Model Code of Conduct for Legislative Staff


Preamble
In recognition of the importance of staff to the mission of the legislative branch of state government and of the value of excellence and professionalism in staff performance, the National Conference of State Legislatures adopts this code as a model to guide the conduct of staff members of state legislatures. This guidance is divided into five Articles, which include:
- General Principles of Conduct
- Obligations of Legislative Staff to Legislators
- Obligations of Legislative Staff to Each Other
- Obligations of Legislative Staff to the Public
- Legislative Staff Expectations of the Legislature

Statement of Intent
Section 1. This code is intended to express an ideal for and provide guidance to all persons who serve as legislative staff members. It is also intended to be a model for adoption by each state legislature, which may modify it. The code contains no recommendations for enforcement. That is a matter for consideration by any legislative body or staff agency that adopts it or uses it as a basis for its own code.

Section 2. This code is intended to apply to all legislative staff members, regardless of their work assignment or responsibility. The variety of staff functions and of staffing structures within which legislative staff members serve the legislature requires that they interpret the obligations of this code from a variety of perspectives. It is particularly important whether a staff member works primarily or exclusively for an individual legislator, for a committee, for a partisan or other caucus, for a chamber, or for the whole legislative institution.

Section 3. This code is intended to supplement existing codes to which legislative staff members may already be subject. Obligations that staff members have under these codes, including various professional codes, are recognized and fully accepted.

Section 4. This code is intended to support the sense of personal responsibility that legislative staff members feel for their own actions. Reasonable people may disagree on the particulars of a code of conduct for legislative staff. The circumstances of life and work present conflicts and hard choices. Legislative staff members have the ultimate responsibility to make the day-to-day judgments necessary for this code to guide their service to the state legislature.
Article 1. General Principles of Conduct for Legislative Staff

Public Servant
Section 1. A legislative staff member is a public servant. The broad purpose of a staff member’s work is to assist the state legislature in promoting the common good of the citizens of the state. Comment: As employees of the government, staff members have placed their talents and efforts in the service of the common good. As stewards of public resources, staff members are responsible for ensuring that these resources are used to promote the public good, not their own private good.

Loyal to the Legislative Branch
Section 2. Legislative staff members have an obligation to be loyal to the legislature as an institution. The mission of the state legislature is to represent the people in deliberating and deciding about matters affecting the common good. The mission of legislative staff members and the purpose of their public service is to support the state legislature in its mission. Any action or inaction that could bring disrepute to, or infringe upon the authority of, the legislative branch of government or the principle of representative government conflicts with this service.

Comment: The word “staff” refers to an object used for support. The mission of legislative staff members is to support the state legislature in making laws and allocating public resources for the common good of the people of a state. The people of the state have delegated this power to the state legislature.

Trustworthy
Section 3. A legislative staff member stands in a relationship of trust, confidence, and responsibility to the state legislature and has the duty to act in a way that makes the staff member worthy of the trust and confidence the state legislature places in staff members.

Comment: Staff members stand in a special relationship to legislators. As staff members they are entrusted with various tasks that give them an important role in the process by which decisions for the common good are made by the legislature. In performing these tasks, staff members are expected to give the legislature the full benefit of their knowledge and skills without usurping the authority to make legislative decisions, which has been exclusively delegated to legislators. To be worthy of this special relation of trust--to be trustworthy--a legislative staff member must meet certain obligations to legislators, colleagues, and the general public.

Ethical
Behaving in accordance with ethical principles is a matter of personal and organizational responsibility. Additionally, government ethics laws and regulations and other ethical requirements or codes of professional conduct may also be applicable to legislative staff.

Comment: The ethical tone maintained and demonstrated by legislative staff is an essential element of a positive ethical environment for the legislature. Legislative staff, along with legislators, help set the tone for ethical behavior throughout the legislature by maintaining an ethical culture, clearly communicating acceptable behavior and expectations, and creating an environment that reinforces and encourages ethical behavior throughout all levels of the organization.
Civil
A legislative staff member respects the rights of individuals to hold different opinions, and speaks truthfully without accusation or distortion, and avoids heightened rhetoric when serving the legislature.

Comment: A legislative staff member who demonstrates civility chooses words carefully and understands that staff actions or communications reflect directly upon legislators and, ultimately, upon the legislative institution. Civility requires an acknowledgement of opposing views and the right of others to hold those views. It does not suggest or require acceptance or agreement with those opinions. A civil staff member understands that attempts to distort the opinions or reputations of others oftentimes result in a reciprocal effect upon the institution. A civil legislative staff member is careful to remain civil in the staff member’s own interactions, and thus serve as a positive example of maintaining and promoting civility within the legislative institution.

Article II. Obligations of Legislative Staff Members to Legislators

Honest
Section 1. A staff member demonstrates the highest standard of honesty and personal integrity in all of the staff member’s work for the state legislature.

Comment: An honest staff member is consistently truthful and straightforward in all communications with legislators and other staff members with whom the staff member interacts. Direct and honest communication with legislators and other staff members helps to build a reputation of objectivity and credibility. A staff member understands that dishonesty in any aspect of the staff member’s life, including in personal relationships with other staff members or legislators, calls into doubt the staff member’s honesty in work and can also harm the legislature’s reputation. An honest staff member does not use employment for personal gain or fail to give full effort for pay received.

Discreet
Section 2. A legislative staff member is discreet in what he or she reveals about work done for any legislator and, subject to the law and in accordance with custom or policy of a legislative body or agency, maintains confidentiality of communications between the staff member and any legislator.

Comment: Discretion includes knowing when information is confidential and treating it as such, when carrying out a request must necessarily involve revealing some information, and when not to speak about nonconfidential matters both within and outside the legislative context. Because many legislative staff members work for more than one legislator, including working on a single project or piece of legislation for legislators with opposing objectives, it is imperative the staff member maintain a wall of confidentiality between work for individual legislators. The expectations of leaders that they be kept informed can place staff members in difficult situations. Legislatures must clarify the staff obligation to maintain confidentiality and to whom the staff member owes a duty in order to minimize conflict between duties.

Candid
Section 3. A legislative staff member provides candid advice to legislators on matters of policy and procedure within the staff member’s areas of work responsibility.
Comment: Candor is the full sharing of one’s knowledge, in the form of information and advice, with a legislator who needs it in order to make an informed decision. The ability of a legislator to make a good decision may be lessened if a staff member fails to give the legislator the full benefit of his or her expertise. Although the obligation to be candid is clearest when a legislator asks for information or advice, it may also apply when a staff member is not asked. Great care needs to be exercised when advice or information has not been asked for, but relevant knowledge should be offered. Once the offer is made, a staff member does not have a duty to advocate or seek another forum, unless advocacy is his or her specific responsibility. A staff member’s duty to give advice and information to a particular legislator depends upon for whom the staff member specifically works. But regardless of this circumstance, a staff member is obliged to accurately inform any legislator of what services the legislator can expect from the staff member. The obligation to be candid may give rise to tension with the obligation to be discreet, but the obligations do not contradict each other. The distinction is that, in being candid, a staff member gives each legislator who can request the staff member’s services the full benefit of the staff member’s broad disciplinary knowledge and skills; in being discreet a staff member holds communications with legislators in confidence, when appropriate.

Objective
Section 4. A legislative staff member provides objective advice, information, and alternatives to legislators, independent of the staff member’s personal beliefs or interests or the interests of third parties. A trustworthy staff member avoids activities that conflict with this objectivity or give the appearance of conflict.

Comment: It is not expected that a staff member will have no personal beliefs regarding public policy. What is expected is that the staff member will not let those personal beliefs be limiting, but rather will be open to alternatives and committed to being comprehensive and objective in presenting information and providing support in a professional manner. Certain activities can make it difficult for a staff member to be objective or can give the appearance that the staff member is not objective. In public service, this appearance can undermine public confidence in the legislature and compromise the effectiveness of staff members. Because it can be difficult to determine which activities give the appearance of conflicting with objectivity and reasonable people may disagree, staff members and their legislative employers have the obligation to carefully assess the effect of such activities as accepting gifts or favors from persons with an interest in the legislative process; of taking an active or leadership role in an organization that attempts to influence the legislature; and of entering into conversation about potential employment with an entity that has an interest in the legislative process. Similarly, staff members and their legislative employers must evaluate any outside employment by full-time staff members for its potential to compromise objectivity as well as to weaken diligence.

Competent
Section 5. A competent legislative staff member strives to acquire and maintain the knowledge and skills necessary to do the work the staff member is expected to do and recognizes when to seek assistance from others.

Comment: To support the legislature in its mission, staff members must be competent. A staff member needs to be aware of the staff member’s kind and degree of expertise, to be forthright with legislators about what the staff member can do, to know when to seek assistance, and to take every opportunity to continue to learn.
Diligent
Section 6. A diligent legislative staff member gives a hard-working effort to each work task, uses available time in a productive and efficient manner, and completes work in the timeliest fashion possible.

Comment: Diligence is the application of full effort to the performance of one’s work. The demands of the legislative process often make it difficult for a staff member to be as careful and thorough as the staff member would like to be in completing a task. It may be appropriate to inform a legislator of the constraints of time or resources and to discuss what can reasonably be accomplished. The obligation of diligence requires that the staff member do the best work in the time and with the resources available.

Fair
Section 7. A fair legislative staff member treats all legislators with equal respect and provides services of equal quality and effort to all legislators to whom the staff member is responsible.

Comment: By virtue of their office, all legislators deserve respectful and dignified treatment by all legislative staff members. All legislators who have the right to ask for and receive services from a staff member expect that a diligent effort will be forthcoming and will not be lacking due to the legislator’s political or religious beliefs, age, race, ethnic origin, sex, or physical ability.

Article III. Obligations of Legislative Staff Members to Each Other

Respectful
Section 1. A legislative staff member treats all fellow legislative staff members with respect and appreciates the pressures they work under and the difficulty of some of the choices they must make.

Comment: Because legislative staff members are in the best position to understand the circumstances of other legislative staff members and to know the obligations they are under, they have a strong obligation to be considerate of each other.

Supportive
Section 2. A legislative staff member supports the efforts of fellow legislative staff members to meet their obligations and perform their work and is willing to operate as part of a team when appropriate.

Comment: For a staff member to fail to support a colleague, or to work against a colleague’s efforts to perform work, is to lessen the ability of the staff as a whole to perform its work for the legislature. Staff members often work on opposite sides of an issue or for legislators who oppose each other, but this does not require that they seek to harm a colleague’s reputation, question a colleague’s motives, or affect the terms of a colleague’s employment. Indeed, because staff members depend on each other for assistance and support, the obligations to be honest, discreet, candid, objective, competent, diligent, and fair apply in their relations to each other as well as in their relations to legislators.

Article IV. Obligations of Legislative Staff Members to the Public

Courteous
Section 1. A legislative staff member is courteous to all members of the public with whom the staff member interacts in the staff member’s work.
Comment: Some legislative staff members are hired to provide direct services to the public; many others will from time to time have direct contact with the public. As government employees, staff members should respect the need of members of the general public, the press, members of other governmental agencies, and lobbyists to have information about the legislature. Subject to legal and policy guidelines, a staff member should attempt to meet that need by helping persons find the information or assistance they seek.

Law-Abiding
Section 2. A legislative staff member is law-abiding. The staff member encourages lawfulness in the activities of all participants in the legislative process.

Comment: A legislative staff member has the same obligation as any citizen in this regard. But because of the position the staff member holds as the employee of a law-making organization, the staff member is subject to a high standard of knowledge and conduct. If a staff member is directly aware of unlawful activities which involve the legislative process, it is consistent with this code for the staff member to pursue appropriate channels, subject to other codes and obligations.

Article V. Staff Expectations of the Legislature

Supportive
Section 1. Legislative staff members expect that legislators will support their work activities.

Comment: In placing their knowledge and skills at the service of the legislature and in committing themselves to be trustworthy servants of the legislature, legislative staff members rightfully expect that the legislature will clarify staff responsibilities and will support staff members in fulfilling their obligations under this code of conduct.

Professionalism
Section 2. Legislative staff members expect that legislators will treat them as professionals in fulfilling their work activities and responsibilities.

Comments: Legislative staff provide a variety of activities and responsibilities for the legislature. Legislative staff expect that following this Code of Conduct demonstrates the competence or skill expected for their profession. In return for following this Code, legislative staff members earn the right to be treated as professionals by their legislators.

For more information contact NCSL at (303) 364-7700 or ncsl.org.