three hours for the purpose of voting. Leave shall be granted only if the employee's work hours do not allow a period of three consecutive hours outside the employee's scheduled work hours during which the voting polls are open. A request for voting leave must be made to the director on or before the employee's last scheduled workday prior to election day. The time during the day to be taken off shall be designated by the director.

h. Business Leave

Absence from the usual workplace in the capitol complex for work-related reasons is to be construed as business leave. Business leave includes absence from the capitol complex to attend public hearings, committee meetings, seminars, workshops, and conferences outside the capitol complex as assigned or approved by the director. Business leave includes reasonable travel time to and from such events. All reasonable effort is to be made to travel at the lowest cost relevant to the circumstances. Reimbursement will be provided for reasonable expenses involved in travel, lodging, meals, and related expenses as approved by the director.

If the hours during a day of an in-state meeting, seminar, workshop, or conference, including reasonable travel time to and from the event, exceed eight, the employee accrues work hours equal to the work time plus travel time.

Accrual of work hours during attendance at out-of-state seminars, workshops, and conferences shall not exceed eight hours per day.

i. Family Death Leave

In the event of the death of an employee's immediate family member, the employee is entitled to five working days' leave of absence, per occurrence, with pay. In the event of the death of an employee's family member, other than the death of an immediate family member, the employee is entitled to three working days' leave of absence, per occurrence, with pay.

Family death leave is in addition to other leaves available to an employee. An employee is not required to exhaust other leaves available to the employee before taking family death leave.

For purposes of this lettered paragraph, "employee's immediate family

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

j. **Transfer Rights**

When a central legislative staff agency employee is transferred within state government, including the executive and judicial branches, or promoted or demoted, all accumulated leave times, other than compensatory leave for transfers to another branch of government, shall carry over with the employee. If the employee is terminated or resigns, only accumulated vacation leave will be paid at its respective hourly rate.

2. **Leaves Without Pay**

a. **Leave Without Pay**

i. A director, upon written request, may grant any amount of leave without pay in a single period of leave or multiple periods of leave for any reason deemed satisfactory, provided the leave in the aggregate is no greater than six months in any one year. Leave without pay in excess of six months in any one calendar year requires the approval of the Service Committee.

ii. For leave without pay of 30 days or less, the state's share of insurance benefits shall continue and the employee shall accrue seniority as if the employee had not taken the leave. The employee shall not accrue vacation or sick leave.

iii. With the approval of the director, the employee need not have exhausted sick leave with pay and accrued vacation in order to be granted leave without pay.

b. **Sick Leave Without Pay**

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

i. The employee fails or refuses to supply requested information about the illness within a stated time.

ii. The employee does not show sufficient continued reason to prevent the performance of duties.

iii. The employee is performing work or activity incompatible with the purpose for which sick leave was granted.

3. **Leaves Which May Be With Pay or Without Pay**

a. **Educational Leave**

- i. Educational leave may be granted at the discretion of the director for the purpose of assisting employees to develop skills that will improve their ability to perform their present job responsibilities or to provide training and development opportunities for employees that will enable the agency to better meet staffing needs. Educational leave with pay requires the approval of the Service Committee. Education financial assistance shall be as provided for executive branch employees.
 - ii. Length of leave. Educational leave shall be requested for a period not to exceed 12 consecutive months. Accrued vacation or compensatory leave need not be exhausted before educational leave is granted. The determination to require the exhaustion of any or all accrued leave rests with the director. The director may grant an extension of the original leave for an additional 12 months.
 - iii. Selection of applicants. While the selection of applicants is at the discretion of the director, all qualified employees shall be offered an equal opportunity to be considered for educational leave within the limitations imposed by agency staffing requirements.
 - iv. Educational institutions. An employee on educational leave may take course work at any accredited educational institution within the state. Attendance at out-of-state institutions may be provided if there are geographical or educational considerations which make attendance at institutions within the state impractical.
 - v. Notification. The director shall notify the Legislative Council of all educational leaves within 15 days following the granting of the leave.
 - vi. Agency report. Annually, the director shall report to the legislative council the direct and indirect costs to the agency of educational leave granted to employees during the preceding fiscal year.
- b. Severe Weather Leave
The provisions relating to severe weather leave contained in the rules of the Department of Personnel apply.
 - c. Rights of Return
All persons on any form of leave without pay, provided that they return within the specified period of time, will be returned to the vacant position in the classification held prior to the leave or to the class in the same pay grade for which the employee qualifies. However, for military leave without pay, the right of return applies for five years and 90 days after honorable discharge. Failure to return within the specified period of time shall result in demotion or termination.
 - d. Parental and Family Leave

- i. **Eligibility and Request for Leave.** All permanent, full-time employees are eligible for parental and family leave benefits regardless of their length of service at the Legislature. A request for parental or family leave shall be made in writing by the employee reasonably in advance of the beginning of the leave, unless a planned leave is precluded by an unforeseen circumstance. The request for leave shall state the purpose of the leave, the expected duration of absence, and the intention of the employee to return to work following completion of the leave. An employee's supervisor may agree to an arrangement for reduced working hours in lieu of granting parental or family leave.
- ii. **Parental Leave.** An employee is entitled to parental leave, not to exceed three months in duration, upon the birth or placement for adoption of a child. Parental leave shall begin no later than eight weeks following the birth or placement for adoption of a child.

The employee may use accrued vacation, sick, compensatory, or holiday leave or leave without pay during the period of parental leave. However, an employee on parental leave shall be required to use accrued leave before being granted a leave without pay, except that an employee is entitled to retain 40 hours of vacation leave and 40 hours of sick leave upon the taking of leave without pay as part of the employee's parental leave.

Parental leave includes the period of time that a pregnant employee is absent from work due to physical disability related to pregnancy and childbirth. This period of physical disability is presumed to be two weeks before the birth of the child and six weeks following the birth of the child but may be extended before or after that period of time by a physician's statement of disability.

- iii. **Family Leave.** An employee's supervisor may grant to the employee family leave, not to exceed 160 hours per year, to care for a family member who is seriously ill or upon the death of a family member. Family leave is in addition to the 40 hours per year of accrued sick leave provided for the temporary care of immediate family members, for child care, or for bereavement leave. See Part VI.C.1.b.iii. of these guidelines.

The employee, at the employee's own option, may use accrued vacation, sick, compensatory, or holiday leave or leave without pay during the period of family leave.

For the purposes of family leave, "family member" means the employee's spouse, children, grandchildren, foster children,

stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, corresponding relatives of the employee's spouse, other persons who are members of the 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 vacation leave. The number of hours of vacation leave transferred by an employee under this paragraph shall be deducted from that employee's accrued vacation leave. The number of hours of vacation leave received by an employee under this paragraph shall be added to that employee's vacation leave.
5. Vacation leave transferred under this paragraph which remains unused for any reason shall be returned to the employee, or to the employees on a pro rata basis, who transferred the vacation leave.
6. Vacation Leave Sharing Policy - Transfer Procedure. (Not approved by Legislative Council but agreed to by all four central legislative staff agency directors on May 1, 1991.)
 - a. Confidential Requests for Transfer. Pursuant to the vacation leave sharing policy adopted by the Legislative Council, a permanent employee of a central legislative staff agency (referred to as the transferring employee or transferring agency) may confidentially request the transfer of a specific number of vacation leave hours accrued by the transferring employee in excess of 80 hours to a specified, named permanent employee of the same or another central legislative staff agency (referred to as the receiving employee or receiving agency) by filing a written request with the director of the transferring agency.
 - b. Notification and Inquiry -- Confidentiality. The director of the transferring agency shall immediately notify the director of the receiving agency, inquiring if the receiving employee is or will be eligible to receive transferred vacation leave and whether the employee would be able to immediately use the vacation leave requested to be transferred. The transferring agency shall not subtract any vacation leave hours from the transferring employee's accrued vacation leave until all or a portion of the vacation leave hours requested to be transferred have been accepted by the receiving agency for actual transfer to the receiving employee. The request for transfer and any action regarding the request or the use of transferred vacation leave shall be maintained by the directors and finance officers of the transferring and receiving agencies as a confidential personnel record. In administering the transfer procedure, if the transferring and receiving agencies are not one and the same, the director and finance officer of a transferring agency shall not disclose the name of a transferring employee to the director or finance officer of the receiving agency.

- c. **Eligibility Determination and Acceptance or Abeyance of Transfer.** Upon a determination by the director of the receiving agency that the specified, named employee is eligible to receive transferred vacation leave under the vacation leave sharing policy adopted by the Legislative Council, the receiving agency shall determine the time period or periods during which the receiving employee would be able to use transferred vacation leave, and the number of hours which could be transferred to the receiving employee without the receiving employee exceeding the receiving employee's vacation ceiling. At any point in time the directors and finance officers of the transferring and receiving agencies may hold requests for transfer in abeyance if the receiving employee is currently not able to use all of the hours requested to be transferred. The directors and finance officers may periodically transfer such hours when the receiving employee is able to use the hours. If such hours are still being held in abeyance at the end of the calendar year in which the hours were requested to be transferred, the transferring agency's director shall notify the transferring employee that a transfer has not been made and that the request for transfer will be automatically terminated at the end of the calendar year unless the transferring employee files a written request for transfer for the next calendar year.
- d. **Actual Transfer.** The receiving agency's finance officer shall notify the transferring agency's finance officer of the number of hours which can be transferred and, upon approval of the request for transfer by the director of the transferring agency, the transferring agency's finance officer shall subtract that number of hours from the transferring employee's accrued vacation hours and the receiving agency's finance officer shall add that number of hours to the receiving employee's accrued vacation hours, if any.
- e. **Multiple Requests for Transfer.** If the receiving agency has been notified of more than one approved request for the transfer of vacation leave to the receiving employee, the finance officer of each transferring agency shall separate the requests by date of approval. The transferring and receiving agencies' finance officers shall transfer vacation hours, beginning with the requests for transfer approved at the earliest date.
- f. **Pro Rata Return of Unused Hours.** If all or a portion of the vacation leave hours which were actually transferred cannot be used by the receiving employee, the transferring and receiving agencies' finance officers shall arrange the return of the unused vacation leave hours to the transferring employee, or if more than one transferring employee is involved, to the transferring employees on a pro rata basis.

VII. HIRING

A. General Authority

Each director has discretionary hiring authority for all authorized and funded vacant positions within the agency, provided such hiring is at the entry level salary. Such hirings shall be reported at the time of hiring to the Service Committee and the Legislative Council. Placement of a new employee at higher than entry level salary requires the prior approval of the Service Committee. Entry level salary is step one of the specified grade level of the position for original appointment or, for reappointment of former employees to the same position, the step determined by cumulative prior experience.

B. Affirmative Action - Equal Employment Opportunity

It is the policy of the Legislative Council that equal employment opportunities be provided to all qualified employees and applicants for employment regardless of race, religion, color, sex, national origin, age, sexual orientation, or physical or mental disability. Each agency shall adopt a program of affirmative action designed to provide employment opportunities on the basis of individual capabilities, motivation, and merit, and also designed to encourage women and minorities to seek employment and promotion on these bases. The director of each agency is responsible for that agency's efforts to provide equal employment opportunity. Each agency shall comply with the Iowa Civil Rights Act contained in Chapter 216 of the Code. Each agency shall seek qualified applicants and assist underqualified persons to become qualified within the job classifications of the agency. An agency shall seek applications from qualified women and minorities when vacancies or new positions are filled.

An agency shall adopt procedures to encourage the recruitment, hiring, and promotion of women and minorities. Position announcements shall be posted within the office area of the agency and in other appropriate areas of the capitol complex. The position may be advertised in an appropriate newspaper or newspapers based upon the period of time that has elapsed since a similar position announcement was last published.

The position announcement shall advise the employees that applications for the position must be filed in writing with the director of the agency and shall contain a description of the job and its duties and responsibilities. Applicants may be asked to complete a questionnaire indicating their race or national origin, sex, age, and whether they have a physical or mental disability. The questionnaire responses shall be used solely for periodic review to determine whether a well-qualified and diverse pool of applicants is being attracted.

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

in hiring, promotion, termination, or other matters pertaining to employment may file a grievance with the Legislative Council. Any person aggrieved by the decision of the Legislative Council may initiate appropriate action through the court system.

C. Probationary Period

For the purposes of evaluating the performance of new employees (original appointment or reappointment of a returning employee to a permanent or temporary position), a 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 is over, either the director or the employee's supervisor will recommend to continue or terminate the employee. During the probationary period, employees may be terminated at will and the grievance procedure is not applicable to them.

VIII. LAYOFF AND RECALL

A. Layoffs and Order of Layoffs

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

B. Recall List

1. Each director shall establish and maintain a recall list used for filling vacant positions. Recall lists will be established by job classification and seniority. These lists shall consist of the names of permanent employees who were separated by layoffs. Employees shall be placed on the list in order of seniority (years-months-days of continuous service prior to layoff).
2. Employees shall be removed from the list for any of the following reasons:
 - a. Failure by applicant to maintain a current address as evidenced by the return of a properly addressed letter.
 - b. Failure by applicant to respond to a written inquiry concerning availability for employment within five working days following the inquiry.
 - c. Receipt of a written request that the employee no longer wants to be on a particular list.
 - d. Declination to accept a position for which the employee is eligible.
3. If no recall list exists for a given job class, the director shall follow the procedure for filling vacancies.

IX. PERFORMANCE EVALUATIONS

Each agency shall adopt a performance evaluation form or forms to be used for its employees. Copies of the form shall be provided to the Service Committee and to each employee of the agency.

A review on at least an annual basis, using the evaluation form, shall be made of each employee's performance by the director or a supervisor designated by the director. Attention should be directed to areas of strength and weakness, areas of past improvement or needed future improvement, and suggestions or requirements for further training or development. Exit performance evaluations shall be conducted before the last day of employment covering the period between the last evaluation and the last date of employment. A copy of a completed employee's performance evaluation form, and other documentation, if any, shall be given to the employee at the time of the employee's evaluation. The form shall be signed and dated by both the employee and the supervisor or director. A copy of the signed evaluation form shall be placed in the employee's file. The employee may make a written response relating to the performance evaluation and the response will be placed in the employee's file.

X. PROMOTIONS

A. Applicability

This chapter is not applicable to cost-of-living adjustments and annual merit increases, which are governed by Part IV of the guidelines.

B. Probationary Employees

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

C. Authority and Requirements for a Promotion

Each director shall have the discretion to promote an employee to either a vacant position or a new position when an employee meets the requirements of that position, with the prior approval of the Service Committee. A director may promote an employee to a higher classification and grade level within a job series of position classifications with the prior approval of the Service Committee for such reclassification. To be eligible for a promotion, the employee must at least receive satisfactory ratings on their current job assignment, and the employee must meet the minimum qualifications for the new position. A salary increase due to a promotion is in addition to any salary increase that an employee may receive under Part IV of these guidelines. A promotion is a change in positions by an employee to a position that has been assigned a higher pay grade level.

D. Post Promotion

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

XI. DEMOTIONS AND TERMINATION

A. Informal Review of Performance Shortcomings

The employee's director or immediate supervisor may at any time, in an informal manner, discuss concerns regarding existing performance problems. The director or supervisor may note in the employee's file the date and reasons for the meeting. The employee is expected to address the specified concerns.

B. Formal Review of Performance Shortcomings

The employee's director or immediate supervisor may make a formal review of performance shortcomings by memorandum, letter of reprimand, annual performance evaluation, or documented discussion. A listing of the employee's shortcomings and any written material relating to the formal review shall be placed in the employee's file. The employee shall be provided time to prepare a written response and the response shall be placed in the employee's file. Failure by the employee to show sufficient progress in addressing the performance shortcoming may result in demotion or termination.

C. Suspension

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

D. Demotion

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

E. Termination

The director has discretionary authority to terminate an employee. All documentation regarding the termination shall be kept for at least two calendar years.

XII. GRIEVANCE PROCEDURES

A. Grievance Procedures - Authority

Pursuant to section 2.42, subsection 14, and section 2C.3, Code 1989, the following rules for hearing and acting upon appeals of aggrieved employees of the Legislative Service Bureau, Legislative Fiscal Bureau, Computer Support Bureau, and the Office of Citizens' Aide are established by the Legislative Council.

B. Definitions

Unless otherwise provided:

1. "Director" means the director of the Legislative Service Bureau, Legislative Fiscal Bureau, Computer Support Bureau, or the Office of Citizens' Aide.
2. "Employee" means a person employed by the Legislative Service Bureau, Legislative Fiscal Bureau, Computer Support Bureau, or the Office of Citizens' Aide. "Employee" does not include the director of the Legislative Service Bureau, the director of the Legislative Fiscal Bureau, the director of the Computer Support Bureau, or the Citizens' Aide.
3. "Committee" means the Service Committee of the Legislative Council.
4. "Council" means the Legislative Council.

C. Grievance Procedures - Rules

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

D. Filing of Grievance or Complaint - Right of Employee

An employee may file or submit a grievance or complaint with a director, the Committee, or the Council as provided in these rules without fear of jeopardizing the employee's position or opportunities for advancement or salary increase. The employee involved in the proceeding shall cooperate with the employing authority so that there will be a minimum of interference with normal operation of the agency's work. Time limits provided in these rules may be altered by mutual agreement.

E. Initiation of Complaint or Grievance

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

F. Appeal to Committee - Submission in Writing

If the employee is not satisfied with the decision of the director, the employee may within five working days of receipt of the decision of the director file a grievance or complaint in writing with the chairperson of the Committee. A copy of the written grievance or complaint shall be filed with the director at the same time as the filing with the chairperson of the Committee. The director shall file a copy of the director's decision upon notification of the filing of the grievance or complaint with the Committee.

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

The Committee shall consider the written complaint or grievance either within 30 days of its receipt, at its next regularly scheduled meeting, at a meeting specially called for such purpose, or at a subsequent meeting as determined by the Committee. The Committee shall make a written decision in regard to the grievance or complaint on the day the complaint or grievance is considered. However, if the Committee desires additional information from any person it may continue the hearing and notify the employee and the director of its decision to continue the hearing. The Committee may then request the additional information from the director or the employee affected. A copy of the written decision shall be filed with the director and employee.

H. Appeal to Council

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

I. Effect of Failure to Proceed

If the employee fails to proceed with the grievance or complaint within the time limits set forth in these rules or special time limits agreed upon, it shall be assumed the grievance or complaint has been settled on the basis of the last decision reached or that the employee does not desire to pursue the matter further. If a director fails to comply with the time limitations, the employee may proceed immediately to the next step as if a decision had been reached with which the employee was not satisfied.

J. Form and Content of Written Appeals

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

K. Notification of Hearing

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

L. Coercion of Employees

A director or another supervisor shall not coerce an employee into not proceeding with a grievance or a complaint or appearing as a witness at a hearing. An act of coercion shall be considered as a reason for a grievance or complaint which may be combined with the original grievance or complaint.

M. Amendments

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

XIII. NONPARTISAN POLITICAL PARTICIPATION GUIDELINES

In order to maintain fair and effective functioning of the Legislative Service Bureau, the Legislative Fiscal Bureau, the Computer Support Bureau, and the Office of Citizens' Aide, it is necessary that their employees not participate in partisan politics.

A. Participation in Partisan Politics Defined.

Participation in partisan politics means and includes the following:

1. Organizing a political party or club.
2. Actively participating in or attending fund-raising activities for a partisan candidate or partisan political party.
3. Becoming a partisan candidate for or campaigning for an elective public office.
4. Actively working in or managing the campaign of a partisan candidate for public office.
5. Initiating or circulating a partisan nominating petition or soliciting votes for a partisan candidate for public office.
6. Serving as a delegate, alternate, or proxy to a political party caucus or convention.
7. Speaking at political party meetings in support of a partisan candidate for public office or party office.
8. Giving or receiving money for partisan political purposes unless giving the money for political purposes will remain confidential such as is provided in the state income tax law.
9. Endorsing a partisan candidate for public office or political party office in a political advertisement, broadcast, or campaign.
10. Speaking to a political convention, caucus rally, or similar gathering of a political party except when providing information on an objective and nonpartisan basis.

B. Identification as an Advocate

In addition employees must take care that the employee is not identified as an advocate or an opponent of an issue which is subject to legislative debate except as otherwise provided by law.

C. Allowable Political Functions

There are some political functions which can be exercised by legislative staff which will not inhibit the exercise of a person's election franchise or free speech and will not diminish the fair and effective functioning of the agencies. While the following is not intended to be a complete list, it can be used as a guideline regarding allowable political activities. An employee may do the following:

1. Vote at all elections and register as a member of a political party.
2. Discuss publicly legislative issues and matters of public interest so long as discussions are not directed toward party success or failure and so long as the discussion does not promote or downgrade a party or member of a party and lead other persons to believe that the employee favors one party or another.
3. Participate in nonpartisan elections or be politically active in issues which are not specifically identified with any national or political party.
4. Participate in public affairs if the participation does not materially imply that the employee favors one political party or another.
5. Attend political conventions or functions to which the public at large is invited if the employee does not take part in the convention or in the deliberations and refrains from a public display of partisanship.
6. Attend any political meeting such as where political candidates or political figures are attending if the public at large is invited and if the attendance will not result in the appearance to persons that the employee is engaging in a political activity with the result that confidence in that employee could be eroded.
7.
 - a. Participation in the precinct party caucuses for presidential candidate selection is permitted since it is the equivalent of voting in a primary election. Participation at a higher level, such as being a delegate to a county party convention, is not permitted.
 - b. Behavior while participating in the precinct caucuses is governed by the guidelines, including the specific guidance given in regard to what are allowable activities and what are prohibited activities.

D. Application of Policies to Immediate Family

The policies established shall not apply to the spouse or children of an employee.

E. Consultation with Department Head in Case of Questions

An employee should exercise judgment in participating in any activities that might be construed by others as partisan in nature and which might compromise the belief that

the employee will work on a nonpartisan relationship. If an employee is in doubt about attendance at a particular function or a possible political practice, that employee should consult with the agency director prior to attending the function in order that the employee's right of free speech and association will be maintained and the efficiency and fairness of the offices will not be compromised as a result of a lack of confidence by the persons for whom the employee must work.

F. Penalties

Penalty for violation of any provisions may include a warning, reprimand, demotion, suspension, loss of reclassification, loss of salary increase, or termination of employment. The director shall determine the penalty to be imposed, however, no penalty, except a warning or reprimand, shall be imposed, until the violation and penalty are reviewed by the Service Committee. The Service Committee may change or modify the penalty through the grievance procedures. If a director violates these provisions, the Service Committee shall review the violation and impose the penalty, if any.

XIV. GIFTS AND SALES OF GOODS AND SERVICES

A. Gifts

1. As used in this paragraph A, the words "gift," "honorarium," "immediate family member," "public disclosure," and "restricted donor" have the same meanings as provided in chapter 68B of the Iowa Code.
2. Except as provided in this paragraph A, a restricted donor or donors shall not, directly or indirectly, individually or jointly, offer or make any gift or series of gifts to an employee or an immediate family member of an employee. An employee or the employee's immediate family shall not solicit any gift or series of gifts at any time. An employee shall not seek or accept an honorarium from a restricted donor.
3. Gifts which would otherwise be prohibited may however, be received by an employee if any of the exclusions contained in section 68B.22, subsection 4, of the Iowa Code apply to receipt of the gift.
4. A restricted donor may give, and an employee or an immediate family member of an employee may accept, an otherwise prohibited nonmonetary gift or series of gifts if the gift or series of gifts is donated within 30 days to a public body, a bona fide educational or charitable organization, or the Department of General Services. The employee shall file a report of the gift or series of gifts with the employee's legislative agency. A report required to be filed pursuant to these rules shall be filed by the fifteenth day of the month following the month in which the gift or series of gifts was made or

received. The report shall show the donor, donee, nature, amount, date, and disposition or intended disposition of each gift or series of gifts.

5. Each director shall designate a custodian of the reports filed with that agency. The Legislative Council may request compilations on or copies of those reports. The reports are available for public inspection as provided in Chapter 22 of the Iowa Code.

B. Sales of Goods or Services

1. As used in this paragraph B, the words "legislative employee," "lobbyist," and "person" have the same meanings as provided in chapter 68B of the Iowa Code.
2. A legislative employee shall not sell goods or services with a value in excess of \$2000 to the general assembly, a legislative branch agency, or a state executive branch agency with which the employee has substantial and regular contact, unless the sale has been made pursuant to an award or contract let after public notice and competitive bidding. The public bid requirement does not apply to legislative employees who are instructors at accredited education institutions and who possess the appropriate license and education requirements for that education institution, or to publication of various legal notices and propositions in newspapers that have been designated as the place for publication of legal notices or propositions.
3. Except as provided in this subparagraph, a permanent legislative employee shall not sell, directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the general assembly.

A legislative employee who is not the director of a central legislative staff agency may sell goods or services and not be in violation of this paragraph A if all of the following conditions are met:

- a. The employee obtains the prior consent of the director of the employee's agency.
- b. The goods or services to be sold do not include lobbying the general assembly and selling goods or services to the general assembly.
- c. The duties and functions performed by the legislative employee are not related to the legislative authority of the general assembly over the individual, association, or corporation or the duties and functions performed by the legislative employee for the general assembly will not be affected by the proposed sale of goods or services to the individual, association, or corporation.
- d. Either the value of the goods or services is under \$2000, or the value is greater than \$2000 and the contract is let either with someone other

than a state agency, or with a state agency, but has been let after public notice and competitive bidding.

If the legislative employee is the director of a central legislative staff agency, all of the above requirements shall apply, except that prior consent of the Legislative Council shall be required in lieu of consent of the director of the agency.

4. Each director shall specify a procedure for receiving and recording requests by employees for permission to sell goods or services. Records of the requests are available for public inspection as provided in Chapter 22 of the Iowa Code. This chapter shall not apply to goods or services rendered voluntarily by an employee for which no compensation is received. This chapter shall not be construed to permit sales of goods or services which would either constitute an unlawful receipt of an honorarium or would constitute services against the interest of the state in violation of section 68B.6 of the Iowa Code.

REPORT OF GIFTS RECEIVED

Reporting Requirement. An employee of a central legislative staff agency is required to file a report with the employee's agency when any prohibited gift or series of gifts is received from a restricted donor by the employee or an immediate family member of the employee and is subsequently donated to a public body, a bona fide educational or charitable organization, or the Department of General Services. This reporting requirement does not apply to otherwise prohibited gifts for which an exclusion is provided under section 68B.22, subsection 4. A report required to be filed under paragraph A of Part XIV of the Guidelines is due by the 15th of the month following the month in which the gift is received.

Pertinent Statutory Law. Iowa law prohibits the acceptance of any gift or series of gifts from a restricted donor unless an exclusion applies to receipt of the gift. However, otherwise prohibited nonmonetary gifts may be received if the item or items are donated within 30 days to a public body, a bona fide educational or charitable organization, or the Department of General Services. Iowa Code Chapter 68B should be reviewed with respect to the definition of the term "gift", the statutory exclusions, and other pertinent requirements.

GIFTS:

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

Disposition _____

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

Disposition _____

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

Disposition _____

- _____
- Date Donee's Signature

XV. EMPLOYEE CONDUCT

Each director shall have the authority to define policies and procedures for the operations of their agencies within the context of these guidelines and each agency's operating requirements. The director shall compile these policies and procedures into an employee handbook that is provided to all employees of the agency.

Such policies and procedures may include, but are not limited to, those relating to dress code, smoking in the workplace, outside employment, and various operating procedures.

Such policies and procedures shall be filed with the Service Committee for its review and approval.

XVI. PERSONNEL RECORDS

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

XVII. UNAUTHORIZED COMPUTER ACCESS (HACKING)

Unauthorized computer access is the attempt, successful or unsuccessful, to access the legislative computer system without proper authorization from the Legislative Computer Support Bureau. Unauthorized computer access includes but is not limited to: Attempting or using a sign-on belonging to another individual, attempting to access modes and data without proper authorization, or attempting to disrupt the computer system by intentionally causing the computer system to abort or terminate.

Unauthorized computer access is also any attempt to compromise data stored on a microcomputer (pc) within the capitol complex or belonging to the Legislature or any attempt to alter the hardware or software without authorization of the Computer Support Bureau.

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

The Legislative Computer Support Bureau will attempt to provide details to help determine where the unauthorized access was made and, if possible, the actual person or persons attempting the unauthorized access.

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

Penalties for unauthorized access or the attempt of unauthorized access of the legislative computer system or microcomputers may include a warning, reprimand, demotion, suspension, loss of reclassification, loss of salary increase, or termination of employment, as determined by the employee's director. The Service Committee may change or modify the penalty through the grievance procedures prescribed in Part XII of these guidelines.

XVIII.CONFLICTS OF INTEREST

- A. An employee of a central legislative staff agency shall not engage in any outside employment or activity which is in conflict with the employee's official duties and responsibilities and shall seek to avoid all conflicts of interest between the employee's own financial, business, property, or personal interests and the interests of the employee's agency. Depending on the circumstances, the interests of the employee's agency may or may not be synonymous with the interests of the legislative branch or the state in general.
- B. An employee of a central legislative staff agency shall not accept outside employment or enter into a financial, business, property, or personal relationship if the outside employment or financial, business, property, or personal relationship will or may reasonably adversely affect the employee's professional judgment exercised by the employee on behalf of the employee's agency.
- C. An employee of a central legislative staff agency shall not disclose or use confidential information acquired in the course of the employee's professional responsibilities performed on behalf of the employee's agency in order to benefit the employee's outside employment or financial, business, property, or personal relationship.
- D. In determining whether a conflict of interest or potential conflict of interests exists an employee shall take into consideration the following factors:
 - 1. Whether a substantial threat to the employee's independence of judgment has been created by the conflict situation.
 - 2. Whether a substantial likelihood exists that the performance of the employee's professional responsibilities will affect the outside employment or financial, business, property, or personal relationship.

3. Whether the exercise of the employee's professional responsibilities, considering the outside employment or financial, business, property, or personal relationship, would give rise to the appearance of professional impropriety and therefore diminish legislative and public confidence in the employee's conduct or the operations of the employee's agency.
 4. Whether the outside employment or activity involves the use of central legislative staff agency time, facilities, equipment, and supplies or other evidence of central legislative staff agency employment to give the employee or member of the employee's immediate family an advantage or pecuniary benefit that is not available to similarly situated members of the general public.
 5. Whether the outside employment or activity involves the receipt of, promise of, or acceptance of money or other consideration from a source other than the state for the performance of any act that the employee must or should perform as part of their regular duties.
 6. Whether the outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the employee during the performance of the employee's duties.
- E. An employee may consult with the agency director in order to determine whether a conflict of interests or potential conflict of interests exists.
- F. If the director of an employee's agency determines that a conflict of interests or potential conflict of interests exists, the director may require the employee to make full disclosure to the director of all relevant facts relating to the outside employment or financial, business, property, or personal relationship, in order to determine what steps may be necessary to take in order to eliminate the conflict of interests or potential conflict of interests. If the conflict meets the criteria specified in paragraph D, subparagraph 4 or 5, the employee shall cease the activity. If the conflict meets the criteria specified in paragraph D, subparagraph 6, the employee shall either cease the activity or disclose the conflict in the manner required by the director.

XIX. PERSONAL FINANCIAL DISCLOSURE

- A. As used in this part, the words "legislative employee," "personal financial disclosure," and "financial statement" have the same meanings as provided in chapter 68B of the Iowa Code.
- 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.

**IOWA GENERAL ASSEMBLY
CENTRAL LEGISLATIVE STAFF AGENCIES**

PERSONAL FINANCIAL DISCLOSURE FORM

Name: _____
Agency: _____
Agency Director: _____

In completing this form, if insufficient space is provided, you may include additional information by attaching full-size sheets of paper to this form.

Division I. Business, Occupation, or Profession.

A. Name of Business, Occupation, or Profession: List each business, occupation, or profession in which you are engaged, regardless of the amount of income derived or time spent participating in the activity.

Examples:

- State the name of the legislative agency in which you are employed.
- If you are also self-employed and are not incorporated or are not doing business under a particular business name, also state that you are self-employed.
- If you are also employed outside of the general assembly by a private individual, state the name of the individual employer.
- If, in addition to your legislative employment, you own your own corporation, are employed by a corporation, or are doing business under a particular business name, state the name of the business or corporation.
- If, in addition to your legislative employment, you are employed by a consulting firm, state the name of the consulting firm.

1 _____
2 _____
3 _____
4 _____
5 _____

B. Nature of Business, Occupation, or Profession: State the nature of each of the businesses, occupations, or professions which you listed in part "A" above, unless the nature of the business, occupation, or profession is already apparent from the information indicated above. The descriptions in this part should correspond by number to the numbers for each of the businesses, occupations, or professions listed in part "A" above.

Examples:

- State your position or job title within your employing legislative agency.

- If you indicated that you were also self-employed in part "A" above, you should list in this part the types of activities that you engage in and the goods or services that you provide.
- If you indicated that you were also employed by a particular private individual in part "A" above, you should indicate in this part the type of services that you provide for the individual. If your position involves the sale of goods or services, the kinds of goods or services sold should also be indicated.
- If you indicated that you were also employed by a corporation or other similar organization in part "A" above, you should indicate your position within the corporation or organization and the kinds of services rendered to or on behalf of the corporation or organization in this part. If you indicated that you are a teacher, the type of school or institution served should also be indicated. If you are providing legal services, the areas of practice should also be indicated.
- If you indicated in part "A" above that you were also employed in a particular consulting firm, in this part you should indicate the kind of services provided and types of clients served.

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

Division II. Sources of Gross Income Subject to Taxation.

In this division, list each source, by general description, from which you receive, or which generates, more than \$1000 in annual gross income in each of the categories listed below. For purposes of this division, a source produces annual gross income if the revenue produced by the source is subject to federal or state income taxes. In completing the items listed below, list the nature or type of each company, business, financial institution, corporation, partnership, or other entity which produces for you more than \$1000 of annual gross income. Neither the amount of income produced nor value of the holding is required to be listed in any of the items. Do not report income received by your spouse or other family members.

A. Securities: State the nature or type of the company in which stock, bonds, or other pecuniary interests are held that generate more than \$1000 in annual gross income. For purposes of this item, income generated by multiple holdings in a single company are deemed received from a single source. For example, if you hold multiple shares of stock in a single corporation, you must add together the income received from all shares to determine the income received from that corporation. Stock "owned" through investment in a mutual fund should be shown by identifying the general nature or type of the mutual fund.

B. Instruments of Financial Institutions: State the types of institutions in which you hold financial instruments that produce annual gross income in excess of \$1000 and indicate the nature of the income source, e.g., savings account, certificate of deposit, etc.

C. Trusts: State the nature or type of any trust from which you receive more than \$1000 of gross income annually. Indicate whether the trust is a family trust. If the income is received from a charitable trust or foundation in the form of a grant, the fact that the trust is a charitable trust should be noted.

D. Real Estate: State the general nature of each real estate interest that generates more than \$1000 of gross income annually, e.g., residential leasehold interest or farm leasehold interest. The size or location of the property interest is not required to be listed.

E. Retirement Systems: State the name of each pension plan or other corporation or company from which you receive more than \$1000 annually in retirement benefits. If you receive a benefit jointly with another person, benefits with an annual value in excess of \$1000 from which you actually benefit must also be listed. The name of the other person or persons is not to be listed, however.

Division III. Other Income Categories.

Other Reported Income: Provide a description of other sources of income producing over \$1000 in annual gross income that have not been reported above, but which must be reported for income tax purposes. The amount or value of the source is not required to be listed.

Employee Signature: _____ Date: _____

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: _____ Bureau or Office: _____
Job Title: _____ 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.

Personnel Guidelines for the Central Legislative Staff Agencies (last updated with June 14, 1995 Legislative Council changes), Chapter 3, Parts II, IV, VI, VII, X, XI, XII, and XVI, 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 the opportunity to review the guidelines and to address in writing any questions concerning the guidelines to the director.

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. 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 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.

5. 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, 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.

6. 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.~~

7. 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.

8. 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.

9. 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 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 ~~or~~ 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. 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.

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 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 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~~ 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 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.

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.

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

XVI. PERSONNEL RECORDS

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

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.
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.

3. Part IV is also revised to delete references to "permanent" employment.

4. Part VI is revised to delete references to "permanent" employment.

5. The Sick Leave Without Pay provisions in part VI are revised to comply with the federal Americans with Disabilities Act.

6. 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.

7. 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.

8. The Suspension, Demotion, and Termination provisions in part XI are revised to delete the word "discretionary."

9. 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. 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.

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.

10. The Personnel Records provisions in part XVI are revised 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.

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ACKNOWLEDGMENT

I acknowledge receipt of the Personnel Guidelines for the Central Legislative Staff Agencies and a summary of the major substantive changes to the Guidelines. I have reviewed the Guidelines and the summary provided to me on _____, 1997. I understand that the Guidelines are informational in nature only and create no contractual rights or obligations, and that the Guidelines are subject to change at any time by the Legislative Council. I understand that the Guidelines apply to all employees of the central legislative staff agencies including all current employees. I understand that I have the right to address in writing any questions concerning the Guidelines to the Director.

EMPLOYEE SIGNATURE

DATE

EMPLOYER SIGNATURE

DATE

acknowledgment/research

CONSTITUTIONAL LAW: ITEM VETO. Iowa Const., art. III, § 16; Iowa Code § 99E.10; 1994 Iowa Acts, ch. 1199, § 12; Senate File 481, § 16. The appropriation of "remaining revenues" to the Iowa State Fair Foundation in subsection 16(40) of Senate File 481 includes only those revenues that are left after deducting the amounts appropriated by the legislature in subsections 1 through 39. The funds item vetoed by the Governor remain in the Lottery Fund until further appropriated during the next legislative session. It is unnecessary to determine whether subsection 16(40) invades the Governor's item veto power. (Miller and Pottorff to Murphy, State Senator, and Millage, State Representative, 6-13-95) #95-6-4

June 13, 1995

The Honorable Larry Murphy
State Senator
531 6th Street N.W.
Oelwein, Iowa 50662

The Honorable David Millage
State Representative
3077 Willowood Drive
Bettendorf, Iowa 52722

Dear Senator Murphy and Representative Millage:

You have requested an opinion of the Attorney General concerning item vetoes of the appropriation of lottery revenues for the 1994-95 fiscal year in Senate File 481. Section 16 of Senate File 481 provides that, after \$34,400,000 is transferred and credited to the general fund during the 1994-95 fiscal year, revenues shall be transferred in descending priority as delineated in forty subsections. Thirty-nine subsections make specific appropriations to numerous agencies for a wide range of purposes. The final subsection, subsection 40, appropriates the "remaining revenues" in the following language:

The remaining revenues to the Iowa state fair foundation for capital projects and major maintenance improvements at the Iowa state fairgrounds. If the remaining lottery revenues do not equal \$5,500,000, then the remaining amount necessary to equal \$5,500,000 is appropriated from the rebuild Iowa infrastructure fund to the Iowa state fair foundation for the fiscal year beginning July 1, 1995, and ending June 30, 1996.

Senate File 481, 76th G.A., 1st Sess., § 16(40) (Iowa 1995).

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The Governor item vetoed twenty-seven of the thirty-nine appropriations, but did not item veto subsection 16(40) which provides for disposition of the "remaining revenues." The appropriations item vetoed total \$2,224,000, the largest of which is \$500,000 for a fee-based child day care program for public employees officed at or near the state capitol.

On June 1 the Governor transmitted Senate File 481 with his item veto message to the Secretary of State. In his veto message the Governor specifically addressed the disposition of the item-vetoed funds. He rejected the possibility that vetoed funds become part of the "remaining revenues" in the Lottery Fund which are appropriated in subsection 16(40) to the Iowa State Fair Foundation. The Governor asserts that he cannot be denied:

the authority to veto separate and distinct items in an appropriation bill. To accept that the legislature could devise a way to evade the Governor's veto of individual items by reappropriating disapproved items and making them part of an expenditure of funds for another purpose in the same bill would ignore this basic principle of item veto law. Further, the legislature's attempt to construct such a device results in an unconstitutional invasion of the Governor's line item-veto authority. [Veto Message to Secretary of State Pate, June 1, 1995.]

Ultimately, the Governor concluded that the total amount item vetoed remains in the Lottery Fund to be transferred and credited to the general fund at the end of this fiscal year as provided in chapter 1199, section 12, of the 1994 Iowa Acts.

In light of the veto message and the Governor's direction that the vetoed funds be transferred to the general fund, you ask us to determine the disposition of the funds. You inquire whether subsection 16(40) invades the Governor's item veto authority as asserted in the Governor's item veto message? Can the Governor order the item-vetoed funds transferred and credited to the general fund? If, in fact, subsection 40 invades the Governor's item veto authority, should the item-vetoed funds be transferred to the CLEAN Fund?

It is our opinion that the appropriation of "remaining revenues" to the Iowa State Fair Foundation in subsection 16(40) of Senate File 481 includes only those revenues that are left after deducting the amounts appropriated by the legislature in subsections 1 through 39. The funds item vetoed by the Governor

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remain in the Lottery Fund until further appropriated during the next legislative session. It is unnecessary, therefore, for us to determine whether subsection 16(40) invades the Governor's item veto power.

In 1985 the General Assembly passed the Iowa Lottery Act authorizing the creation and operation of a lottery. 1985 Iowa Acts, ch. 33, § 101. At that time a Lottery Fund was created in the office of the State Treasurer. 1985 Iowa Acts, ch. 33, § 120. All revenues received for the sale of lottery tickets or shares are deposited into this fund. Iowa Code § 99E.20(2) (1995).

Several specific statutes address the disposition of lottery revenues in this fund. Under section 99E.10(1) prizes that are paid to winning ticket holders are appropriated from the fund. Iowa Code § 99E.10(1) (1995). Section 99E.10 further provides for deductions from lottery revenues for a number of purposes, including deposits to support the Gamblers' Assistance Fund and payments of the expenses for conducting the lottery and enforcing the lottery laws. Iowa Code § 99E.10(1)(a), (c), (e) (1995).

In addition, for the fiscal year beginning July 1, 1993, thirty-three million dollars transferred to the general fund and \$500,000 was deposited into the Iowa State Fair Foundation Fund. Iowa Code § 99E.10(1)(e) (1995). Thereafter, for the fiscal period beginning July 1, 1994 and ending June 30, 1996, \$500,000 annually was to be deposited into the Iowa State Fair Foundation. Expenses for marketing, educational and informational material were capped at four percent of the lottery revenues. Lottery revenues remaining after expenses were determined were to transfer to the Environment, Agriculture, and Natural Resources (CLEAN) Fund on a monthly basis. Id. Section 99E.34 directed the State Treasurer to make allotments of money to separate accounts within the CLEAN Fund, including the Iowa Resources Enhancement and Protection Fund and the Soil Conservation Account. Iowa Code §§ 99E.34(1)(a)-(b) (1995).

In 1994 the General Assembly specifically overrode transfers to the CLEAN Fund by providing that:

notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all

lottery revenues received during the fiscal year beginning July 1, 1994, and ending June 30, 1995, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-fifth General Assembly, 1994 Session, shall not be transferred to and deposited into the CLEAN Fund but shall be transferred and credited to the general fund of the state.

1994 Iowa Acts, 75th G.A., ch. 1199, § 12. Under this language, lottery revenues received in the 1994-95 fiscal year and not otherwise deducted under section 99E.10(1) or appropriated under an act of the 1994 session of the General Assembly "shall be transferred and credited to the general fund." Accordingly, the revenues were redirected from the CLEAN Fund to the general fund.

Subsequently, in Senate File 481, the General Assembly further addressed the disposition of lottery revenues received during the 1994-95 fiscal year:

Notwithstanding 1994 Iowa Acts, chapter 1199, section 12, of the lottery revenues remaining after \$34,400,000 is transferred and credited to the general fund of the state during the fiscal year beginning July 1, 1994, the following amounts shall be transferred in descending priority order

S.F. 481, § 16. The forty specific appropriations - of which the Governor item vetoed twenty-seven - immediately follow.

We note there is no question that the item vetoes of the twenty-seven appropriations are valid. The appropriation of money is essentially a legislative function. Welden v. Ray, 229 N.W.2d 706, 709 (Iowa 1975). The legislature may both appropriate money and specify how the money shall be spent. Id. at 709. "[I]tem veto provisions are designed to increase the governor's role in overall budgetary management." Appel, Item Veto Litigation in Iowa: Marking the Boundaries Between Legislative and Executive Power, 41 Drake L. Rev. 1, 5-6 (1992). "The governor may approve appropriation bills in whole or in part, and may disapprove any item of an appropriation bill" Iowa Const. art. III, § 16, amend. 27. See Colton v. Branstad, 372 N.W.2d 184, 188 (Iowa 1985). The only issues for our resolution concern the disposition of the lottery funds for which the specific appropriations were item vetoed.

Ordinarily, a valid item veto of an appropriation renders the appropriation void. Rios v. Symington, 172 Ariz. 3, 11, 833 P.2d 20, 28 (1992); Stopczynski v. Governor, 92 Mich App. 191, 201, 285 N.W.2d 62, 66 (1979); Ruoff v. Rosellini, 55 Wash.2d. 554, 557, 348 P.2d 971, 972-73 (1960); 1977-78 Mich. OAG No. 5394. In other jurisdictions this impact on the vetoed appropriation is often expressly stated in the constitutional provision that authorizes the item veto. Although the Iowa Constitution does not expressly state that a valid item veto renders the appropriation "void," this is the ultimate result. Iowa Const., art. III, § 16, amend. 27 (only that part of the appropriation bill approved by the governor becomes law). See Welden v. Ray, 229 N.W.2d at 715 ("items" must be separate and severable parts of an appropriation bill).

Once an appropriation is voided by a veto, the item-vetoed funds are left "unappropriated" and the disposition of the funds is resolved by reference to the state statutes. See Rios v. Symington, at 11, 833 P.2d at 28. To determine the disposition of the item-vetoed funds in Senate File 481, therefore, it is necessary to construe those statutes governing the disposition of lottery revenues. Those statutes include sections 99E.10 and 99E.34 as well as the amendment to these sections in the 1994 Iowa Acts and the subsequent amendment to the 1994 Iowa Acts in Senate File 481 itself.

In order to construe the 1994 and 1995 amendments, we turn to principles of statutory construction. Consistent with the general rule that a statute should be read as a whole, the provisions introduced by an amendatory act should be read together with the parts of the original section that were left unchanged as if they had been enacted as one section. Effect should be given to each part and they should be interpreted so that they do not conflict. 1A Sutherland Statutory Construction, § 22.34 (5th Ed. 1992). Contra Women Aware v. Reagen, 331 N.W.2d 88, 91 (Iowa 1983) (where amending act rewrites a statute "to read as follows" provisions of the original statute not carried forward are deemed repealed). An act which purports to amend an existing statute is presumed to have a different meaning. 1A Sutherland Statutory Construction, at § 22.29; Palmer v. Board of Supervisors, 365 N.W.2d 35, 37 (Iowa 1985).

Applying these principles, we conclude that section 16 of Senate File 481 amended the 1994 Iowa Acts to change the disposition of "remaining" lottery revenues to the Iowa State Fair Foundation. Iowa Code section 99E.10 had provided for lottery revenues remaining after expenses were determined to transfer to the CLEAN Fund on a monthly basis. This was amended in 1994 when the General Assembly enacted chapter 1199, section 12, stating that lottery revenues after deductions and

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section 12, stating that lottery revenues after deductions and appropriations on June 30, 1995 "shall not be transferred to and deposited into the CLEAN Fund but shall be transferred and credited to the general fund of the state." 1994 Iowa Acts, ch. 1199, § 12. Finally, section 16 of Senate File 481 provided that, notwithstanding section 12, lottery revenues remaining after \$34,400,000 is transferred and credited to the general fund "shall be transferred in descending priority order" culminating under subsection 16(40) with the transfer of "the remaining revenues" to the Iowa State Fair Foundation. In our opinion, these legislative enactments constitute a progression of three changed locations for the lottery revenues: the CLEAN Fund, the general fund and, finally, the Iowa State Fair Foundation Fund.

We are unable to concur in the item veto message to the extent it asserts that principles of constitutional law underpinning the item veto authority justify transferring the item-vetoed funds to the general fund despite the most recent amendment to the 1994 Iowa Acts. The Iowa Supreme Court has recognized that in limited circumstances the legislature may unconstitutionally restrict the governor's item veto authority in drafting appropriations. In Welden v. Ray the Court expressed concerns about the use of "lump sum appropriations" in which amounts are appropriated to an agency in one lump sum followed by specific subdivisions itemizing expenditure of the lump sum in specified amounts for named purposes. In these circumstances the Court indicated a governor may not be required to veto the entire lump sum in order to item veto specific subdivisions. Welden v. Ray, 229 N.W.2d at 714. See 1988 Op. Att'y. Gen. 39, 41.

The Court has not addressed the issue raised in the item veto message, i.e., whether the legislature may thwart the budgetary impact of an item veto by redirecting item-vetoed funds to another purpose. We find it unnecessary to resolve this issue, because we do not construe Senate File 481 to redirect the item-vetoed funds to the Iowa State Fair Foundation. Like the appellate courts, we do not address constitutional questions when issues may be resolved on statutory grounds. Diehl v. Beer and Liquor Control Department, 422 N.W.2d 480, 481 (Iowa 1988); 1982 Op. Att'y. Gen. 527, 529.

In our view, appropriation of the "remaining revenues" to the Iowa State Fair Foundation does not encompass the funds left unappropriated by the twenty-seven item vetoes. In construing the meaning of the terms "remaining revenues" the goal is to ascertain and give effect to the legislative intent. H & Z Vending v. Department of Inspections and Appeals, 511 N.W.2d 397, 398 (Iowa 1994). Three factors persuade us that the legislature intended "remaining revenues" to include only those revenues

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which are left in the Lottery Fund after deduction of the preceding thirty-nine appropriations.

First, the term "remaining" is a relative, qualifying term limiting the revenues appropriated to the Iowa State Fair Foundation. Generally, relative or qualifying words refer only to the immediately preceding antecedent unless a contrary legislative intent appears. Department of Transportation v. General Electric Credit Corporation, 448 N.W.2d 335, 345 (Iowa 1989). Applying this principle, "remaining revenues" should only include those revenues - if any - left after the last of the preceding appropriations. This is a more narrow reference than a reference to the recapture of any funds left unappropriated following an item veto.

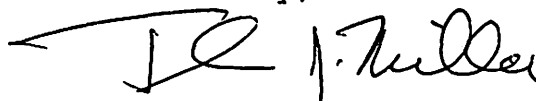
Second, the General Assembly has used different terms when transferring unappropriated lottery funds at the end of the fiscal year. Section 99E.32, repealed in 1994, had provided for the State Treasurer to make allotments into separate accounts from the Iowa Plan Fund for economic development. Iowa Code § 99E.32 (1993). Section 7 included a nonreversion provision. Iowa Code § 99E.32(7) (1993). Specifically overriding the nonreversion language in 1991, the General Assembly stated that "all funds in the surplus account of the Iowa plan fund that remain unappropriated on June 30, 1991, shall be transferred to the general fund of the state." 1991 Iowa Acts, ch. 260, § 1006. The use of this language in 1991 to transfer the entire balance of the account significantly differs from the terms "remaining revenue."

Third, this resolution of the disposition of the item-vetoed funds strikes a desirable balance between the powers of the executive and legislative branches. Although we have expressed no view on the merits of the claim that section 16 of Senate File 481 as drafted invades the governor's item veto power, we do not foreclose the possibility that this drafting mechanism could present constitutional issues in some circumstances. Statutes should be construed to avoid unconstitutional results. Knepper v. Monticello State Bank, 450 N.W.2d 833, 838 (Iowa 1990); Bevel v. Civil Service Commission, 426 N.W.2d 380, 382 (Iowa 1990). Our construction of the "remaining revenues" in subsection 16(40) avoids this issue. Under our construction of the language the General Assembly clearly provides for the expenditure of state funds through prioritized, specific appropriations while the Governor retains his role in overall budgetary management by blocking the spending of state funds through exercise of his item veto authority.

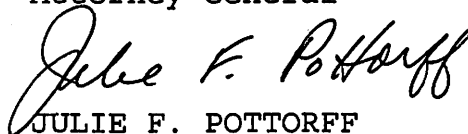
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In summary, it is our opinion that the appropriation of "remaining revenues" to the Iowa State Fair Foundation in subsection 16(40) of Senate File 481 includes only those revenues that are left after deducting the amounts appropriated by the legislature in subsections 1 through 39. The funds item vetoed by the Governor remain in the Lottery Fund until further appropriated during the next legislative session. It is unnecessary, therefore, for us to determine whether subsection 16(40) invades the Governor's item veto power.

Sincerely,



THOMAS J. MILLER
Attorney General



JULIE F. POTTORFF
Deputy Attorney General

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JULIE E. LIVERS
LEGISLATIVE INFORMATION OFFICE DIRECTOR

June 8, 1995

MEMORANDUM

TO: CHAIRPERSON CORBETT, VICE CHAIRPERSON HORN, AND MEMBERS OF THE LEGISLATIVE COUNCIL

FROM: DIANE BOLENDER, DIRECTOR *DB*

RE: JUNE LEGISLATIVE COUNCIL COMMITTEE MEETINGS

The June Legislative Council and Council Committee meetings are scheduled for Wednesday, June 14, 1995, at the State Capitol in Des Moines. Meetings are scheduled in Committee Room 22 as follows:

10:00 a.m.	Service Committee
11:00 a.m.	Administration Committee
1:00 p.m.	Studies Committee
1:30 p.m.	Legislative Council

Tentative agendas for the meetings and minutes of the May meeting of the Legislative Council are enclosed, as well as the minutes of the Computer User Policy Direction Committee.

Please notify the Legislative Service Bureau if you will be unable to attend the meeting.

GENERAL ASSEMBLY OF IOWA

LEGAL COUNSELS

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Mary M. Carr
Edwin G. Cook
Susan E. Crowley
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June 14, 1995

MEMORANDUM

TO: CHAIRPERSON CORBETT, VICE CHAIRPERSON HORN, AND MEMBERS OF THE LEGISLATIVE COUNCIL

FROM: DIANE BOLENDER *DB*

RE: PRICING FOR PUBLICATIONS

Attached is a memorandum from Kristi Little, Superintendent of Printing, Department of General Services, in which she recommends percentage increases in the pricing of certain legislative publications for the fiscal year beginning July 1, 1995.

She recommends an increase of 3% in the price for subscription to the Iowa Administrative Bulletin, which would increase the price from \$221 to \$228, plus sales tax.

She recommends an increase of 5% in the price for subscription to the Iowa Administrative Code Supplement, which would increase the price from \$350 to \$367, plus sales tax.

She recommends an increase of 5% in the price for subscription to the Iowa Court Rules Supplement, which would increase the price from \$68 to \$72, plus sales tax.




TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF GENERAL SERVICES
JANET E. PHIPPS, DIRECTOR

MEMORANDUM

TO: Diane Bolender, Director
Legislative Service Bureau

FROM:  Kristi Little, Superintendent
Department of General Services
Printing and Records Management

DATE: June 13, 1995

SUBJECT: Publications

We have reviewed the printing costs for 1994-1995 Legislative Service Bureau publications. This past year paper prices have increased, the pricing received from Wallace Homestead reflects a 1% increase. Additionally, effective January 1995, the United State Postal Service increased postage rates.

We may wish to review the current traditional offset printing process verses "on demand" publishing, as a way of reducing cost. We must increase the number of binders per base set, our recommendation is to increase to 22 from the current 18, it is hard for users to work with.

Based on the information reported, and the above outlined increases, recommended renewal prices are as

follows: IOWA ADMINISTRATIVE BULLETIN: 3% INCREASE
IOWA ADMINISTRATIVE CODE SUPPLEMENT: 5% INCREASE
IOWA COURT RULES: 5% INCREASE

Please advise on Council concurrence.

I. CONFIDENTIALITY POLICIES RELATING TO BILL DRAFT, AMENDMENT, AND RESEARCH REQUESTS AND FILES

A. Confidentiality of Drafting and Research Requests

1. **Bill Drafts and Research.** The drafting of bills and preparation of research may be requested confidentially or nonconfidentially. If the requester does not indicate in any way that the request should be considered a confidential request, the request will be considered a nonconfidential request.
 - a. **Confidential Requests.** A confidential request means that the Legislative Service Bureau will not list the request in the index of bill or research requests, will not release any information in regard to the request, and will not send the bill draft to the Legislative Fiscal Bureau for fiscal note review unless specifically requested to do so. For confidential requests, only Legislative Service Bureau personnel processing, assigning, drafting, and reviewing the bill draft or research will be aware that the request has been made to the Bureau. No information relating to a confidential request will be released and the existence of the request will not be acknowledged by the Legislative Service Bureau.
 - b. **Nonconfidential Requests.** A nonconfidential request means that the Legislative Service Bureau will list the request in the index of bill or research requests, and will release the name of the requester, a working title for the bill draft or research request, and the general subject matter classification of the request. This information is considered public information.
2. **Amendments.** All drafting requests for amendments are considered confidential and no information relating to such requests will be released unless the release is authorized by the requester. An index of amendment requests is not maintained by the Legislative Service Bureau.

B. Confidentiality of the Contents of Drafting and Research Requests and Files Prior to Introduction, Filing, Prefiling, or Formal Public Release

1. **Contents of Requests.** The Legislative Service Bureau considers the contents of requests for bills, amendments, and research to be confidential. Therefore, any documents submitted with a bill draft, amendment, or research request are generally not available to the public.
2. **Contents of Files.** In addition to the confidentiality status of the contents of requests, information used for drafting a bill or amendment or preparing research is generally not available to the public. The information and the documents submitted with a request are retained in the drafting or research file or by the drafter, are considered the property of the Legislative Service

Bureau and the requester, and are available to Legislative Service Bureau personnel and the requester only. The information and documents are considered working papers, as are any preliminary drafts or research in the drafting or research files or in the possession of the drafter. This confidentiality policy affords the requester the absolute right, prior to release of any information related to the draft or research, to review the draft or research to determine if the draft or research accomplishes the objectives desired by the requester and should be released.

3. **Release of Contents.** The contents of bill, amendment, and research requests and files can be made public or released to a specific individual only with the oral or written approval of the requester. The contents may also be released to a person working with the Legislative Service Bureau on behalf of the requester, whether the request was made confidentially or nonconfidentially. On occasion it is necessary for the Legislative Service Bureau drafter or researcher to seek additional sources of information to fully understand the problem to be resolved or to take into consideration other factors involved in resolving the problem addressed by the request. If such additional information sources are necessary, the drafter or researcher must exercise good judgment and discretion in order not to divulge the identity of the requester or the objectives of the request, unless the drafter or researcher has obtained prior approval from the requester to divulge this information. In gathering information, the drafter or researcher should generally not identify the request or requester but rather approach information sources by informing them of the need for the Legislature to gain access to the information being sought.

C. Confidentiality of the Contents of Drafting and Research Files After Introduction, Filing, Prefiling, or Formal Public Release

1. **Bill Drafting Files.** After a bill draft has been introduced and given a Senate or House file number, prefiled for introduction, filed as a Senate or House study bill, or presented to a formal meeting of a standing or interim study committee or a formal subcommittee of such a committee, the text of the bill draft is available to the public. In addition, technical drafting information may be released by the drafter, such as references to other statutes upon which a bill draft may be based, reasons for choice of language, reasons for placement of codified language, references to related statutes, and references to relevant court cases and constitutional provisions. However, working papers used in bill draft preparation, including preliminary drafts, are not publicly available. Background information, such as details of the bill draft request's origination, nontechnical details of the drafting process, and the identity of persons authorized by the requester to work with the Legislative Service Bureau, is not to be released. Such working papers and

background information may be released, however, with the oral or written permission of the requester or if the specific document or information has otherwise become public information.

2. Amendments. The Legislative Service Bureau does not maintain formal files for the drafting of amendments. After an amendment is filed and given a Senate or House number, the text of the amendment is available to the public. In addition, technical drafting information may be released by the drafter, such as references to other statutes upon which an amendment may be based, reasons for placement of codified language, references to related statutes, and references to relevant court cases and constitutional provisions. However, working papers used in amendment preparation, including preliminary drafts, are not publicly available. Background information, such as details of the amendment request's origination, nontechnical details of the drafting process, and the identity of persons authorized by the ~~requester~~requester to work with the Legislative Service Bureau, is also not to be released. Such working papers and background information may be released, however, with the oral or written permission of the ~~requester~~requester or if the specific document or information has otherwise become public information.
3. Research Files. Since research is not formally introduced or filed, the Legislative Service Bureau only releases research information or findings with the oral or written permission of the ~~requester~~requester or if the specific research information or findings have otherwise become public information.

D. Confidentiality of Historical Bill Drafting Files, Amendments, and Research Files

1. Past Legislative Service Bureau Policy
 - a. Bill Drafting Files and Amendments. The Legislative Service Bureau's procedure in place until 1991 provided that before the convening of a General Assembly in the odd-numbered year, all bill drafting files for the next-to-the-last General Assembly were boxed and sent to the State Archives, and all amendments for the ~~same~~next-to-last General Assembly were destroyed. Thus, for example, in October and November 1990, before the convening of the Seventy-fourth General Assembly in January 1991, all bill drafting files for the Seventy-second General Assembly (1987 and 1988 Sessions) were boxed and sent to the State Archives, and all amendments for the Seventy-second General Assembly were destroyed. Past policy has allowed access by the public to these bill drafting files in the custody of the State Archives, except for those files sent to the State Archives in the last few years which have been clearly marked confidential.

- b. **Research Files.** Research files have always been retained by the Legislative Service Bureau and have never been sent to the State Archives. The Legislative Service Bureau only releases research information or findings with the oral or written permission of the ~~requestor~~requester or if the specific research information or findings have otherwise become public information.

2. **Current and ~~Future~~ Legislative Service Bureau Policy**

- a. **Bill Drafting Files.** Beginning with the bill drafting files for the Seventy-third General Assembly (1989 and 1990 Sessions), the Legislative Service Bureau's procedure ~~shall be~~is that before the convening of a General Assembly in the odd-numbered year, all bill drafting files for the next-to-the-last General Assembly for bill drafts which were introduced, filed, prefiled, or formally publicly released, whether requested confidentially or nonconfidentially, and all other nonconfidentially requested bill drafting files, will be boxed and sent to the State Archives. The public will be allowed access to these files in the custody of the State Archives. Bill drafting files which were confidentially requested and were not introduced, filed, prefiled, or formally publicly released will not be sent to the State Archives but will be retained by the Legislative Service Bureau for an additional two years and then destroyed.
- b. **Research Files.** Beginning with the research files for the Seventy-third General Assembly (1989 and 1990 Sessions), the Legislative Service Bureau's procedure ~~shall be~~is that before the convening of a General Assembly in the odd-numbered year, all research files which were requested confidentially by legislators for the next-to-the-last General Assembly will be retained by the Legislative Service Bureau for an additional two years and then destroyed. Other research files will be selectively retained or destroyed. Major research files requested nonconfidentially by legislators or requested by others may, at the discretion of the Legislative Service Bureau, be boxed and sent to the State Archives. The public will be allowed access to these files in the custody of the State Archives.

Research files maintained by the Legislative Service Bureau for general assemblies prior to the Seventy-third General Assembly (1988 Session and prior sessions) will be selectively retained or destroyed. Major research files may, at the discretion of the Legislative Service Bureau, be retained by the Bureau in the Bureau's legislative library. The public will be allowed access to such files which have been designated nonconfidential.

- c. **Amendments.** Beginning with the amendments drafted for the Seventy-third General Assembly (1989 and 1990 Sessions), the Legislative Service Bureau's procedure shall be that before the convening of a General Assembly in the odd-numbered year, all amendments for the next-to-the-last General Assembly will be destroyed.

3. Confidentiality Policy Chart

Time Period	Nonconfidential Request	Confidential Request
I. After Request but before Introduction, Filing, Prefiling, or Formal Public Release	<p>I. The following information may be released:</p> <p>A. Name of requester.</p> <p>B. Working title of request.</p> <p>C. General subject matter classification of request.</p>	<p>I. Absolutely no information may be released, not even whether a request has been made.</p>
II. After Introduction, Filing, Prefiling, or Formal Public Release	<p>II. A. The following information may be released:</p> <p>1. Text of <u>bill or amendment</u> draft.</p> <p>2. Technical drafting information such as references to other statutes upon which bill draft may be based, reasons for choice of language, reasons for placement of codified language, references to related statutes, and references to relevant court cases and constitutional provisions.</p> <p>B. The following information shall not be released, unless the requester orally or in writing grants permission to release the information or if the specific information has otherwise become public information:</p> <p>1. Working papers used in <u>bill or amendment</u> preparation, including preliminary drafts.</p> <p>2. Background information such as details of the request's origination and non-technical details of the drafting process.</p> <p>3. The identity of persons authorized by the requester to work with the Legislative Service Bureau.</p>	<p>II. Same as for nonconfidential request.</p>
III. After Delivery to the State Archives	<p>III. A. The past policy (<u>pre-1989</u>) is that the contents of all bill drafting files are available to the public at the State Archives.</p> <p>B. The proposed<u>current</u> policy is that the contents of all bill drafting files for bills which were requested nonconfidentially are available to the public at the State Archives.</p>	<p>III. A. The past policy (<u>pre-1989</u>) is that the contents of all bill drafting files are available to the public at the State Archives, except for those files sent to the State Archives in the last few years which have been clearly marked confidential.</p> <p>B. The proposed<u>current</u> policy is that the content of all bill drafting files for bills which were introduced, filed, prefiled, or formally publicly released are available to the public at the State Archives. Bill drafting files for bills which were <u>requested confidentially and were not introduced, filed, prefiled, or formally publicly</u></p>

	released will not be available to the public but will be retained by the Legislative Service Bureau for an additional two years and then destroyed.
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