

Model Code of Conduct for Legislative Staff

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Preamble

In recognition of the importance of staff to the mission of the legislative branch of state government and of the value of excellence and professionalism in staff performance, the National Conference of State Legislatures adopts this code as a model to guide the conduct of staff members of state legislatures in their service to the state legislature, its members and the public.

Statement of Intent

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

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

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

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

Article 1

General Principles of Conduct

Public Servant

Section 1. A legislative staff member is a public servant. The broad purpose of his or her work is to assist the state legislature in promoting the common good of the citizens of the state.

Comment: As employees of the government, staff members have placed their talents and efforts in the service of the common good. As stewards of public resources, staff members are responsible for ensuring that these resources are used to promote the public good, not their own private good.

Loyal to the Legislative Branch

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

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

Trustworthy

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

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

Civil

A legislative staff member respects the rights of individuals to hold different opinions, and speaks truthfully without accusation or distortion, and avoids heightened rhetoric when serving the legislature.

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

Article II

Obligations of Legislative Staff Members to Legislators

Honest

Section 1. A trustworthy legislative staff member demonstrates the highest standards of honesty and personal integrity in all of his or her work for the state legislature.

Comment: A trustworthy staff member does not steal from his or her employer by taking public property, by using public property or his or her employment for personal gain, or by failing to give full effort for pay received. A trustworthy staff member does not lie to his or her employer. Dishonesty in any aspect of a staff member's life calls into doubt his or her honesty in work and can also harm the legislature's reputation.

Discreet

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

Comment: Discretion includes knowing when information is confidential and treating it as such, when carrying out a request must necessarily involve revealing some information, and when not to speak about nonconfidential matters both within and outside the legislative context. Because many legislative staff members work for more than one legislator, including working on a single project or piece of legislation for legislators with opposing objectives, it can be difficult to meet this obligation at times. Also, the expectations of leaders that they be kept informed can place staff members in difficult situations. To minimize these difficulties, legislatures must clarify the staff obligation to maintain confidentiality.

Candid

Section 3. A trustworthy legislative staff member renders candid advice to legislators on matters of policy and procedure within the staff member's areas of work responsibility.

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

Objective

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

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

Competent

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

Comment: To support the legislature in its mission, staff members must be competent. A staff member needs to be aware of his or her kind and degree of expertise, to be forthright with legislators about what he or she can do, to know when to seek assistance, and to take every opportunity to continue to learn.

Diligent

Section 6. A trustworthy legislative staff member gives a hard-working effort to each work task, uses available time in a productive and efficient manner, and completes work in the most timely fashion possible.

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

Fair

Section 7. A trustworthy legislative staff member treats all legislators with equal respect and provides services of equal quality to all legislators to whom he or she is responsible.

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

Article III

Obligations of Legislative Staff Members to Each Other

Respectful

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

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

Supportive

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

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

Article IV

Obligations of Legislative Staff Members to the Public

Courteous

Section 1. A trustworthy legislative staff member is courteous to all members of the public with whom he or she interacts in his or her work.

Comment: Some legislative staff members are hired to provide direct services to the public; many others will from time to time have direct contact with the public. As government employees, staff members will respect the need of members of the general public, the press, members of other governmental agencies, and lobbyists to have information about the legislature. They will, subject to legal and policy guidelines, attempt to meet that need. If a staff member does not have what is requested, he or she will help citizens find the information or assistance they seek.

Law-Abiding

Section 2. A trustworthy legislative staff member is law-abiding. He or she encourages lawfulness in the activities of all participants in the legislative process.

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

Article V

Staff Expectations of the Legislature

Supportive

Section 1. In placing their knowledge and skills at the service of the legislature and in committing themselves to be trustworthy servants of the legislature, legislative staff members rightfully expect that the legislature will clarify staff responsibilities and will support staff members in fulfilling their obligations under this code of conduct.

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