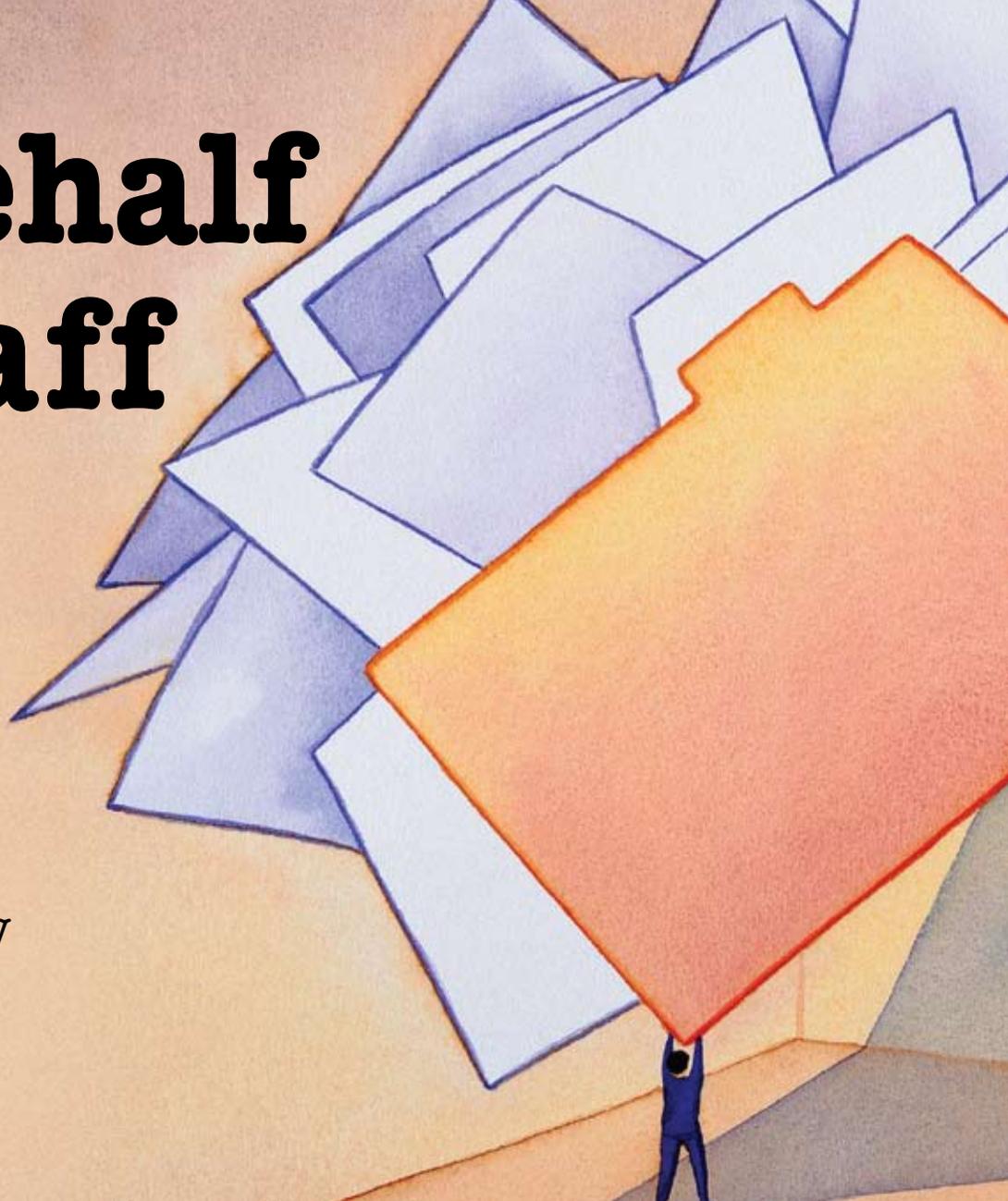


On Behalf of Staff

Human resources departments have sprung up in legislatures in the past decade, but they need the support of leaders to be truly effective.



BY BRIAN WEBERG

When the Oregon legislature hired Lore Christopher as its first full-time, professional human resources director 14 years ago, she didn't know what she was getting into—or that she was a trendsetter.

Christopher arrived at her new workplace to discover a hodgepodge of personnel authorities and practices distributed among the four legislative staff agencies, the partisan caucuses, the chamber staff and the leadership offices. She also arrived with 15 years of human resource management experience in the private sector, a B.A. in HR man-

Brian Weberg directs NCSL's Legislative Management program.

agement, an M.A. in public administration and certification as a senior professional in human resource management.

"The first thing I said to them was, 'This will get us sued,'" Christopher says, referring to the many layers of personnel policies and practices. She and the managers of each staff agency worked together for 20 months to create a uniform HR program.

"That one action," says Christopher, "reduced the risk and liability of employment practice inconsistency and enabled me to better support the legislative branch as a whole."

Christopher's efforts mirror what's happened in most legislatures across nation. At the close of the 20th century, state legislatures ended a significant period of institutional transformation when they largely stopped adding staff to their ranks. Since

the mid-1990s, the number of full-time staff employed by the 50 state legislatures has held at about 28,000. Before then, however, many legislatures had been in full-tilt hiring mode, adding professional staff to help with bill drafting, policy research, committee work, performance evaluation, budget analysis, media relations, computer applications, security, office assistance and political counsel.

With few exceptions, by the late 1990s every legislature employed hundreds or even thousands of staff, but very few of them had any formal plans, policies or procedures for staff recruitment, pay, promotion, training or compliance with state and federal employment laws. It was the wild, wild West of state government employment, with lots of deputies enforcing unwritten rules in an atmo-

These are the elements of an effective legislative HR program:

- ◆ Professional HR director and staff to develop and administer personnel policies and programs.
- ◆ Market-based compensation plan with job classification system based on job content.
- ◆ Personnel policies that establish key conditions of employment, such as leave, compensation, benefits, prohibited activities, workplace harassment, ethics, at-will status, and applicable state and local employment laws.
- ◆ Personnel manual distributed to every employee—hard copy and electronic—that contains all relevant personnel policies.
- ◆ Payroll and accounting function, which is sometimes outsourced to a state agency.
- ◆ Professional development and training, including new staff orientation programs.
- ◆ Performance evaluation process to guide employees' progress and promotion, and to identify and document problems.
- ◆ Strategic issues development, which includes recruitment and retention of talented staff, diversity initiatives and succession planning.
- ◆ Clear and consistent communication of HR policies and programs to all employees.
- ◆ Leadership endorsement and support for HR programs, policies and personnel.

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LORE CHRISTOPHER, HUMAN RESOURCES DIRECTOR, OREGON LEGISLATIVE ASSEMBLY

sphere of misinformation and legal naiveté. Legislatures, from an employer's point of view, were at risk. They also were not thinking strategically about their most precious asset—their staff.

Fortunately, most legislatures began investing in more formal, focused human resource management personnel and infrastructure. The title “Human Resources Director” began showing up on an increasing number of legislative staff rosters.

FEAR OF PAPERWORK

This trend was not necessarily well-received everywhere, however.

Some staff directors and lawmakers were wary of efforts to formalize pay plans and document personnel policies for fear these practices would jeopardize flexibility and generate layers of useless paperwork.

Documentation of employee performance—a fundamental practice in human resource management—was particularly difficult to introduce and adapt to the legislative environment. Managers resisted the practice, citing the difficulty of setting meaningful, measurable performance standards for legislative work. And in some legislatures, the closest thing to a personnel manual was a collection of mostly forgotten memos tucked away in a staff director's side drawer. Com-

ing up with a uniform, consistently applied, legally compliant HR plan met no shortage of obstacles.

Jim Tracy, who started working at the Connecticut General Assembly in 1973 as an administrative assistant, is now the personnel administrator.

“The HR field was pretty straightforward when I started working in it in the 1970s. However, it has gotten terribly complicated,” Tracy says. “It's imperative to have a professional HR staff that can provide legislators and managers with advice on how to handle difficult situations.”

Today, most of the “start-up” challenges for legislative HR directors have been met, but in some legislatures many HR bridges remain uncrossed. Even in legislatures with fully realized HR programs, getting leaders

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CONNECTICUT GENERAL



support is crucial.

Maine’s Debby Olken, who became the Legislature’s first professional HR director six years ago, says “leaders saw the complexity of HR issues and decided they needed a professional to assist them.”

But in some legislatures, leadership support can be fleeting or sporadic. Evolving legal requirements and employment law precedents require constant monitoring, policy retooling and new training—all within an institution that each year seems to become more politically charged and unpredictable.

HR staff must tune into all these channels while also trying to design, implement, enforce and encourage programs and practices that members and staff believe yield real benefits.

FRIENDS AND FAMILY

One of the toughest, most complicated legislative HR challenges occurs in states where members have personal staff. These staff often are friends, former campaign workers or in some legislatures even family members of the legislator. In most of these legislatures, members make most of the decisions about how their staff are hired, paid, assigned, disciplined and fired. To an HR professional, this is a potential recipe for disaster.

“Each of the 163 members is a supervisor, but many have limited training or experience in the dos and don’ts of hiring and firing employees,” says Carol Althoff, director of human resources for the Missouri House.

Alaska’s human resource manager, Skiff Lobaugh adds, “There is a big difference between being an employee and being a friend,

and sometimes those lines get blurred.”

When personal staff are part of the legislative employment mix, the institution has literally hundreds of employers. In the Maryland General Assembly, Lori Mathis leads a team of nine HR specialists that counts among its duties a significant role providing HR services to members’ offices.

“The members and institution both benefit by having these services ‘outsourced’ to us,” says Mathis. “When legislators are freed from providing personnel services to their staff, it allows them to focus their efforts on policymaking.”

CONSISTENCY, CONSISTENCY

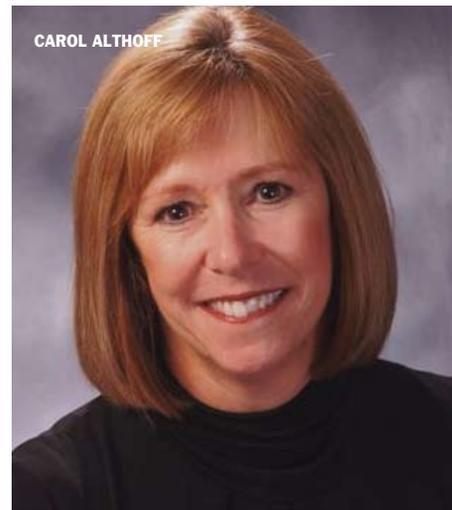
Consistent personnel policies, procedures and pay plans that are consistently administered are an important first step. Disparate policies or treatment of employees—



LORE CHRISTOPHER



DEBBY OLKEN



CAROL ALTHOFF

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SKIFF LOBAUGH, HUMAN RESOURCES MANAGER,
ALASKA LEGISLATURE

especially around matters of discipline and discharge—open organizations to charges of unfair or discriminatory workplace practices.

“We get employees who make formal complaints, and it’s important that our policies be consistent,” says Paul Nichols, director of human resources for the Florida Legislature. “It’s better from a legal perspective and for defending the Legislature.”

Consistent policies and procedures not only reduce potential liability but, perhaps more important, promote a sense of fairness and equity in the workplace. Staff are more content and productive when they know that everyone is held to the same standards for pay, performance, promotion and behavior. This may be especially true in an at-work environment—a condition of employment common in all 50 state legislatures.

“It deteriorates morale when staff are treated differently and wreaks havoc on the organization,” says Althoff.

Oregon’s Christopher agrees, saying “consistency is rule No. 1 for HR policy.”

THE PAPER TRAIL

Documentation of personnel rules, decisions, procedures and employee performance is fundamental to successful HR programs. Clearly written policies and procedures

that are explained to staff not only protect the institution, but also are the friend of the employee. NCSL has worked with legislatures for decades on a variety of personnel issues and learned the vast majority of legislative staff say the following documents help make them better employees:

- ◆ A job description that outlines their key responsibilities and expectations.
- ◆ A review of their performance and feedback on how they are doing, and where they need to improve.
- ◆ Clear and accessible policies about workplace conduct and conditions of employment.

The approach also creates a paper trail employers need when they decide to discipline or terminate an employee, or when their decisions are challenged. Lawyers will ask to see it. Legislatures that can produce the documentation and show consistent application of HR practices vastly improve the odds for prevailing when tough employment problems arise.

The trend toward a more professional HR presence in state legislatures has been motivated largely by concerns about legal risk and the related need to help members and staff understand their obligations and rights as employer and employee.

Human resources departments, however, are much more than a defensive legal strategy. At its core, HR is a strategic resource for aligning an organization’s workforce with its mission. In practice, this means helping staff and members improve at their jobs through professional development programs, strategic workplace needs assessments, market-based pay analyses, succession planning, innovative recruitment

techniques and employee recognition.

In most state legislatures, the strategic benefits of HR are just now coming into view. For several years, however, the Connecticut General Assembly has offered a salient example of how this role can play out. It is the only state legislature that employs an in-house, full-time professional development coordinator and trainer.

“Professional development of our staff is of the utmost importance,” says Connecticut’s Jim Tracy. “Thanks to an exceptionally skilled training coordinator, we have an outstanding program with very high participation. I can think of no other initiative we have attempted that has been as successful.”

NEED FOR SUPPORT

Human resources management and its role in legislative improvement is a key trend in legislatures today. Like all legislative innovations, however, HR’s success rides largely on the support of legislative leaders and their key aides. Their buy-in is essential because making the most of HR means involving the entire institution in a collective strategic initiative—a somewhat rare and often difficult path for many state legislatures.

HR directors know this and work under constant pressure to justify their programs and convince leaders and managers about the benefits of new initiatives and services.

“The biggest key to a successful HR program is management buy-in,” says Alaska’s Lobaugh, “and in the legislative arena that means buy-in by the elected officials.”

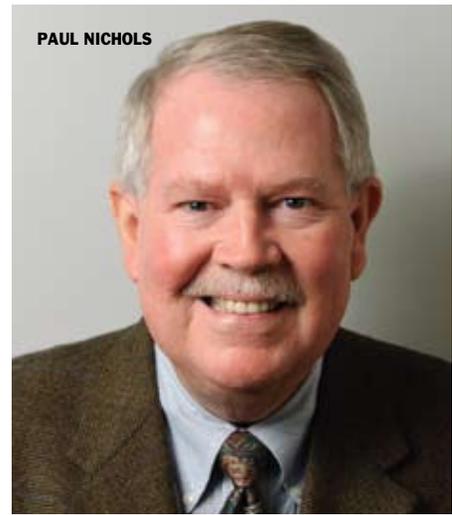
CHECK OUT more on on a variety of personnel issues and read a Q and A on employment law trends at www.ncsl.org/magazine.



SKIFF LOBAUGH



LORI MATHIS



PAUL NICHOLS