A Guide for Writing a State Legislative Personnel Manual

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INTRODUCTION

Legislative staffing organizations vary greatly from state to state. Some legislatures employ large, central, nonpartisan staff, while others have a number of small, discrete units that handle specific tasks (e.g., budget, bill drafting) for each chamber. Regardless of how they are organized, however, legislative staffs are subject to the personnel laws, policies and procedures promulgated by their employer. These laws, policies and procedures vary among the states and, at times, even between chambers in the same legislature.

For organizations to function effectively and efficiently, it is vital that the employees know the rules that regulate their actions in the workplace. Without a compendium of guidelines for staff and supervisors, decisions made by management may be viewed as arbitrary and unfair. In addition, if there is not a distinct set of rules, managers may be at greater risk of liability for their actions. Agencies almost always encounter problems when policies are not clear or are not followed by management.

It is the responsibility of upper level managers to accurately convey their organization’s personnel policies and to communicate them effectively to employees. A manual can help meet this obligation because it contains the personnel policies, rules and procedures that pertain to employees once they are hired. Making this information available to all staff ensures they are aware of the expectations of the organization and have access to the rules that govern their working lives. Employee handbooks also can protect the organization and its management by giving supervisors a solid understanding of where their discretion ends and by providing guidelines for handling certain situations that are part of organizational life. The handbooks also can serve to instill pride in the organization by clearly defining its mission and history.

The 2001-2002 Legislative Staff Coordinating Committee’s Task Force on Legislative Staff Management developed this guide to assist legislative managers to develop employee handbooks and personnel guidelines, or to review their existing manuals to improve them. The guide is organized topically by policy area (e.g., general employee policies, work schedules and pay, leave policies). Throughout this reference, as different personnel policies are discussed, examples of specific policy language are included to assist managers in considering the needs of their organization. This can be particularly useful in those areas of personnel management where it is crucial for supervisors to state policy clearly. All the sample language presented in this guide is taken from existing handbooks that are used by legislative staff organizations and are solely for illustrative purposes. When developing or refining your own personnel manual, please be sure to seek state-specific legal review of its contents.

The task force is indebted to Stephen S. Burgoon, a partner at Greber & Burgoon, P.C., Frederick, Md., for his technical assistance and counsel. We also wish to thank NCSL staff member Brian Weborg for his hard work and assistance in keeping this project on track.

We hope that you find this guide to be useful in developing or reviewing your personnel policies as we all strive to improve legislative staff support for state legislatures.
### 2001-2002 LSCC Task Force on Legislative Staff Management

**Members**

**Chair:** Karl Aro, Executive Director, Department of Legislative Services, Maryland  
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**Vice Chair:** Dave Henderson, Legislative Administrator, Legislative Administration Committee, Oregon  
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Monte Walters, Nevada
Greetings to New Employees

It may seem a minor point, but a written greeting for new employees is essential. In small organizations, it is an easy task for a manager to greet a new employee. Often, the manager has conducted the interview and made the hiring decision. When that is the case the manager presumably has taken time to relay his or her expectations and basic philosophy of management to that employee. In larger organizations, the manager responsible for setting personnel policies may not have been directly involved in the hiring process and may have less opportunity to relay this message. Regardless, providing a greeting to new employees in the personnel handbook sends a general message of expectations. In the former case, a written greeting can serve as a reminder of organizational norms.

Written greetings generally are informal messages. They can be as long as the manager believes is necessary, although shorter is probably better. The important elements are to welcome a new employee, state why the information in the handbook is significant, and provide some general information about the organization. At the manager’s discretion, the greeting can provide the opportunity to relay a basic philosophy that guides the department. It also can serve as a forum to explain a leadership philosophy and to address the mission of the organization.

Sample Language

Welcome to the Department of Legislative Services. You have joined an organization that has a long tradition of providing quality service to the legislature. Although the department’s current organizational structure is relatively new, its predecessor agencies developed and maintained excellent staff support by establishing high expectations for staff. It is my intent that this tradition of excellence continue as our department evolves. It is my hope that you will contribute to that tradition and that you will find your time with us to be challenging and rewarding as we seek to fulfill our department’s mission.

* * *

[I am] pleased to provide you with your employee handbook, which outlines the personnel policies that are in effect for the department. This handbook contains valuable information for you as an employee; you will want to review it and familiarize yourself with it. If you have questions about the material in this handbook, please speak with . . . .

* * *

As you review the material in this handbook, you will find that we value open communication between management and the entire staff. My door is always open to you.

* * *
Congratulations on being selected to serve as a member of the [state, agency, chamber] staff. The [agency, chamber] is a very important and exciting place to work. You will have the opportunity to work with the legislators of the State of [State]. The legislators deserve respect, for each was elected as the representative of a great number of citizens. [Agency, chamber] employees must be dedicated and willing to give all the help and support possible to legislators and fellow employees. We hope that you find your service to the [agency, chamber] and the State of [State] educational and rewarding.

Disclaimers

The courts have found that, in some cases, the provisions of a personnel manual can constitute an employment contract unless disclaimers to that intent are present in the document. It is critical, therefore, that state legislative employee manuals include such a disclaimer. It also is recommended that the contractual disclaimer and at-will statement appear early and be repeated or referenced throughout the personnel manual.

Sample Language

The policies and statements contained in this manual are presented as a matter of information only and do not constitute a promise of any kind. Although the House of Representatives believes wholeheartedly in the policies and procedures in this manual, the policies are not designed to be, nor do they create, an employment contract. They are intended only as guidelines that describe the general policies and procedures of the House of Representatives. The House of Representatives may change or revoke any or all of the provisions of this manual. All employment with the House of Representatives is to be considered employment that is terminable at will and, therefore, may be terminated at any time, without liability, without notice, and without cause, except a cause that violates law or public policy, by either the House of Representatives or the employee. No representative of House employees has the authority to enter into an agreement contrary to at-will employment.

This document is intended to function as a general guide and reference to those policies relative to the Service Staff. Reference in this document to employee or Senate employee shall mean Senate Service Staff Employee. It is the policy of the Senate that this document and the items contained, referred to or mentioned herein, are not intended to create, nor should be construed to constitute, a contract of employment between the Senate and any one or all of its employees.

This manual is not to be construed as a contract or agreement for employment with the [legislative agency]. Employment with the [legislative agency] is at the will of the staff director who is authorized to hire the employee, unless the terms of a specifically authorized written contract of employment alter the terms of employment. A staff member is not entitled to rely upon any oral statements to the contrary.

Civil Service Exempt

With few exceptions, the 35,000 state legislative employees in the 50 states are employed on an at-will basis. An at-will employee is generally one who serves at the pleasure of the employer—in this case, a legislature. The employment of at-will personnel is usually not subject to contract, and their status may change for any reason as long as the change is not outside applicable laws. The personnel manual should announce this key condition of employment early in the document and describe its meaning. As with the disclaimer, the at-will statement should be repeated or referenced throughout the manual.
**Sample Language**

All legislative employees are exempt from the state civil service law (citation) and State Merit System Rules. Therefore, the House of Representatives is not subject to the customary governmental employee tenure regulations and there are no guarantees of permanent status providing job security from summary termination, reassignment of responsibilities or change in working conditions. Either the employer or the employee may terminate the employment relationship at any time, for any reason. References in this manual to the (state civil service law or merit system rules) do not, in any way, negate the civil service exemption of employees of the House of Representatives.

* * *

All employees of the House are in the unclassified service and, as employees of the legislative branch of state government, are subject only to those rules and laws governing unclassified employees of the legislature as may be provided by law. Employees serve at the pleasure of the Speaker and may be terminated by the Speaker, the Chief Clerk/Administrator and/or the Executive Director, as appropriate, at any time without cause. There is no expectation of continued employment with the House.

* * *

All employees of the [legislative agency)] are considered legislative employees and, as such, are exempt from the career service provisions of the Personnel Management Act (citation). All employees of the [legislative agency] are employed at will. An employee may be terminated, suspended (with or without pay), demoted or reassigned for any reason except one that would violate the law. The [legislative agency] generally follows the rules of the Department of Human Resources Management (DHRM) as they relate to Fair Employment Practice. Reference in this manual to the DHRM rules does not in any way negate the Career Service exemption for legislative staff.

**Mission Statement**

The value of a mission statement for a legislative agency is only as great as the effort that goes into creating it. To that end, stakeholders from throughout the organization should participate in its development. If the mission statement reflects the collaborative efforts of line workers and managers in defining the role of the agency, it can help the agency focus on priorities that have been mutually identified and enumerated. If it reflects only the command and control vision of management, other staff will have little reason to consider it and even less reason to perform on its basis.

The process of developing a mission statement typically is neither short nor simple. Ideally, employees at all levels (managers, supervisors, line staff) will work cooperatively to identify the core functions of the agency, summarizing them in one or two sentences. Several revisions may be necessary before a statement is finalized that reflects the understanding of all staff of the role of the agency.

Once the statement is adopted, it must be shared with all staff and legislators, and it should be used as a guide in determining day to day activities and priorities of the organization. The mission statement should never be viewed as a static document. Future challenges will differ from the challenges of today; therefore, the mission statement not only should reflect an ability to adapt to these changes but also should provide an anchor of values and principles that guide all employees.
Sample Language

Legislative Administration supports the Legislature; promotes access to the legislative process; and provides efficient, effective, accountable and customer oriented services to all legislators, legislative departments, the public and other government agencies.

* * *

The mission of the Office of Legislative Fiscal Analyst is to serve the citizens...by providing quality, timely, and relevant information and recommendations to the Legislature on fiscal, operational and strategic policy issues. The office will achieve its purposes in a culture that values integrity, individual dignity, professional independence and continuous improvement.

History

A brief review of the history of the legislative agency can be valuable to help new employees understand how the agency has progressed since its inception. In many legislative environments, different agencies and related divisions have been created at different times to provide different services. An accurate chronicle that explains the most significant periods in the agency’s history will enable staff to understand how issues and changing needs have helped to shape their own work priorities. The history could be presented in a text format or as a time line.

Organization Chart

Legislative staff organizations vary widely in their size and complexity. States that have a small staff and a relatively straightforward structure may find an organization chart to be unnecessary. States that have large staffs established in different departments may find that an organization chart can help a new employee understand his or her place within the system.
General Employee Policies

Equal Employment Opportunity

The concept of equal employment opportunity has become firmly rooted in our society in the last 30 years. Beginning with Title VII of the Civil Rights Act of 1964 and continuing with the Age Discrimination in Employment Act, the Pregnancy Discrimination Act, the Americans with Disabilities Act, and the Civil Rights Act of 1991, the categories of individuals who are protected from discrimination in all terms and conditions of employment have expanded steadily. Moreover, the consequences for committing discrimination have increased significantly.

Most notably, to address claims of employment discrimination, the Civil Rights Act of 1991 permits employees to seek compensatory and punitive damages of up to $300,000, and to have their cases heard by juries. Not surprisingly, the number of employment discrimination claims filed annually has increased dramatically since the 1991 amendment, and this trend is expected to continue.

The first step that any employer—regardless of whether it meets the jurisdictional requirement of 15 employees—should take to limit claims of employment discrimination is to maintain a proper equal employment opportunity policy. Further, managers and supervisors should receive regular training to ensure that they do not unwittingly violate the terms of these statutes, many of which are complex. The company’s commitment to equal employment opportunity also should be communicated to employees through official postings within the workplace.

Recommended Language

(Agency or Legislature Name) is an equal opportunity employer, and it adheres to all federal, state, and local laws and regulations related to equal employment opportunity. (Agency or Legislature Name) does not discriminate against any individual based on race, religion, sex, disability, age, color, marital status, veterans’ or other protected status or national origin with respect to hiring, training, promotion, benefits, transfer, layoff, termination, or any other term or condition of employment.

Sexual Harassment

The Equal Employment Opportunity Commission (EEOC) has stated that employers should take “all steps necessary” to discourage sexual harassment and to inform and train their employees how they can raise and resolve complaints [29 C.F.R. Section 1604.11(f)]. Employers that do not institute a policy that does so can expect that the EEOC would be more likely to hold them liable for sexual harassment committed by managers or supervisors. Conversely, employers that do have such a policy and that are careful to train supervisors to avoid harassment will both minimize the potential of claims of sexual harassment and increase the probability of the successful defense of any claims that arise.
Sexual harassment policies should clearly communicate to employees that they may raise their concerns regarding harassment with their supervisor and with at least one other official who is outside the employee's normal chain of command. The policy should indicate that complaints will be investigated promptly, and that confidentiality will be maintained to the extent it is reasonable to do so. As a matter of practice, employers should attempt to limit the flow of information regarding claims of sexual harassment to those people who need to know the facts of an investigation. Claims by those wrongly accused of sexual harassment are on the rise, and employers need to be concerned about preventing claims of defamation.

Complete sexual harassment policies also should indicate that the employer will discipline those who are found to have committed sexual harassment, and that this discipline could include termination. Further, the policy should indicate that the employer will not tolerate any form of reprisal against employees who make claims of sexual harassment.

Legislative staff agencies that are developing a sexual harassment policy should consult legal counsel to ensure compliance with state and federal requirements.

**Sample Language**

The Commission's equal employment opportunity (EEO) policy also prohibits sexual harassment. Equal Employment Opportunity Commission Guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if:

- submission to such conduct is an explicit or implicit term or condition of an individual's employment;
- submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual;
- or
- the conduct has the purpose or the effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

All employees should be aware of their responsibilities under this policy and understand that conduct of this nature is in violation of Commission policy. The Commission will not tolerate sexual harassment of any employee by another employee, supervisor or other person with whom an employee may have contact as part of his or her duties.

All employees will receive this manual, which contains the agency's EEO and sexual harassment policies and procedures, within 30 days of employment. All employees will receive training regarding the agency's policies and procedures relating to employment discrimination and sexual harassment within 30 days of employment and every two years thereafter.

Employees may report an EEO or sexual harassment grievance without fear of retaliation. All agency employees are responsible for immediately reporting discrimination to the director, assistant director, or anyone in management with whom they feel comfortable. Except for the victim of sexual harassment, failure to report such conduct may result in disciplinary action.

When an employee reports a complaint of sexual harassment, a prompt investigation will be conducted. The investigation will be kept as confidential as possible, with due regard for the need to determine the circumstances of the complaint. At the conclusion of the investigation, the [agency/director] will take appropriate action to discipline any person found to have committed sexual harassment, up to and including termination of employment.

**Performance Evaluation**

Employees want and need feedback about how they are doing on the job. Managers also need credible, comparable measures of employee performance upon which they can base decisions about promotion, assignments, raises, training,
discipline, or firing. Performance evaluation systems supply that kind of information. Formal performance evaluation also provides important documentation of an employee's work history.

The personnel manual should notify the employee about the performance evaluation system and provide details about its purpose and process. It is helpful to include a copy of the evaluation form in the manual's appendices. However, because these forms often are modified over time, it can be effective to simply reference the form in the manual and indicate where the employee can obtain a copy.

**Sample Language**

The job performance of each regular nonpartisan employee will generally be evaluated at least once each year. The evaluation shall be done by the employee’s immediate supervisor and reviewed by the office director. Employee performance appraisals are designed to evaluate whether an employee meets the expectations for the job to which the employee is assigned and what development or training needs exist, and to assess an employee’s attainment of extraordinary levels of achievement such that the office director might recommend an increase in pay or promotion to a higher class.

* * *

[...a performance] evaluation may be conducted annually by senior staff and the director. During that period, project specific reviews and discussions also may be held. The results of these evaluations will be discussed with you and you will be asked to provide written comments and sign the evaluation form used for the year-end evaluation. These evaluations will be used as a basis for promotions, demotions and merit increases and will be made a part of your permanent personnel file. Between evaluations, personnel actions will be discussed with employees as necessary. Memos to personnel files may be used as needed to document performance needing attention. These memos will be shared with the affected employee before they are placed in the personnel files.

* * *

Evaluations should be completed annually, after the General Session but no later than June 30 of each year. Employee and supervisor each complete a combination appraisal/evaluation form. The supervisor meets with the director to discuss the evaluations and to make a recommendation for salary increases, corrective actions, new performance goals relative to consideration for salary increases and/or promotions, etc. The employee, supervisor and director then meet for the final evaluation. Prior goals are reviewed for progress, new goals are set, and corrective action is identified, etc.

**Nepotism**

The employment of family members of staff or members within the legislature can create a potential for favoritism or perceived favoritism. It also can lead to possible conflicts of interest. By the same token, a blanket exclusion for hiring relatives may deprive the legislature of qualified, capable employees.

It is a matter of law in some states that no public officer may employ, appoint, vote for or recommend the appointment of a relative to any position or employment, when the salary, wages, pay or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative. Some states have implemented exceptions—i.e., the appointee is employed for a period of 12 weeks or less. When these exceptions are adopted, it is important to clearly define the term “relative.” For example, one state code defines relative to mean father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother in law, father in law, brother in law, sister in law, son in law or daughter in law. Another state code explains that “... for the purpose of this policy, immediate family means child, parent or spouse.”
Sample Language

For the purpose of the policy on nepotism, “relative” means the spouse, child, parent, grandparent, grandchild, brother, sister, parent in law, brother in law, sister in law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons.

A relative of a member of the General Assembly will not be hired by the [legislative agency]. An employee of the [legislative agency] will not be disqualified from employment if a relative of the employee becomes a member of the General Assembly.

A relative of a [legislative agency] employee will not be hired by the [legislative agency] if:

- The relative is the spouse of an employee or the sibling, parent or child of an employee or of the employee’s spouse;
- The employee would have the authority or be in a position to supervise, hire, remove or discipline his or her relative;
- The employee would be responsible for auditing or evaluating the work of his or her relative; or
- Other circumstances exist that would place the relatives in a situation of actual or reasonably foreseeable conflict between the [legislative agency’s] interest and their own.

If employees become relatives (other than spouses) during employment, the two employees may remain in their positions if they are not in conflict with any of the restrictions stated in this policy. If the director determines that there is a conflict created by the relationship, the [legislative agency] will attempt to arrange a transfer or change in position. If a suitable transfer or change in position is not available, one of the employees will be separated from [legislative agency] service. Every attempt will be made to effect transfer or separation on the basis of agreement between the employees involved and the [legislative agency]. If a mutual agreement is unattainable, the director will determine, in the [legislative agency’s] best interest, the employee to be transferred or separated.

Immigration Compliance

The Immigration Reform and Control Act made all U.S. employers responsible to verify the employment eligibility and identity of all employees hired to work in the United States after Nov. 6, 1986. To implement the law, employers are required to complete Employment Eligibility Verification forms (Form I-9) for all employees, including U.S. citizens. The personnel manual should notify employees about the I-9 process and about the responsibilities of the employee under this Act.

Employee’s responsibility regarding form I-9. A new employee must complete section 1 of a Form I-9 no later than close of business on his or her first day of work. The employee’s signature holds him or her responsible for the accuracy of the information provided. The employer is responsible for ensuring that the employee completes section 1 in full. No documentation from the employee is required to substantiate section 1 information provided by the employee.

Employer’s responsibility regarding form I-9. The employer is responsible for ensuring completion of the entire form. No later than close of business on the employee’s third day of employment services, the employer must complete section 2 of Form I-9. The employer must review documentation presented by the employee and record document information on the form. Proper documentation establishes both that the employee is authorized to work in the United States and that the employee who presents the employment authorization document is the person to whom it was issued. The employer must supply to the employee the official list of acceptable documents for establishing identity and work eligibility.

The employer must examine the document(s) and accept them if they reasonably appear to be genuine and to relate to the employee who presents them. Requesting more or different documentation than the minimum necessary to meet this requirement may constitute an unfair immigration related employment practice. If the documentation presented by an employee does not reasonably appear to be genuine or relate to the employee who presents them, employers must...
refuse acceptance and ask for other documentation from the list of acceptable documents that meets the requirements. An employer should not continue to employ an employee who cannot present documentation that meets the requirements.

Additional information about the I-9 process is available on the Web site of the Immigration and Naturalization Service of the U.S. Department of Justice (www.ins.usdoj.gov/graphics/formsfee/forms/i-9.htm).

**Sample Language**

*Under the Immigration Reform and Control Act enacted on Nov. 6, 1986, employers are required to verify that all new employees are either U.S. citizens or aliens authorized to work in the United States. Consistent with this law, employment in the [State] legislature will be contingent upon completion of an I-9 form and the ability to provide the necessary documents of citizenship and work authorization. Employees are required to complete the recertification section whenever their legal name changes.*

**Personnel Files**

Laws vary from state to state regarding employee rights to have access to their personnel files. In states where access is granted through the statutes or constitution, the personnel manual should reference those rights and outline the rules and restrictions for obtaining access to the files. Regardless of the status of law on the matter, it is generally good policy to allow at least limited access to personnel files. Rules should be established that outline the process for gaining access to files and the limits on the types of records that employees can receive.

**Sample Language**

*Personnel records pertaining to individual employees are confidential and are the property of the division. All personnel records and information contained in those records are solely for use in the management of the division. Management personnel shall be granted access only to the personnel records of those employees under the direct supervision of the section supervisor. However, any employee or, upon proper identification, his authorized agent, may have access to the employee's own personnel records except for letters of recommendation or reference supplied by or transmitted to a third party or as otherwise provided in [state] law. Copies of information contained in an employee's file shall be furnished, on request, to the employee or his authorized agent upon payment of a reasonable fee for document search and duplication.*

**Political Activities**

Few employment issues are as complex or potentially troublesome for legislative staff as those related to political activity. This is especially true for partisan staff whose work draws them close to the campaign interests of their elected officials. It is therefore crucial to give legislative employees clear and unambiguous guidance about the rules that govern their political activities. These rules typically include prohibitions against using state facilities, equipment and time to pursue campaign goals. Generally speaking, more detail is better when writing the political activity section of the personnel manual. Policies for partisan staff may be less restrictive, but they also may require finer descriptions than those for nonpartisan staff.
Sample Language

The staff of this office must be nonpartisan. Political neutrality is imperative so staff can maintain the confidence of all members of the legislature. Therefore, all staff members are prohibited from participating in any partisan political activity that compromises the ability of that person to discharge with neutrality, efficiency and integrity his or her duties and obligations to the legislature. Employees who wish to participate in political activities shall disclose their intentions to the director. If the director reasonably decides an employee's involvement may compromise the employee or the office, then the director will review the situation and make a determination as to whether the involvement in political activity is appropriate.

1) The following policy applies to employees in nonpartisan offices.
   An employee shall not participate in any activity that substantially compromises the employee's ability to discharge with neutrality, efficiency and integrity the duties and obligations to the General Assembly. The primary responsibility for making this judgment rests with the office director.

2) Prohibited activities include, but are not limited to, the following:
   a) Being a candidate for or serving as an officer of a political party; a member of a national, state or local committee of a political party; or an officer or member of a committee of a partisan political club.
   b) Organizing or reorganizing a political party organization or political club.
   c) Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.
   d) Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a partisan candidate, a political party or political club.
   e) Taking an active part in managing the political campaign of a partisan candidate for, or campaigning for, public office or political party office.
   f) Becoming a partisan candidate for, or campaigning for, an elective public office.
   g) Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office.
   h) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or partisan candidate.
   i) Driving voters to the polls on behalf of a political party or partisan candidate.
   j) Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature or similar material.
   k) Serving as a delegate, alternate or proxy to a political party convention.
   l) Addressing a convention, caucus, rally or similar gathering of a political party in support of, or in opposition to, a partisan candidate for public office or political party office.
   m) Initiating or circulating a partisan nominating petition.
   n) Displaying a political picture, sticker, badge or button.
   o) Making a financial contribution to a political party or organization formed for the purpose of supporting any candidate for the General Assembly or any statewide office.

Termination/Resignation

An “at will” relationship is one in which either employer or employee may terminate the relationship at any time, without notice or cause. As stated previously in this manual, it is recommended that employees be required to sign “at will” agreements. In reality, however, there are some restrictions to the at will condition of employment. For example, federal civil rights laws protect employees from workplace discrimination that is based on an employee's gender, race, national origin, or mental or physical disability.
Termination provisions in personnel manuals generally focus on voluntary (resignation or retirement) and involuntary (firing) termination. Language regarding involuntary termination typically restates the at will condition of employment and declares any obligations of each party at the time of termination.

Some legislatures also include a resignation section in their manual that outlines the expectations of employees who decide to resign. Generally, these policies request a two- to three-week advance notice of the resignation and require the return of specific office files and equipment.

**Sample Language**

All employees of the Senate are employees at will. There is no contract or promise of continued employment with the Senate. There is nothing contained in the policies or procedures of the Senate that would impart to the employee that employment with the Senate is anything other than employment at will. The President Pro Tempore, Chief of Staff and Senate Staff Director have the discretionary authority to suspend an employee with or without pay.

After discharge or suspension action is taken, the Senate will provide the employee with a written statement of the actions or omissions that are the cause or reasons for the discharge or suspension.

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Staff members who plan to resign should give the executive director at least three weeks’ notice of the effective date of the resignation to permit the executive director and [legislative agency] to recruit a suitable replacement. All resignations should be in writing and signed by the employee.

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All employees who resign are required to return to [the appropriate authority] copies of the Personnel Policy and Management Benefit Booklet they have in their possession, photo ID cards and keys to the [legislative agency].

**Travel Reimbursement for Official Business**

In most states, management must give prior approval for in state and out of state staff travel. The manual should provide information regarding the process for gaining travel approval and the expectations of employees when they are planning to travel on public business.

Reimbursable expenses may include:

- Per diem rates (daily meal allowance, including taxes and tips, if applicable);
- Lodging (set rate or actual and necessary);
- Transportation;
- Air fare in lieu of mileage or actual mileage and rate per mile for use of private automobile;
- Taxis (set amount or actual and necessary with receipts);
- Compensatory time, if that is the policy for conferences held over weekends;
- Telephone expenses considered for official business;
- Incidental out-of-pocket expenses, i.e., tips for baggage handling, tips for taxi/limousine service, etc.; and
- Registration fees.

The personnel policy also may make distinctions between in-state and out-of-state travel and the approval and reimbursement rules for each.
Sample Language

The [staff agency’s] expectation is that employees will strive to be good stewards of public funds and minimize work related travel expenses as much as is reasonably possible. Employees should choose the most economical options relating to lodging and transportation, with consideration given to ease of carrying out work duties and employee safety. Employees should plan travel arrangements in advance to minimize costs but still carry out their duties in an effective manner.

Travel Reimbursement. The [legislature] will reimburse employees for business travel expenses at rates authorized by law. Travel on [legislative] business must be approved in advance. All out of state travel must have written prior approval. Information on reimbursement rates and the necessary travel forms are available from the travel coordinator. Reimbursement for non overnight travel exceeding the normal workday is a partial per diem claim, and those reimbursements are considered taxable income by the Internal Revenue Service. The director reserves the right to define the circumstances, on a case by case basis, when partial per diem is authorized. Employees should consult with the director when a question arises regarding any reimbursement.

Employees may be issued a corporate credit card to use for reimbursable expenses incurred during travel outside [the capital city] on official state business. This credit card may not be used for any non-state business, for any expenses for which a travel voucher is not submitted for reimbursement, or for the purchase of alcoholic beverages.

Commercial Transportation. When an employee is required to use commercial transportation (air, taxi, rental car, etc.) in connection with authorized business of an appointing authority, the employee is reimbursed for the actual expenses of the mode and class of transportation so authorized. Reasonable gratuities may be included in commercial travel costs.

Overnight Travel. Employees on travel status who incur expenses for lodging are allowed actual reasonable costs of lodging and meals while away from their home station, up to the maximums stated below. Employees on travel status in excess of one week without returning home are allowed actual cost, not to exceed $16 per week, for laundry and dry cleaning for each week after the first week. Employees on travel status may be reimbursed for personal telephone charges. The maximum reimbursement for personal telephone calls for each trip shall be the result of multiplying the number of nights away from home by $3.

Meal Allowances. If the employee is on assignment away from the employee’s home station on travel status, the employee is reimbursed for actual costs of meals (up to the maximum reimbursement), including gratuity. Employees also are reimbursed for meals that are an integral part of conferences and meetings that have been approved in advance by the appointing authority and are consistent with the appointing authority’s policies or practices on the payment of special expenses.

If an employee uses a personal automobile instead of commercial transportation, the employee is reimbursed either mileage, at the rates stated previously, or round-trip air fare, whichever is less as determined by the appointing authority.

Use of State Vehicle

If employees are expected to travel on state business as part of their responsibilities, their agencies may either offer a state motor pool vehicle or reimburse the employee for use of a personal vehicle. The manual should provide the rules for reimbursement of personal use, e.g., amount of reimbursement per mile per day; time limits for submission of claims; need for supervisor’s approval of use; etc. Include any special details, such as reimbursement for travel from employee’s home or work station, whichever is shorter; or whether tolls and parking charges are claimed separately. If a motor pool vehicle is an option, identify how arrangements are made for obtaining the vehicle and note that specific rules may apply and can be obtained from the agency in charge. Also, if state statute describes use of such vehicles, include the citation(s).
Management should remind employees that conducting state business while using their personal vehicles can be a concern for their insurance company. It is important to inform employees about who bears liability in the event of an accident while using a personal or state vehicle. If a state vehicle is to be taken home for the night or over a weekend, identify liability here, as well. Employees also should be provided with contact information in case of an accident or if the vehicle is stolen.

**Americans with Disabilities Act**

Title I of the Americans with Disabilities Act (ADA) deals with people with disabilities and employment, providing certain protections for individuals from discrimination in hiring and advancement. Although the act provides no specific language on state legislative employees, a recent U.S. Supreme Court ruling affects them to some extent. The University of Alabama vs. Garrett decision limited state employees’ recourse under the federal ADA. The EEOC interprets this to mean that state employees cannot sue for monetary damages but still would be eligible for injunctive relief. Although the exact ramifications of this court case may yet be determined, the ADA does not supersede state discrimination laws, many of which provide greater protections for the disabled. Human resources managers should consult with legislative counsel to determine the applicability of both state and federal law in this area.

**Sample Language**

In accordance with the Americans with Disabilities Act, upon request by an employee and upon approval of the director, the office will provide reasonable accommodations to a qualified employee with a disability unless it will result in an undue hardship for the office or compromise the ability of the office to perform its statutory mandates.
WORK SCHEDULES AND PAY

Employment Classifications

Employee classification plans provide a systematic basis for the placement, promotion and compensation of employees. As the legislative workplace becomes more complex and more attractive as a career destination, classification plans have been recognized as useful and necessary components of a legislature's overall personnel system.

The personnel manual should contain a general description of the classification plan and, at a minimum, a reference to where employees can obtain copies of the plan and job descriptions. Some state legislatures provide these details in the appendix of the personnel manual. However, it is recommended that the main text of the personnel manual not be cluttered with the often lengthy details of the plan.

Sample Language

An analysis of individual positions shall be put into a classification system in which positions that share similar duties are placed into the same class and corresponding pay level. The [division director] shall keep a complete set of all class specifications. These documents will be posted internally in the event of any vacancy, and a copy shall be given to any applicant prior to the interviewing process.

* * *

The human resources director will maintain a copy of all job descriptions. Any employee who wishes to appeal a job classification must first speak with his or her immediate supervisor. Should an analysis of the classification be needed, an interview will be scheduled with the employee and the director to analyze the current duties of the position. It is important to note that, just because an individual's job duties may change slightly, this may not necessarily result in a change of the level of responsibility.

* * *

The [legislative agency] maintains a complete copy of all job descriptions for all positions in the office. The job descriptions were developed using the input of employees currently employed in those positions, and the [legislative agency] reviews the documents during every third interim session. The goal of this review process is to ensure that the job descriptions are kept up to date and reflect the level of work expected of those employed in these positions. During this process, employees may be required to submit in writing some suggestion for changes. The [legislative agency] will try to ensure that employee input is given full consideration in updating job descriptions.

Although it is the [legislative agency's] goal to have the most up-to-date job descriptions possible, the legislative environment demands that we maintain a capacity to meet any new challenges that present themselves. The pace and workload, especially during legislative sessions, often will require employees to try new responsibilities and learn new skills.
Hours of Work

Legislative agencies need to develop clear guidelines on the core hours employees are expected to work. Posting these hours in a prominent place will allow legislators and constituents to know when services will be available to them. Managers also should establish procedures for employees to submit a request for excused absences for doctor’s visits and related situations. Although legislative work frequently requires employees to work well beyond “normal” business hours, managers will want to establish core hours when a majority of the staff will be on site. Because it is sometimes impossible to know the type and scope of requests made by legislators, good staff support requires availability. Employees should be made aware of the culture of the legislative environment and the additional work hours that typically are required of staff.

Sample Language

Normal Work Schedule: Normal office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Employees are expected to work forty (40) hours per week and eight (8) hours per day. Generally, employees choose from one of four work schedules:

- 8:00 a.m. to 5:00 p.m. (with one [1] hour for lunch)
- 8:00 a.m. to 4:30 p.m. (with one-half [1/2] hour for lunch)
- 8:30 a.m. to 5:00 p.m. (with one-half [1/2] hour for lunch)
- 7:30 a.m. to 4:30 p.m. (with one [1] hour for lunch)

Actual work hours are assigned by [the assistant director] based upon staffing requirements.

Office Hours Policies during Interim:
Working hours for each staff member during the interim are from 8:00 a.m. to 5:00 p.m., with one hour for lunch, unless a staff member’s direct supervisor approves an alternative schedule in order to meet individual needs. Also, professional staff are expected to work more than eight hours, if necessary, to complete all assignments within designated deadlines.

Office Hours Policies during Session:
When the legislature is in session, the office shall be open during any period in which committees are meeting and during any period in which House or Senate floor sessions are being held. However, no staff members should leave the office for the day without approval from the director or a member of management. Professional staff are expected to work the hours necessary to complete all assignments within designated deadlines, including staffing committees, floor sessions, or other legislative meetings as needed.

Recording Hours of Work

Employees and managers should maintain accurate records of hours worked, sick and leave time used, and compensatory time accrued or taken. Short time frames for each pay period should be chosen to ensure that employees can easily remember any leave or sick time taken. Accurate record keeping takes on added importance in the public environment, and any agency should be able to demonstrate to an auditing entity that all hours are accounted for. Legislatures are under ever-increasing scrutiny regarding the use of public funds, and managers need to guarantee a prudent use of payroll expenditures.

Sample Language

Each staff member is required to fill out a biweekly time sheet and submit it to his or her supervisor no later than two days following each payday. Payday will fall on the 1st and 15th of each month. The time sheets will be stored by the personnel office and may be reviewed only by either the individual employee or his or her their supervisor.
Regular and Overtime Pay Procedures

Federal law specifically provides guidelines regarding overtime pay for legislative employees. Section 553.12 of the Fair Labor Standards Act (FLSA) excludes legislative employees from qualifying for overtime pay. The only exceptions to this are employees within legislative libraries. Although this law does not require a legislature to pay overtime or compensatory time to any employee, many legislative agencies have chosen to implement overtime policies. In such cases, it is imperative to make sure all employees and supervisors understand the procedure prior to the time period in which any employee will accrue the hours. A policy of this nature represents a contract with the employee for either straight pay or compensatory time off. The agency also must define overtime pay to the exact dollar amount: an employee's straight hourly amount, straight pay plus one-half the hourly rate, and so forth. At times, a policy may appropriately limit the number of compensatory hours an individual employee can accrue. Managers need to consider staffing needs (especially during interim periods) to ensure that all core functions are covered.

Sample Language

Compensatory time accrued must be documented by written records in a way that provides a proper audit trail. Any compensatory time accrued must be approved by the director. Compensatory time may be compensated with straight time off:

No more than 80 hours of compensatory leave may be carried forward from [October 31] of each year. An employee’s compensatory leave time in excess of [80] hours after [October 31] will be forfeited. At retirement or termination, the office may give a cash settlement to an employee, up to a maximum of [80] hours.

Overtime will be paid to clerical and administrative personnel who hold non-supervisory positions in accordance with Joint Rules Resolution No. 2. Except for the period between December 1 and the Reconvened Session of the General Assembly, approval of a section manager is required for overtime work. The employee’s immediate supervisor may grant prior approval during the period between December 1 and the Reconvened Session of the General Assembly.

Overtime may be required of employees. Overtime is more likely to occur during budget hearings prior to a regular session and during legislative sessions. The amount of overtime varies from day to day throughout these two periods. In some instances, weekend work also will be required.

State legislative employees are exempted from the overtime compensation provisions of the Fair Labor Standards Act. However, the [Bureau] allows overtime compensation for support personnel who work more than forty (40) hours per week. An employee with approved overtime will be allowed 1.5 hours compensation for each overtime hour worked during a week. The employee may elect to receive the compensation in the form of salary or administrative leave.

Compensation from Outside Sources

Legislative employees must maintain their integrity and dedication to public service at all times. In addition to stipulating proper ethics and personal codes of conduct, personnel guidelines must ensure that legislative employees are beyond reproach in the area of financial conflicts of interest. This applies mainly to full time employees who will have
a large workload and responsibility to the institution on a year-round basis. Clear guidelines, and their enforcement through the reporting relationship, will allow employees to know exactly what is and what is not expected of them.

**Sample Language**

An employee will not receive outside compensation for performing state duties, except for the following:

- Awards for meritorious public contribution.
- Honorariums or expenses paid for papers, speeches or appearances on an employee's own time with the approval of his or her supervisor, that are not compensated by the state or prohibited by rule.
- Usual social amenities, ceremonial gifts or non-substantial advertising gifts.

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An employee will declare a potential conflict of interest to their supervisor when he/she is required to participate in an activity that could be interpreted as a conflict of interest. The supervisor may then make a determination on the extent of the conflict.

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In general, employment outside the legislature is not prohibited. However, the director may refuse to allow an employee to continue with an outside job if the employment raises questions of conflict of interest, adversely affects the employee's performance in the employee's current position, or negatively affects the operations of the [legislative agency].

An attorney employed by the [legislative agency] may not maintain a private practice of law.

In general, outside employment is allowed if it meets the following requirements:

- The outside employment does not constitute a conflict of interest and does not interfere with the performance of the employee's duties for the [legislative agency];
- All the work must be performed during the employee's off-duty hours;
- No materials, supplies, equipment, etc., belonging to the state may be used in the outside employment; and
- The employee must not have solicited the outside employment during office hours.
LEAVE POLICIES

General Leave Issues

Explaining all the nuances and peculiarities of an organization's various leave benefit programs may make this section one of the longest and most detailed of the manual. Eligibility, qualification and even the benefit itself may depend upon employment status or length of service. Leave benefits can be earned and thus become earned entitlements, or entitlements by contract, convention or statute. Employees may be permitted to accrue leave time in certain cases, while in others the employee must surrender any unused benefit time at the end of the calendar year. If accrued leave time is compensable, the handbook should explain under what circumstances and to what extent. Particular leave benefit programs may have restrictions or limitations on their use. Some impose duties or obligations on the employee. These issues and others must be addressed in a clear and concise fashion.

A leave benefit program statement should include the scope and purpose of the benefit program. Most are fairly obvious and need little elaboration. Some, however, may have purposes that are not obvious, and those should be highlighted. An example would be bereavement leave if it is part of the sick leave program.

Some leave benefits are available only to employees who are eligible for other employer benefits, such as pension or health insurance. If hourly or contract employees are eligible to participate in a particular program, it is important to indicate whether their participation is on a pro-rated basis or on a paid, part-paid or unpaid basis.

In addition, a personnel manual should include an explanation of how new employees are treated under the leave program. For example, must new employees earn their vacation, sick or personal leave benefits, while such benefits of established employees, in anticipation of their continued employment, are advanced or otherwise credited to them each year?

It also is important to establish when a recent hire is no longer considered a “new employee,” if this date triggers a change in leave benefits. To the extent possible, state explicitly when this occurs: at the beginning of the next calendar year, the anniversary date of the employee’s hiring, the beginning of a calendar year following one year of employment, or other pertinent information.

If the employee is permitted to accrue leave time under the benefit program, state whether any restrictions are placed on the amount of time that may be accrued and if there are instances when time does not accrue. The manual should note the circumstances under which employees are eligible or entitled to compensation for accrued leave time or unused leave time.

A leave benefit may have limited applicability; it may be available only under certain circumstances, for certain purposes and for limited time periods. For example, the definition of “immediate family” is central to any sick leave program, bereavement leave program or family leave program. Since each benefit leave program is separate and distinct, the definition may vary from program to program.
An employee often has certain responsibilities when participating in a leave benefit program. These responsibilities can include securing management’s prior approval of vacation leave or timely notice of absence due to illness, supplying copies of the court summons for jury duty, or submitting written medical evidence for certain sick leaves. Employees should be fully cognizant of their responsibilities under each leave program.

Obviously, employees also should be made aware of any disciplinary action that may be taken, or penalty imposed, for a violation of the conditions of a leave benefit program.

Some leave policies—such as jury and witness leave—can pose unique concerns. Although management usually cannot deny any employee leave for jury or witness duty, it can determine that certain classes of employees, such as those not entitled to other benefit programs, are not entitled to leave with pay.

Two other jury issues should be addressed. The first concerns the scope of management’s responsibility to employees who are entitled to paid leave. Jury duty may require an employee’s presence beyond normal working hours or at times other than a regular working day. To avoid assuming any liability for awarding an employee compensatory pay or time in such situations, it is important to indicate that employees are granted no more than their normal number of work hours in any day to attend jury duty. The second concerns the per diem fee paid to jurors. Management’s policy should clearly indicate whether an employee on paid leave is entitled to any such compensation. The policy also should address the issue of any reimbursement that jurors in your state might receive for travel expenses or meals.

Witness leave brings up similar issues. The written leave program should address the following.

- Employees called to appear before a judicial or administrative body or a legislative committee, when the appearance is part of the employee’s job function;
- Employees summoned before a judicial or administrative body when their appearance is not part of their job function, in a proceeding to which they are not a named party;
- Employees summoned as a witness in a proceeding to which they are a named party; and
- Employees who are attending their own worker’s compensation or grievance proceedings.

Under certain programs (usually statutory or contractual), management is afforded some operational flexibility in returning employees to the position they held prior to extended leaves. If your office has such authority, it should be noted.

The following examples of sample language address the issues raised in this section. Be sure to seek the guidance of legal counsel and appropriate state personnel officials when drafting leave policies. In many state legislatures, leave policies mirror, or are based upon, those that apply to other state employees.

**Sample Language: Military Leave**

> An employee ... is eligible for military leave in accordance with (statutory citation), other applicable laws and any executive orders and regulations regarding such leave.

**Sample Language: Holiday Leave**

> An employee...shall be allowed time off and pay for the following holidays: New Year’s Day, Martin Luther King’s Birthday, Lincoln’s Birthday, Washington’s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving Day, Christmas Day, all general election days, and any additional holidays declared by the governor or the president of the United States and approved by the [executive director].
Sample Language: Sick Leave

Sick leave may be used by employees when they are unable to perform their work because of:
1. Personal illness or injury;
2. Exposure to a contagious disease;
3. Care, for short periods, of any member of the immediate family who is seriously ill; or
4. Death in the employee’s immediate family, for a reasonable period of time.

An employee who is in pay status as of January 1, holds a full time position and is entitled to benefits shall be entitled to annual paid sick leave, as set forth below. At the beginning of each calendar year in anticipation of continued employment, an employee shall be credited with xxx sick leave days (xxx hours). Hourly employees shall have no entitlement to paid sick leave.

A new employee shall receive one day of sick leave for each calendar month of service. A new employee who is on the payroll for 24 or more calendar days in a month shall earn a full month’s allowance. A new employee who is on the payroll from nine calendar days to 23 calendar days in a month shall earn one-half month’s allowance.

A new employee shall not be advanced sick leave that has not been earned.

Unused sick leave shall accumulate from year to year without limit.

An employee shall not be reimbursed for accrued sick leave at the time of termination of his or her employment. Upon termination, the director of human resources shall certify to the Department of Personnel the employee’s accumulated sick leave that shall be made a part of the employee’s permanent record.

Upon retirement, a supplemental compensation payment is computed at the rate of one half of the employee’s daily rate of pay for each day of earned and unused accumulated sick leave based upon the employee’s average annual compensation received during the last year of employment prior to the effective date of retirement, not to exceed $[dollar amount].

Upon the death of an employee, there is no provision for the payment of unused sick leave to the employee’s estate.

An employee who is absent on sick leave for xxx or more consecutive working days (xxx consecutive hours) shall be required to submit acceptable medical evidence of illness to the director of human resources.

An employee who has been absent on sick leave for periods totaling xxx days (xxx hours) in one calendar year shall submit acceptable medical evidence for any additional sick leave taken in the year unless such illness is of a chronic or recurring nature requiring recurring absences of one day or less, in which case only one certificate shall be necessary for a period of six months. The proof of illness must specify the nature of the illness and that it is likely to cause periodic absences from employment.
If an employee is absent because he or she has been exposed to a contagious disease, a certificate from a department of health shall be required prior to returning to employment.

* * *

Failure to follow sick leave notification and verification procedures may result in a denial of sick leave for the specific absence, be considered an abuse of sick leave and/or constitute cause for disciplinary action.

An employee's liability for sick leave days taken in excess of his or her entitlement shall be satisfied by employing one or all of the following:
1. Reduction of available earned vacation, compensatory and/or administrative leave;
2. Adjustment of biweekly pay; and
3. Lump sum payment to the salary account.

Sample Language: Personal/Administrative Leave

An employee who is in pay status as of January 1, holds a full time position and is entitled to benefits, shall be granted xxx days (xxx hours) of paid administrative leave in each calendar year for personal business, including emergencies and religious observances. Hourly employees shall have no entitlement to paid administrative leave.

New employees shall receive xxx days (xxx hours) of administrative leave for each month of employment that he or she is on the payroll for 24 or more calendar days in a month, up to a maximum of xxx days’ (xxx hours) leave. Thereafter, administrative leave shall be credited at the beginning of each calendar year.

* * *

Administrative leave that is not used during the calendar year shall be forfeited.

* * *

[When] an employee separates, there shall be no payment for days not used.

Sample Language: Vacation Leave

Vacation leave not used in a calendar year because of business necessity shall be used during the next succeeding year only. The executive director may approve additional carry-forward requests, but shall do so on a limited basis.

Vacation leave credits shall continue to accrue while an employee is on leave with pay, including holidays, sick, administrative and vacation leave; and other days off authorized by the executive director. Credits shall not accrue while an employee is on any leave without pay, except for military leave or voluntary furlough.

Vacation leave credits shall not accrue after an employee has resigned or retired, even though his or her name may be retained on the payroll until his or her eligible leave time has been exhausted.

* * *

An employee who is retiring or who has otherwise separated from state service shall be paid for unused earned vacation leave.
Upon the death of an employee, unused earned vacation leave shall be paid to the employee’s estate.

To ensure effective and efficient service to the legislature, restrictions may be placed on the use of vacation leave.

Vacation leave may be taken at any time during the year if it does not interfere with the proper conduct of the business of the [agency], subject to prior approval.

**Sample Language: Family Leave**

Family leave is for the purpose of caring for a newborn infant, a newly adopted child (leave for the birth or adoption of a healthy child may be commenced at any time within one year after the birth or date of adoption), or a seriously injured or ill member of the employee’s immediate family. (For the purpose of this policy, immediate family means child, parent or spouse.) Employees are entitled to leave up to 12 weeks within any 24-month period upon advance notice to the employer.

* * *

Upon expiration of the leave, the [agency] shall attempt to place a returning employee in the same position, or a position of like status and pay, without loss of service. However, the ability to hold or provide a position for a returning employee is based upon the needs of the agency and other operating requirements.

**Sample Language: Bereavement Leave**

Leave is granted for a death in the employee’s immediate family for a reasonable period of time. Immediate family member, for the purpose of this policy, is defined as spouse, child, parents, grandparents, grandchild, brother, sister, parents in law, grandparents in law, brother in law, sister in law and other relatives residing in the employee’s household.

**Sample Language: Jury Duty**

An employee shall advise his or her immediate supervisor of a summons to jury duty and supply a copy of the summons to the director of human resources, prior to his or her scheduled appearance.

An employee shall submit to the director of human resources, upon completion of jury duty, written verification of attendance signed by a representative of the court.
EMPLOYEE BENEFITS

Medical

Health insurance and medical policies are among the most important issues to employees, and are, perhaps, the most commonly elected benefits available. To the employer, it can be an important asset in recruitment; depending on how it is administered, however, it also can present a significant demand on management’s time.

Legislative personnel manuals should include a basic description of what is offered and when employees are eligible. It is crucial to explain the tax status of employee deductions, who administers the plan, and whether there is an extension for retirees. Employees also need information about the source of detailed plan administration, current options and rate information. Because everyone’s personal situation changes from time to time, it is important to state how and when coverage can be modified.

The manual description should be general, covering the availability of insurance, how to obtain it, and so forth. Specifics of plans change frequently; thus, by reference, the manual should defer to other sources such as the provider or administrator for current plan(s) offered, the particulars of the coverage, and employee cost.

Sample Language

Health Insurance Eligibility. Employees are eligible for medical and hospitalization coverage through various carriers. (Premiums are prorated for part time employees.) Under the Internal Revenue Service Code, Section 125, health insurance contributions are non taxable (this includes federal income tax, state income tax and social security tax).

Retiree Health Insurance. In addition to the provisions outlined in [state law], employees who are eligible for retirement and do retire shall be afforded the opportunity to continue health insurance coverage in the group plan until age 65. The employee shall be responsible for the entire cost of the premium for the plan chosen, which includes the normal employee contribution and the normal state contribution, plus a 2 percent administrative charge.

Worker’s Compensation

Although it is significant to individual employees, worker’s compensation programs may actually have more of an effect on the employer because of obligations related to compliance. In all likelihood, state law defines nearly everything from eligibility to the calculation of benefits. Legislative employees also must consider how other leave accruals coordinate with an injury leave under worker’s compensation.
Sample Language

Eligibility. Employees who are disabled as a result of a job related injury or disease will be granted injury leave in an amount sufficient to ensure that no loss of income occurs between the time the injury occurs and the time the worker’s compensation begins. If the employee returns to work before worker’s compensation begins, injury leave will be granted from the time of the injury to the time the employee returns to work. Injury leave shall not exceed 40 working hours for any particular injury. Injury leave shall not be granted simultaneously with any other form of leave.

Any job-related injury or disease shall be reported to the proper agency authority as soon as possible and the legislature shall have the responsibility to supply all the necessary information to the Office of Risk Management. No employee shall receive a salary (worker’s compensation plus regular pay) in excess of his or her normal wage.

Use of Sick and/or Vacation Leave to Supplement Worker’s Compensation Payments: Employees who are being paid worker’s compensation for job related injuries or disease may use sick and/or vacation leave to supplement the payment up to, but not to exceed, the regular rate of pay.

Employees on worker’s compensation shall earn sick and vacation leave at the same rate they earned prior to the injury or disease.

Holidays occurring during this period will be paid at a rate proportionate to the amount of sick and/or vacation leave being used.

After all sick and vacation leave has been exhausted, employees shall not be entitled to any leave or pay benefits except as authorized under worker’s compensation and, at the discretion of the chairperson of the executive board, may be carried in a leave without pay status while on worker’s compensation. This type of leave of absence may exceed one calendar year. No adjustment to an employee’s service date, merit date or, when applicable, probationary date is necessary for this unpaid leave.

Upon termination of worker’s compensation, and after the physician has released him or her to return to work, the employee shall be reinstated to his or her former classification up to one year following the date of disability. If they employee is disabled and unable to return to the former job, he or she shall be reinstated to a position for which he or she is qualified and physically suited. If his or her former position is not available, the legislature should make every effort to place the employee in a similar position.

Long-Term Disability

Long-term disability is an increasingly valued benefit, particularly as the work force ages. Employees need information about what options are available, the applicable rates, and when they are considered eligible for benefits. The description should be general, describing availability of coverage and how and where to obtain it. Specifics of plans change frequently; thus, by reference, the manual should defer to other sources such as the provider or administrator for current plan(s) offered and the employee cost. The personnel manual also should include information about the tax status of employee deductions. In addition, it is useful to note when changes can be made to coverage.

Sample Language

Long-Term Disability Insurance. Employees are eligible for a long term disability insurance program where the coverage is based on a percentage of the employee’s monthly salary. There are six coverage options available (see the Accounting
Office for information). The total cost of this program is paid by the employee. The State does not contribute towards this coverage.

** ** **

Long-Term Care Insurance. The program allows employees to have coverage for long-term care (for example, nursing home care) for the employee, spouse and eligible family members (see accounting office for information). Premiums are based on your age at time of application and would not change unless there is an adjustment to company's rate schedule or terms of the policy are changed. The other change in premium would occur if the covered individual elected a different plan option.

### Short-Term Disability

In states with short-term disability programs, both employee and employer need to be aware of how the process is conducted, from initial claims to receipt of payment. Many programs require specific actions to determine eligibility, such as medical examinations by experts who are appointed by an outside authority; judicial reviews, legal representation, handling requests for information, and so forth. Violation of any of these points can significantly affect the outcome for both parties.

This section should encompass a basic description of the program, defining eligibility requirements, benefits, administration procedures, penalties for any violations, and an appeals process if applicable. Most employees probably would benefit from a written definition of short-term disability, especially as distinguished from long-term disability. Other relevant points are whether participation is mandatory or voluntary; if the employee is responsible for payment, partial or otherwise; and what illnesses or disabilities are covered. If the description would be too long, a name and phone number of the agency responsible for administering the plan is helpful, especially if it enables the employee to obtain descriptive material such as a pamphlet or plan information folder.

Most plans of this sort have very strict rules, regulations or laws that affect the rights and obligations of employees, employers and outside administrators. Although the manual information can be somewhat general, it should include a disclaimer or warning for the employee to obtain specific information from the plan administrator if and when a claim occurs. Identification of the chain of command to process a claim also would be useful, i.e., supervisor, office director, executive director, etc.

### Sample Language

Employees are eligible for short term disability benefits pursuant to (state statute citation). Employees pay (x percent) of their salary through payroll deduction and are eligible for ($x or percent of salary) per week for a period not to exceed (x weeks/months) when determined eligible. Claims must be submitted to (name) within (time period) of onset of disability. The following disabilities are generally considered applicable to this program: (list). Claims can be considered only after (all/some) sick leave and/or (other) leave is exhausted. For further information or details for submitting a claim, contact: (agency name) at (phone number; address) OR, include specific handout/pamphlet in manual, if applicable.

### Employee Assistance Program

Employee assistance programs can be an important tool for management to use to obtain competent assistance for troubled employees. Incorporated as part of the disciplinary process, it may even be useful to defuse issues among employees that create problems in the workplace.
Complex and stressful work environments foster complicated problems that may require specialized help. Often, the employee in question is also enduring personal problems that can affect his or her work performance. These programs are designed to help such employees on an as-needed basis at minimal cost.

This section of the personnel manual should cover a basic description of what is offered and when participation may become mandatory. Note whether employees may initiate participation in the program. It also is helpful to list the specific services offered, the provider, whether there is any cost to the employee, and whether leave status is accorded during an employee’s participation.

Procedures for management need to be well-defined. Emphasis should be placed on the importance of confidentiality. If used as part of a disciplinary action, guidelines must be in place that dictate the circumstances under which this can be invoked.

**Sample Language**

The [legislative agency] provides an employee assistance program to employees. The employee assistance program is a confidential counseling and referral service available to legislators, employees and their family members. This program provides an opportunity to seek confidential assistance for problems such as alcoholism, drug addiction, legal or financial problems, marital and family complications, and psychological or emotional difficulties. The program also provides group working sessions relating to particular aspects of the work environment.

Information concerning this program will be mailed periodically to employees’ home addresses. Direct, confidential contact can be made with the provider. For other assistance, contact the Legislative Employee Assistance Program Coordinator or the Legislative Accounting Office.

Employees who voluntarily seek counseling or referral services from the employee assistance program shall be allowed to use sick leave time. Because office hours of the employee assistance program are flexible (evenings, lunches, etc.), employees are encouraged to make appointments during non-work time.

**Consolidated Omnibus Reconciliation Act of 1985 (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides important extended health insurance benefits to certain employees and their dependents. It enables former staff to continue health coverage for a fee. The personnel manual should notify employees about this program, offer at least a brief explanation of COBRA eligibility requirements, and identify sources for further information.

**Sample Language**

Federal Public Law 99 272, commonly called “COBRA,” requires the state ... to offer employees and dependents covered under the Uniform Group Insurance Program (UGIP) the opportunity for a temporary extension of their health and dental coverage at the group rates upon termination of employment. Continuation coverage is available only when certain events cause coverage under the UGIP to end and is limited to the health and dental coverage in effect at the time of the event.

In the event of your termination of employment or reduction in work hours, your [director] will notify you of your rights to continue insurance coverage. This notice will include the premium cost required.

For all other events—death, divorce, legal separation, or overage dependents—you (or your dependents in the event of your death) are responsible for notifying your department insurance representative within 60 days of the qualifying
event. If you do not properly notify your department insurance representative of these changes, you may jeopardize your dependents’ rights to continue coverage.

Your health, dental and life insurance certificates of coverage or summaries of benefits explain in detail your rights and responsibilities under state and federal law. They are your best source of information about continuing your coverage. For more information about continuing your medical/dental expense account, ask for a pre tax benefits packet from your [director].

Employees and/or family members may continue health insurance coverage after they normally have lost that coverage. Those eligible for continuation are: terminating employees; dependents of employees terminating; surviving family members of a deceased legislative employee; dependents ceasing to be an eligible dependent due to age and no longer attending school in full time status; and spouses legally separated or divorced from a legislative employee. The individual shall be responsible for the entire cost of the premium for the plan chosen, which includes the normal employee contribution and the normal state contribution, plus a 2 percent administrative charge.

Retirement Plans

The retirement plan offered by a legislative agency can be an appealing incentive for prospective employees. For those who are concerned about stability, it is an important part of the benefits package. Portable pensions can be particularly attractive to younger employees.

A basic description of the mandatory retirement plan—whether Social Security, a state-only plan, or a combination of both—should be the first item in this section. The personnel office and/or the state retirement system has information that can easily be included in the manual or as a separate booklet, pamphlet or handout. Many retirement administrators also hold information nights or seminars that employees can attend even if they are years away from retirement, where detailed information is available. If possible, include a schedule of when these events occur. The employee share (if applicable), the state match, years needed to vest in the system, and the amount of benefit for various years of service are minimal facts to be included here. Obviously, the distinction between “defined benefit” and “defined contribution” plan also should be described.

Many states also offer numerous forms of voluntary retirement options in conjunction with the mandatory plan. Be it a 401K, 403B, 457, or other deferred compensation plan; an after-tax investment plan; savings bonds; or unused leave sell-back, each available item should be briefly described. Since most of these items will be handled by outside plan administrators, a list of names and contact information also should be provided. If employees are not allowed to contact these programs from their office on state time, this should be explicitly stated. Again, it benefits both the agency and the employee if specific material is provided by the investment agents for inclusion in the manual.

Agencies need to include a disclaimer that the state takes no position regarding any investment options available to employees and should explain the difference between mandatory and voluntary participation. Some states require participation in a retirement plan but let the employee choose which one, i.e., either Social Security or state retirement. Again, very strict rules, regulations and laws apply to retirement plans, so it is important to remind employees that specific legal advice is beneficial if they have unique circumstances surrounding this issue.

Each state is so different in this regard that sample language is not very useful. Any individual responsible for compiling the personnel manual should obtain information from the state plan administrator and/or personnel officer.
Training and Professional Development

Most employees appreciate, and take advantage of, training and professional development (TPD) offerings. Such opportunities not only can provide staff with a great deal of satisfaction and pride in accomplishment, but also enable them to grow in their current job or move into new levels of responsibility. Employers can use TPD to meet their needs for certain skills and abilities without recruiting new employees.

It is helpful, if space permits, to provide brief descriptions of all TPD programs available in the state. Most states have a training bureau within the personnel department that offers numerous classes, seminars and training sessions throughout the year. It is also useful to provide information about where an employee can obtain the schedule and/or a brochure describing learning opportunities. Among the other elements that should be listed in this section, if possible, are any in-house programs available and how an employee can participate; any reimbursement plans for classes taken at area colleges, technical schools, etc.; and information about whether the state has a bonus or pay incentive for additional training beyond a certain level.

Some states permit TPD to be pursued on state time, in which case the qualifications should be clearly stated: prior approval by supervisor, specific type of class allowed, specific time of year (in session vs. out of session), etc. It also may be helpful to provide information about relevant organizations and the type of professional development they provide.

Sample Language

The state encourages all employees to pursue training and personal development opportunities to the fullest extent possible. The following sources are available: (List). Tuition cost assistance or reimbursement for successful completion of a course of study is provided as follows: (describe). Incentive awards are made upon completion of (x hours) of study. All TPD must be authorized by the (supervisor; director; etc.) prior to attendance. Such authorization will be granted subject to need, availability of other office personnel, and current workload.
WORKPLACE CONDUCT

Confidentiality

Management must stress the importance of confidentiality so legislators will feel comfortable using staff services. Employees need guidelines to determine when information is to be kept confidential and when responding to a request is likely to reveal some information. An overall agency policy may be supplemented by recognition of special circumstances that require different procedures. For example, some offices treat all work done for legislators as confidential unless explicitly told to share it, while others treat reports as public documents unless explicitly told to keep them confidential.

Sample Language

Staff shall abide by any designation of confidentiality made by a committee, the director or individual legislator. Requests to staff from individual legislators or groups of legislators for information should not be revealed to other legislators. Information requested should be cleared with the director or deputy director if the analyst has any concern relative to the proprietary nature of the requested information. As the need arises, the director will inform staff of certain information that should not be released under any circumstances.

* * * *

Information relative to a study in progress shall not be made public until the study is completed and accepted by the committee. With concurrence by the director or deputy director, drafts may be shared with impacted agencies as the study progresses.

* * * *

Staff recommendations are confidential until made public in committee hearings. However, with concurrence from the director or the deputy director, recommendations can be conceptually shared (not in writing) with affected agencies in order to ensure accuracy.

* * * *

During the course of a year, a number of staff meetings will be held for a variety of purposes. The intensity of these meetings increases during the legislative session, and diminishes to some degree during the interim. Because of the sensitive nature of the work done in the office, an analyst should never assume that information discussed in staff meetings is to be shared outside the meeting. Rather, all staff meeting discussions should be considered confidential, unless the director or another member of the management team indicates otherwise.

* * *
The [legislative agency] staff must observe the confidential nature of the research and drafting requests received by it [Section 13.91 (intro.), Stats.]. Responses to research requests, draft legislation and other written material prepared for an individual legislator at his or her request are treated as confidential until or unless the legislator chooses to make public the information. Similarly, oral responses to questions and research requests from individual legislators are treated confidentially.

Materials prepared by the staff for use by the [legislative agency] or any of its study committees are considered public and are available for distribution as soon as they have been made available to the Council or the study committee. Staff memoranda and analyses prepared for Assembly and Senate standing committees are distributed in accordance with the directions of the chairperson of the committee. Often, all members of a committee receive copies of a memorandum or analysis and, in those cases, the material is considered to be public. Publications initiated by the Council staff are public documents and distributed on request.

Drafts, notes, preliminary computations and like materials prepared for the originator’s personal use, or in the name of a person for whom the originator is working, are excluded from the definition of “record” in the Public Records Law. They can, and in most cases should, be kept confidential.

Personal Appearance and Dress Code

Most employees understand what is and what is not acceptable to wear in the office. However, the introduction of “business casual” has created some confusion at many work sites. Good grooming and professional attire at all times should be stressed. If “business casual” is to be incorporated into a policy, the parameters and exceptions should be clearly stated.

Sample Language

Employees will be dressed and groomed in a manner that expresses to customers, legislators and colleagues a sense of dignity and professional competence and conduct. Business attire is expected Monday through Thursday.

On casual Friday, employees should maintain a professional, although more relaxed, image on the job. No employee should give legislators, customers or visitors an impression that Friday is not a work day. On Friday, employees may dress casually, but appropriately, for position and function. For example, jeans and sweatshirts are not considered appropriate. As employees of the [legislative agency] our outward appearance should reflect the professionalism, competence and serious attention to our jobs that is part of our work ethic. If formal meetings are scheduled, business attire generally will be expected.

Each employee shall be neatly and appropriately groomed and dressed at all times while engaged in work of the division. Casual attire, within the limits of good taste, may be worn on weekends when legislative activities are not being conducted in Capitol Square. The director may, by directive, prohibit the wearing of other items of dress deemed to be in violation of this rule.
Employees are expected to dress appropriately for the job, and this includes appropriate business casual attire on days designated as “casual dress days.” Business casual is defined for purposes of such days as sport jacket or sweater; collared shirt, which may be knit; sport slacks; socks; and dress shoes for men. For women, skirt, sport slacks, blouse and dress shoes are appropriate. The following items of dress are never acceptable: denim; sandals; tennis, canvas or boat shoes; sweatshirts or pants; shorts or culottes; and Capri pants and other tropical attire.

If you are in doubt as to whether an item is appropriate, it probably is not. The basic rule to follow is one of good taste, keeping in mind that you are a representative of the legislative branch of state government.

[Legislative agency] staff members are to present a proper business image. Business attire is required at all times. The director may designate certain days as “business casual.” Facial piercing, visible tattoos and denim clothing are not permitted.

Staff Code of Ethics

Legislative staff must demonstrate the highest standards of conduct while performing their legislative duties. It should be stressed that their actions reflect not only on themselves, but also on their department and the entire legislative branch of government. Reference to a state’s statutory ethics code for public officials and employees is a good idea, even when this is supplemented by agency-specific rules.

Sample Language

Staff members of the [legislative agency] are members of the National Conference of State Legislatures. The code of ethics developed by NCSL should guide legislative agency employees in their work.

The director and members of the legal and research staff are subject to the Code of Ethics for Public Officials and Employees [subch. III of ch. 19, Stats.] and are required to file an annual Statement of Economic Interests with the Ethics Board. The board is given the name of each such new employee at the time of hiring and sends the new employee the forms and instructions for filing. They must be filed with the Ethics Board within 21 days after the beginning of employment. No salary may be paid to an employee until the statement of economic interest is filed. After the initial filing, the employee must file a statement annually no later than April 30.

Legislative employees shall conduct themselves under the highest ethical standards in all their work relationships. This includes their relationship with the public, with lobbyists, with other state departments and agencies, and with contractors doing business or hoping to do business with the General Assembly or the state. Each legislative employee shall have a full and complete understanding of all applicable ethics standards and requirements.
Public and Media Relations

Employees should understand exactly who is and who is not allowed to have discussions with the media. Errors in this regard could be highly embarrassing to legislators and the agency. It is executive management’s prerogative to decide if a formal press policy is appropriate or necessary, but formal guidelines always are helpful to staff.

**Sample Language**

No employee shall grant an interview or make statements to the press, radio, television or any other news medium relative to this employment with or work of the division without the prior consent of the director. This rule does not apply to (i) routine press release or announcements made at the direction or under the general authority of the chairman of a commission or committee staffed by the division or (ii) transmittal of factual information that is not subject to the rules of confidentiality.

Conflict of Interest

Conflicts of interest often are handled as part of the ethics code. Some states highlight its importance by making it a separate topic, while others add relevant specificity to the overall state code.

**Sample Language**

An employee may receive honoraria or paid expenses for activities outside state employment with prior approval of the director and under the following conditions:

- Outside activities must not interfere with the employees' efficient performance of duties, conflict with the interests and responsibilities of the [legislative agency], or give reason for criticism or suspicion of conflicting interests or duties.
- An employee will not use a staff position or any influence, power, authority or confidential information he or she receives in that position, or state time, equipment, property or supplies for private gain.
- Employees will not serve on an agency committee, board or task force unless approved by the [appropriate authority]. However, [legislative staff] are encouraged to be active participants in appropriate meetings.

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Legislative [agency] staff shall adhere to the highest standards of public behavior and impartiality so as to maintain the division and themselves above reproach. To protect the reputation and integrity of the division, staff must avoid any conduct that could result in even the appearance of a conflict of interest. With this standard as a guide, employees shall use their best judgment in accepting gifts, meals, travel, lodging, entertainment or other items of value from non legislative agencies, organizations, businesses or individuals with an interest in the work of the division. Any such items of monetary value that are accepted must be reported annually on May 1 to the director.

***

It is the duty of every employee of the [legislative agency] to so conduct himself inside and outside the office as to be worthy of the confidence, respect and esteem due the legislature, the government and the public servants of [this state]. No employee of the [legislative agency] shall engage in any outside business activities, however remote from the functions of his position, that may in any way prejudice or interfere with the performance of his regularly assigned duties, or bring discredit to or reflect unfavorably upon the legislature, the [legislative agency] or the state. No employee of the [legislative agency]...
Absence and Tardiness

The manual should stress the importance of reliability, dependability, and teamwork. Employees need to understand how their actions affect their colleagues, the department, the agency, and the legislature.

Sample Language

Employees of the House of Representatives must report to work regularly and on time. If they will be unable to report to work, or will be late, they must contact their staff director as soon as they know they will be absent or late. If the staff director is unavailable, employees must leave a message and a telephone number with the staff director’s assistant. If absence or late arrival is due to an emergency, employees must call in or have someone call in on their behalf, as soon as possible. Attendance or tardiness problems, as well as the failure to call in, may result in disciplinary action, including possible termination of employment.

Disciplinary Infractions

In addition to outlining the specifics of disciplinary procedures, some states identify specific infractions upon which action will be taken. This policy is not intended to create undue concern for typical employees, but, rather, makes it clear which activities are not tolerated. However, it is important to restate the at-will policy along with any such list.

Sample Language

Employees are reminded that they are employed at-will and that the director may dismiss an employee for any reason, including violation of any of the personnel rules, or for no reason, at any time. The following is a non-exhaustive list of infractions that may lead to discipline or termination:

a) Continued or gross neglect of duty;
b) Repeated absence without leave, or failure to give proper notice of absence;
c) Incompetence or unwillingness or inability to render satisfactory service as shown by service ratings below the satisfactory standard provided by these rules, or otherwise, to the satisfaction of the director;
d) Physical or mental disabilities that render the employee incapable of performing the duties of the position;
e) Serious breach of office discipline;
f) Use of or being under the influence of non-prescribed controlled substances, marijuana or alcohol while on duty;
g) Conviction of a felony or any criminal act involving moral turpitude;
h) Use of bribery or any form of political pressure to coerce appointment or benefit for the employee;
i) Material falsification of employment application;
j) Misappropriation of state funds or property; or
k) Insubordination.

Complaint Resolution Procedures

Despite the best efforts and intentions of managers and supervisors, employee problems and complaints can develop that require thoughtful examination and careful resolution. Most state legislative workplaces have developed formal procedures for the consideration of employee complaints. These procedures ensure that employee concerns are handled...
fairly and in recognition of applicable laws. They also protect the legislature by providing a standardized process for managing employee complaints.

Complaint resolution policies typically have two parts. One explains the legislature’s goals and principles related to employee complaints. The second part outlines the informal and formal steps that should be followed by employees and the employer when an employee complaint occurs. These steps can include a time limit for submitting a complaint and usually set out deadlines for employer response to a complaint.

### Sample Language

**Principles:**

The following principles shall be observed in the complaint procedure:

a) Complaints shall be handled in a manner that will guarantee confidentiality to the extent that is appropriate.

b) The rights of the complainant shall be respected. These rights include the rights to bring a complaint without retaliation and to notice of action taken on the complaint.

c) In those cases where there is an alleged offender, the rights of that employee also shall be respected. These rights include the rights to notice of charges and an opportunity to defend against the charges.

d) Appropriate records and documentation of any formal procedure shall be maintained by the Office of Legislative Management.

e) All concerned shall strive to resolve a complaint within 60 days of the date of its filing.

If an employee feels that the informal discussions have not resolved the problem satisfactorily or that informal discussions are not appropriate under the circumstances, he or she may file a formal written grievance.

- The written grievance must set forth fully the problem as perceived, and it must be submitted to [the employee’s immediate supervisor]. For most employees, the employee’s immediate supervisor is the administrator of the employee’s section.

- The supervisor will make every effort to meet formally with the employee within three (3) working days after receiving the written grievance. The results of the meeting will be documented in writing by the supervisor and signed by both parties within three (3) working days. Unless expressly indicated, an employee’s signature does not indicate approval; it indicates only that the employee has been shown the memorandum and is aware of its contents. The supervisor will give a copy of the signed document to the [director] and, if applicable, to the assistant director.

- The decision of the administrator of the section may be appealed to the assistant director of the employee’s division or to the director if there is no assistant director of the division. The decision of the assistant director of the employee’s division may be appealed to the director. If the employee wishes to appeal, the appeal must be filed within three (3) working days after the last written decision received by the employee.

If an appeal is received by the assistant director or director, he or she will make every effort to conduct a formal meeting with the employee within three (3) working days after receiving the written appeal and will render a written decision within three (3) working days after the meeting unless extraordinary circumstances prevent it.

### Substance Abuse

State legislatures are committed to providing drug-free work environments. Personnel policies should firmly support this commitment. These policies also should:
• Put employees on notice that substance abuse will not be tolerated. Employees should sign a consent form that they understand the policy and will agree to be tested.

• Treat everyone equally. Enumerate situations when testing will be required for drugs—after an accident, randomly, and for cause. If someone tests positively and goes for treatment, monthly testing may be required to guard against relapse.

• Give supervisory personnel guidance about when they should intervene with employees who are acting suspiciously.

• State when employees will be referred to the employee assistance program for counseling and for rehabilitation.

• State what happens if an individual tests positive for drug use.

It is legal to give tests to determine the illegal use of drugs by employees and to make employment decisions based on such test results, but such policies must be applied equally to all employees.

Read and have your legal counsel check the latest interpretation of the Fair Credit Reporting Act. Some interpretations of the act would require that the employee be notified of the investigation and that his or her permission be obtained.

Capitol Security, Safety and Health

Employers should endeavor to provide a workplace that is secure, safe and healthy. Personnel policies outline the responsibilities of all parties in the pursuit of these goals and provide information about emergency procedures and safety training and resources.

Sample Language

The employees of the [legislature] are the most valuable and important resource of the agency. The agency cannot perform its vital public mission for the citizens of [state] without the enthusiastic, energetic, professional and dedicated work performed by every one of its employees.

* * *

The safety and health of all employees are a major concern. We promise to make every reasonable effort to provide all employees with a safe and healthy workplace and take steps as necessary to manage and reduce risk in the workplace. A safe and healthy workplace cannot happen by itself. Therefore, safety is everyone’s responsibility, and everyone, without exception, is personally accountable to help and support the employee safety and health program of this agency.

* * *

We are committed to safety, health and risk reduction, and will do everything we can to support these goals in the workplace. Our intent is that this agency, at a minimum, complies with all applicable safety and health laws, rules, regulations and standards; takes no shortcuts when it comes to safety and health; and gives safety and health priority consideration when making decisions. If we all do our part, our agency will become an even safer place to work.

* * *
Capitol security is handled by the Chief Sergeant at Arms. His office will train the staff in the knowledge necessary for one’s safety. For assistance with security and emergency preparedness issues please contact the Sergeant at Arms office at xxx-xxxx.

Workplace Violence

In the aftermath of September 11, 2001, and in reaction to the spate of workplace shootings that plagued the 1990s, most employers have instituted workplace violence policies that feature zero tolerance provisions. Language in the personnel manual should describe the philosophy of zero tolerance and provide details about unacceptable behavior and practices and related penalties.

Sample Language

Our Most Important Commitment
All employees of the [legislature] have the right to a safe, secure and violence free work environment. The [legislature] recognizes this right and acknowledges that nothing is more important than the safety and security of its members, employees and visitors. As such, the [legislature] intends to protect, as fully as possible, against violent, threatening or intimidating behavior that may occur in the work environment, and establishes the following Zero Tolerance Policy Regarding Workplace Threats and Violence. Violations of this policy will, when appropriate, lead to disciplinary action that may include dismissal or arrest and prosecution. Furthermore, any person who makes threats of violence, exhibits threatening behavior, or engages in violent acts within the [legislature’s] jurisdiction will be removed from the premises as quickly as safety permits and will be prohibited from returning to the premises pending the outcome of an investigation.

Our Zero Tolerance Policy
Violence in the workplace is unacceptable and will not be tolerated. Every employee has the right to work in an atmosphere free from verbal, written, physical and psychological violence. Violent, threatening or intimidating behaviors that involve or affect the [legislature’s] members, employees or visitors, will not be tolerated. It is the [legislature’s] policy to ensure that employees are protected as fully as possible from assaults, threats, intimidation, harassment and coercion and to take appropriate actions when such incidents occur.

All employees are to treat coworkers and visitors responsibly and respectfully. Any person who exhibits violent, threatening or intimidating behavior or who retaliates against another employee or visitor for any reason, will be subject to prompt investigation and corrective action.

Pursuant to this policy, the [legislature] prohibits the possession of weapons on any of its premises or wherever its business is conducted.

What Is Covered Under Zero Tolerance?
Under this zero tolerance policy, no violent, threatening or intimidating behavior of any kind will be tolerated. This includes, but is not limited to: 1) any physical action that can cause physical or mental injury or harm; 2) any non physical, verbal or written threat; and/or 3) other assaultive or abusive behavior.

Everyone Has the Responsibility To Prevent Violence
To ensure that the [legislature’s] Anti Violence Policy is implemented on a uniform basis throughout the Senate, the expectations of members, supervisors, or employees of the [legislature] are as follows. All members and staff supervisors are expected to: 1) promote a safe, secure work environment; 2) ensure that all locations’ practices and procedures are
consistent with this policy; 3) ensure that all levels of employees are held accountable for carrying out their responsibilities to maintain a violence free work environment; 4) exhibit leadership by example by refraining from conduct covered by this policy and taking appropriate action in response to reporting of violations; and 5) ensure that all employees are knowledgeable about the policy.

Computer Systems

Legislative computer systems provide a valuable tool for the conduct of legislative business. As with all other facilities provided by the legislature, these systems—PCs, e-mail, Internet access, etc.—are the property of the taxpayers of the state and should be managed in a manner that maintains the public trust and confidence in the legislature. In the interest of protecting the legislature and its employees, legislative staff agencies usually adopt a policy outlining the guidelines of appropriate and inappropriate uses, computer ethics and current law pertaining to lawfully created computer data and computer systems.

Sample Language

General Guidelines:

- Users of the Senate’s computer systems must respect the privacy of others, and their intellectual property or data. Users shall not intentionally seek information, obtain copies, modify files or data, or use passwords belonging to others without proper authorization.
- Users shall respect the legal protection provided by copyright and licensing laws to software and data.
- Users shall protect the integrity of the Senate’s computer system. Users shall not propagate programs, harass other users, or infiltrate a computer or computer system.
- Users shall not damage or alter the software or other components of Senate computers or computer systems or install unauthorized hardware or software.
- Users shall use only functions and components of the Senate’s computer system for which they have been authorized.

ACCEPTED USE: Senators and staff may use Senate computers and computer systems to:

- Facilitate communications between legislators, staff, state agencies, citizens and others concerned with state business.
- Access databases and files to obtain work-related reference material or to conduct legislative-related research or appropriate legislative business.
- Prepare information for use in bill preparation, committee hearings and floor debate.

INAPPROPRIATE USE: No person shall use Senate computers and computer systems to:

- Violate any state or federal law or regulation.
- Promote any political activity, commercial venture or personal use.
- Raise funds or engage in public relations activities that are not directly related to state business.
- Intentionally disrupt network or system use by others.
- Submit, publish, display or transmit on the network or on any Senate computer any information that is defamatory, false, abusive, obscene, pornographic, profane, sexually oriented, threatening, racist, sexist, harassing or illegal.

The Senate Rules Committee has the right to monitor and/or log all network activity, with or without notice, including e-mail and all Internet communications.

COMPUTER ETHICS: As representatives of the Senate, members and staff have a responsibility to conduct themselves in an ethical manner.

- Data obtained inappropriately should not be used.
- Finding and reporting systems weakness is not a license to take advantage of it.
• Organizations and individuals have a right to privacy.
• When the confidentiality of material is unclear, it should not be divulged.
• The use of personal information voluntarily provided, for purposes other than agreed to, is unethical.

Office Supplies and Equipment

Personnel manuals address office supply and equipment issues at two levels. First, most states establish policies that outline the appropriate or inappropriate use of office equipment. Generally, these policies say that the office resource can be used only in the conduct of official business and not for personal or political use. Second, the manual may describe how supplies are distributed, where they can be obtained, and who is responsible for certain office supply inventories and delivery.

Sample Language

Standard office supplies for your capitol office are distributed through the capitol supplies office. Special orders for items (expensive items or those not usually held in stock or frequently ordered) also are placed the supplies staff. All copier and facsimile consumable (cartridges, toner, belts, etc.) orders also should be placed through the supplies office.

* * *

The establishment of your capitol office will be handled through the procurement staff. The services provided by this staff include order and delivery of all office furniture and equipment. The procurement staff coordinates purchase orders for items and services and also coordinates the liquidation of furniture and equipment. The procurement staff maintains the inventory for all Senate offices.

* * *

All equipment, furniture and supplies that are or are intended to be in official use by the House of Representatives, except the personal property of employees, are owned and managed by the House of Representatives. Any unauthorized use or appropriation of House equipment and supplies by any House employee for private benefit will subject the employee to possible disciplinary action up to and including termination of employment. Such use or appropriation may also be referred to the Legislative Ethics Board for possible criminal prosecution to the highest extent of the law. The transfer of House equipment or furniture from one location to another is prohibited except with prior approval of the Chief Clerk.
PERSONNEL MANUAL ACKNOWLEDGMENT

It is important that management have a record of each employee's receipt of the agency's personnel manual. This creates a record that the employee has been provided with the rules that govern his or her employment and notes the employee's responsibility to read and be familiar with them.

Recommended Language

This is to acknowledge that I have received a copy of the _____(agency or legislature name)____ Personnel Manual, effective _________, 20___, and understand that it provides guidelines and general information regarding my employment with _____(agency or legislature name)____.

I understand that it is my responsibility to read and familiarize myself with all information in the manual.

I understand and acknowledge that the information, policies and benefits described in this manual are subject to change by _____(agency or legislature name)____ in its sole and absolute discretion.

I understand that this manual is not a contract of employment, either express or implied; that employment with _____(agency or legislature name)____ is at-will; and that employment may be terminated at any time, for any reason, with or without notice.

________________________________________________
Employee's Name (Printed)

________________________________________________
Employee's Signature

________________________________________________
Date

________________________________________________
Manual Number