

# TABLE OF CONTENTS

<b>POLICY MANUAL ACKNOWLEDGEMENT FORM.....</b>	<b>3</b>
<b>PERSONNEL POLICY.....</b>	<b>4</b>
<b>A. EMPLOYEE VALUES AND CONDUCT.....</b>	<b>5</b>
<b>B. MODEL CODE FOR LEGISLATIVE STAFF .....</b>	<b>7</b>
<b>C. APPOINTING AUTHORITY.....</b>	<b>11</b>
<b>D. NEW EMPLOYEES .....</b>	<b>11</b>
<b>E. OFFICE STAFFING.....</b>	<b>11</b>
<b>F. ATTORNEY POLICY.....</b>	<b>12</b>
<b>G. CHARITABLE AND SALES SOLICITATION BULLETIN BOARD ..</b>	<b>13</b>
<b>H. PERSONAL PROPERTY LIABILITY .....</b>	<b>13</b>
<b>I. OFFICE HOURS.....</b>	<b>13</b>
<b>J. COMPENSATION, PAYROLL AND TIME REPORTING .....</b>	<b>14</b>
<b>K. VACATION AND PERSONAL DAYS.....</b>	<b>16</b>
<b>L. LEAVE OF ABSENCE.....</b>	<b>17</b>
<b>M. RESIGNATION AND TERMINATION .....</b>	<b>23</b>
<b>N. WORKERS COMPENSATION.....</b>	<b>23</b>
<b>O. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT .....</b>	<b>24</b>
<b>P. AMERICANS WITH DISABILITIES ACT .....</b>	<b>26</b>
<b>Q. EMPLOYEE ASSISTANCE PROGRAM (EAP) .....</b>	<b>26</b>

**R. INCLEMENT WEATHER AND OTHER EMERGENCIES.....27**  
**S. NEPOTISM.....28**  
**T. NOTARY PUBLIC.....28**  
**U. DISCHARGE/TERMINATION.....28**  
**V. OPEN RECORDS LAW.....28**  
**W. CAMPAIGN ACTIVITY .....33**  
**X. LEGISLATOR SICK LEAVE REPORTING POLICY.....36**

# POLICY MANUAL ACKNOWLEDGEMENT FORM

I have received a copy of the Wisconsin State Assembly Policy Manual and acknowledge it is my responsibility to read and request clarification of any information that I do not understand.

I agree to abide by the rules and regulations contained in this manual and by any other rules and regulations the Assembly may establish.

I have read and understand the definition of at-will employment contained in this manual.

This manual does not constitute an employment contract and does not modify the at-will employment relationship of the Wisconsin State Assembly and its employees.

**Since no employee policy manual can address every situation that may arise, it may be necessary to make changes to this policy manual. The right to modify, amend, add or delete any policy, procedure or benefit set forth in this policy manual at any time, for any reason, with or without notice is reserved by the Wisconsin State Assembly. Policy changes will be posted on the Chief Clerk's Website.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

## **PERSONNEL POLICY**

**Employment with the Wisconsin State Assembly is subject to the concept of employment-at-will and is for no definite period of time. Employment-at-will means employment can be terminated by the employer or employee at any time, for any reason and with or without notice. In addition, this policy manual is not designed to be, nor does it create, a contract between an employee and the Wisconsin State Assembly.**

**All employees of the Assembly are in the unclassified non-represented service and, as employees of the legislative branch of state government, are subject only to those rules and laws governing unclassified employees of the Assembly. The Assembly determines which of these rules and laws apply to Assembly employees. Employees serve at the pleasure of the appointing authority (Representative, Chief Clerk, Sergeant-at-Arms) and the employment relationship may be terminated by the appointing authority or by the employee at any time without cause or notice. There is no expectation of continued employment with the Assembly.**

The Wisconsin State Assembly values the members of its staff. This results in the following: (It is the responsibility of the appointing authority to implement the standards.)

- The Wisconsin State Assembly staff members are competent, professional, and caring.
- The Wisconsin State Assembly offers a platform where staff can grow professionally.
- Staff takes pride in the quality of the services they provide.
- Goals are enumerated clearly, and staff work together to achieve these goals.

The Wisconsin State Assembly values team-based management. This results in the following:

- The Wisconsin State Assembly plans, projects and manages resources to meet project demands.
- Management is proactive in its approach to the operations of the Assembly.
- Staff vacations, sick time, and personal time are considered in planning.

**This policy manual provides information and guidance about current policies, procedures and benefits in the Wisconsin State Assembly, as well as your responsibilities as an employee. It is not an express or implied contract or guarantee of employment.**

## **A. EMPLOYEE VALUES AND CONDUCT**

Work rules are established to protect the rights and well being of all employees, and to ensure that the Wisconsin State Assembly can fulfill its purpose. The rules enumerated below are divided into categories; these are not intended to be exhaustive lists, but to address issues not covered elsewhere in this manual, and to provide examples within areas of responsibility that employees should keep in mind.

Offenses for each category are listed in order of severity; however, frequent or repeated infractions of rules can increase the severity of what might otherwise be considered a minor offense. Some offenses are so severe that the appointing authority may choose to terminate employment without prior corrective action or initiate other measures. Disciplinary action for the rules enumerated below, and for violation of any policy in this manual, shall be administered on a fair and equal basis. It is the responsibility of the appointing authority to implement these rules of conduct.

### **Unacceptable Work Habits**

1. Failure to observe set time limits or reasonable amounts of time for lunch or break periods.
2. Unclean, unkempt, or inappropriate dress or grooming that adversely affects performance of duties or the image of the Wisconsin State Assembly, or that constitutes a health or safety hazard.
3. Failure to notify their appointing authority of absence or tardiness.
4. Neglecting job responsibilities or assignments.
5. Insubordination, disobedience, or failure/refusal to follow the written or oral instructions of a supervising authority.
6. Unexcused or excessive tardiness or absenteeism, or abuse of sick leave benefits (appointing authorities may request a doctor's excuse to determine legitimate use of sick leave).
7. Inaccurate reporting of sick and vacation time on timesheets or monthly reports.

### **Unacceptable Behavior Toward Others**

1. Discourtesy in dealing with fellow employees, customers, members of other agencies, or the general public, which adversely affects the image of the Wisconsin State Assembly or interferes with the proper conduct of business.
2. Making false or malicious statements concerning other employees, appointing authorities, other agencies, or members of the public with whom the state conducts business.
3. Disregard for personal safety or the safety of others, including failure to observe safety rules and practices, failure to report damaged equipment or potentially dangerous situations, or failure to report accidents/injuries that occur in the course of job duties.
4. Threatening or intimidating others physically or verbally, or using abusive or profane language towards others.

5. Threatening, attempting, or inflicting bodily injury to a fellow employee or any other person.

### **Building/Equipment and Security Violations**

1. Failure to observe no-smoking regulations.
2. Unauthorized solicitation of funds or donations for any purpose.
3. Unauthorized posting, defacing, or removal of posted material.
4. Transacting business as an employee of the state with any business entity in which the employee has an interest, except as authorized by law.
5. Unauthorized lending, borrowing, or duplicating of keys or building passes, or improper use of keys or building passes.
6. Improper disclosure of confidential information or records.
7. Falsifying or destroying records, providing false information on an employment application, or giving false information to any person or organization; any form of dishonesty.
8. Theft or unauthorized possession of state or private property, funds, or equipment; unauthorized use or abuse of state property or equipment.

### **Employee Attire**

#### Session/Committee Days/External Meetings

During Assembly session days and when representing the Assembly or Assembly District outside the Capitol, a dress shirt and tie (a sport coat is not required but encouraged) for male employees and professional business dress for female employees is required.

#### In-Office Attire (non-session/committee)

Due to the fact that meetings and conferences with outside visitors are often hosted in the office, it is important that staff present themselves in a professional manner. Therefore, while in the office, business casual dress is the standard for this policy as detailed below.

#### Clothing

Acceptable dress would include suits, sports coats, dress pants, dresses and skirts, dress shirts, sweaters, turtlenecks and golf-type shirts. Not all casual clothing is suitable for an office setting. Clothing that works well for the beach, yard work and exercise sessions is not appropriate for the professional appearance at work. Some examples of inappropriate clothing are:

- Clothing that is torn or frayed
- Clothing with words, terms or pictures that may be offensive to others
- Clothing that implies an endorsement of some product, place or organization
- Jeans
- Shorts
- Sweatpants
- Exercise pants
- Spandex

-Tank tops

### Footwear

For safety reasons, no flip flops or slippers are acceptable. Shoes must be worn at all times.

## **Alcohol/Controlled Substances**

Employees of the Wisconsin State Assembly are prohibited from possessing or using alcoholic beverages or controlled substances during work hours, while on state time or property, or while engaging in state business.

Reporting to work in a condition unsafe to the employee, to others, or to physical property; or when unable to perform job responsibilities due to the influence of alcohol, controlled substances, medicine or sickness. Reporting to work manifesting any evidence of alcohol or drug use while at work or when such evidence affects the performance of job functions.

## **B. MODEL CODE FOR LEGISLATIVE STAFF**

The following is adapted from the National Conference of State Legislatures' *Model Code for Legislative Staff*, which is intended to guide the conduct of staff as they serve state legislatures, legislators, and the public. The code sets forth the obligations of legislative staff and supports the sense of personal responsibility that legislative staff members feel for their own actions. The paragraphs below outline the fundamental principles of this code. These general principles include being a public servant, being loyal to the Legislative branch of our government, and being trustworthy.

Public Service: The purpose of the staff is to support the Wisconsin State Assembly in its mission, which is to serve the public.

The staff members of the Wisconsin State Assembly are responsible for assuring that state resources are used to promote the public good, not their own private good.

Loyalty: The staff members must be loyal to the Wisconsin State Assembly as an institution. Any action or inaction that could bring disrepute to, or infringe upon the authority of, the Legislative branch of government, or the principle of representative government, conflicts with this service.

Trustworthiness: Staff members are expected to give the Legislature the full benefit of their knowledge and skills and to respect the Legislature's authority to make legislative decisions. To be trustworthy is to honor our obligations to legislators, to staff, and to the public.

## **Staff Obligations to Legislators**

Honesty: A trustworthy staff member demonstrates the highest standards of honesty and integrity in all of his or her work for the Legislature. The staff member does not steal from his or her employer, either by taking or using public property for personal gain, or by failing to give full effort for pay received. Dishonesty in any aspect of life calls into doubt honesty in work, and could harm the reputation of the Legislature.

Discretion: A trustworthy staff member is discreet in what he or she reveals about work done for any legislator, maintaining confidentiality and knowing when not to speak about non-confidential matters.

Candor: A trustworthy staff member gives candid advice within his or her area of responsibility. Candor is the full sharing of one's knowledge, in the form of information, advice, or support, with a legislator who needs it in order to make an informed decision or to perform the duties of his or her position. The ability of a legislator to carry out the responsibilities of his or her office, or 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. A staff member is obliged to accurately inform any legislator of what services he or she can expect from the staff member.

Objectivity: A trustworthy staff member provides objective information and alternatives to legislators, independent of the staff member's personal beliefs or interests or the interests of third parties. The staff of the Wisconsin State Assembly is committed to being comprehensive in presenting information and providing support.

Competence: A trustworthy 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. 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, and to take every opportunity to continue to learn.

Diligence: A trustworthy staff member gives a full effort to every task, uses available time in a productive and efficient manner, and completes work in the most timely fashion possible. The obligation of diligence requires that the staff member do his or her best within the time and with the resources available. It may be appropriate to inform a Legislator of the constraints of time or resources and to discuss what can reasonably be accomplished.

Fairness: A trustworthy staff member treats all Legislators with equal respect and provides services of equal quality to all Legislators' offices. By virtue of their office, all Legislators deserve respectful and dignified treatment by all staff members. Each Wisconsin Legislator has the right to expect that a diligent effort will be forthcoming from the staff of the Wisconsin State Assembly and will not be lacking due to the Legislator's political beliefs, or for any other reason.

## **Obligations to Other Staff Members**

Respect: A trustworthy staff member treats all other legislative staff members with respect, and appreciates the pressures they work under and the difficulty of some of the choices they must make. The staff members of the Wisconsin State Assembly must show courtesy in providing support to other legislative staff, and also are considerate of each other.

Support: A trustworthy staff member supports the efforts of other legislative staff members to meet their obligations and perform their work. The obligations to be honest, discreet, candid, objective, competent, diligent, and fair apply to serving the staff of the Legislators and service agencies as well as the Legislators themselves. The staff members of the Wisconsin State Assembly also work as a team; fail to support a colleague is to lessen the ability of the staff as a whole to perform its work for the Legislature.

## **Obligations to the Public**

Constituent Service: The Wisconsin State Assembly strives to maintain a high standard of service for their constituents. Staff shall possess and develop customer relations' skills in addition to their other skills. Each employee is a representative of the Wisconsin State Assembly, and his or her work, timeliness, communication, and attitude should always reflect positively on the Assembly.

Courteous: A trustworthy staff member is courteous. With respect to the need of members of the general public, the press, and members of other state agencies, to have information about the Legislature, the staff of the Wisconsin State Assembly should consult their appointing authority regarding legal and policy guidelines.

Law-Abiding: A trustworthy staff member is law-abiding, and encourages lawfulness in the activities of all participants in the legislative process. 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 that involve the legislative process, it is consistent with this code for him or her to pursue appropriate channels, subject to other codes and obligations.

The advice contained in the above code provides guidance for the staff of the Wisconsin State Assembly as they go about the day-to-day business of serving the Wisconsin Legislature.

Through their dedication to the principles contained in the code and their overall professionalism, legislative staff have a significant impact on promoting a strong, independent state legislature. In placing their knowledge and skills at the service of the Legislature and in committing themselves to be trustworthy employees of the Legislature, 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.

## **HARASSMENT AND DISCRIMINATION**

Respect is an integral part of the foundation of any type of relationship. It fosters communication, facilitates the learning process and strengthens cooperation amongst staff while working toward common goals.

Consequently, the Assembly is committed to assuring that it operates in an environment that is free from discrimination and harassment based upon race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation, gender identity, genetic information, status as a U.S. veteran, or any other status protected by state or federal law.

In addition to ethical and legal reasoning, discrimination and harassment impedes our ability to perform our duties at the highest level possible by diminishing the work place dynamic with fear, animosity and favoritism resulting in unreliable, unproductive and, most importantly, unhappy staff in an unacceptable workplace environment.

For these reasons, the Assembly will not tolerate discrimination or harassment, and is committed to preventing or stopping it whenever it may occur.

### **Discrimination and Harassment Defined**

The Assembly prohibits discrimination, which can include disparate treatment directed toward an individual or group of individuals based on race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation, gender identity, genetic information, status as a U.S. Veteran (disabled, Vietnam, or other), or other protected class, that adversely affects their employment. For religion or disability, the law allows employees and students to request reasonable accommodations to continue their work.

The Assembly also prohibits harassment, which can be a form of discrimination if it is unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with a person's work. Harassment may include, but is not limited to, threats, physical contact or violence, pranks, jokes, bullying, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals because of their race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age, marital status, sexual orientation, gender identity, genetic information, or U.S. veteran status. Even if actions are not directed at specific individuals, hostile work environments may be created when the conduct is sufficiently severe and/or pervasive and objectively offensive enough so as to substantially interfere with the ability of an individual to work.

It is our goal to prevent the occurrence of discriminatory and harassing activity and to promptly stop such conduct when we become aware of potential violations. In that respect, it is imperative that all instances of potential discrimination and/or harassment be reported to the appropriate supervisor or human resources immediately. While based on state and federal law, this policy may cover behavior which, may not meet the legal

definition of harassment, are unacceptable and not tolerated in the Legislature. This policy will be interpreted so as to avoid infringement upon First Amendment rights of free speech.

### **C. APPOINTING AUTHORITY**

The appointing authority is defined as a Legislator, Chief Clerk or Sergeant-at-Arms. The appointing authority is the only person who can grant vacation, personal holidays, leave of absence, family medical leave and compensatory time. The appointing authority is required by JCLO rule to sign each of their employee's time sheets.

### **D. NEW EMPLOYEES**

Written notification of employment must be made to the Chief Clerk as soon as possible by the new employee's appointing authority. The new employee's appointing authority is the State Representative, Chief Clerk, or Sergeant-at-Arms who hired the employee. The notification should include the starting date, the position, and a resume. The Chief Clerk will review the resume to evaluate educational experience, relevant legislative experience and non-legislative experience to determine salary. Relevant experience is essential.

New employees should visit the Assembly Chief Clerk to receive a policy manual and orientation to the Legislature. An appointment should also be made with the Legislative Human Resources Office (264-8471) for a benefits orientation. It is extremely important to set up this meeting as soon as possible because much of the benefit application process is time sensitive.

### **E. OFFICE STAFFING**

Speaker	1 Legislative Assistant IV, 3 Administrative Assistants, 1 Administrative Assistant V, 1 Administrative Officer
Majority Leader	1 Legislative Assistant III, 2 Administrative Assistants, 1 Administrative Assistant V, 1 Administrative Officer
Speaker Pro Tem	1 Legislative Assistant III, 1 Administrative Assistant, 1 Administrative Assistant V
Minority Leader	1 Legislative Assistant III, 2 Administrative Assistants, 1 Administrative Assistant V, 1 Administrative Officer

Chair Joint Finance	1 Legislative Assistant III, 2 Administrative Assistants, 1 Administrative Assistant V
Asst Majority Leader Majority Caucus Chair	1 Legislative Assistant III 2 Administrative Assistants
Asst Minority Leader Minority Caucus Chair	1 Legislative Assistant III 2 Administrative Assistants
Committee Chairs Joint Finance Members	1 Legislative Assistant 1 Research Assistant
Sophomore Non-Chairs	1 Research Assistant .5 Legislative Assistant
Freshman	1 Legislative Assistant

## F. ATTORNEY POLICY

Legislators, legislative officers and employees are prone to be singled out as targets for groundless charges and litigation because of their positions and the public nature of their duties and responsibilities. Such actions, however groundless they may be, have a chilling effect on capable persons seeking public office, and therefore desire to assure such persons, as well as current office-holders, legislative officers and employees, that it is the policy of the Committee on Assembly Organization to authorize the payment of reasonable expenses incurred in defending groundless charges and actions brought when such actions reasonably relate to the legislator's, officer's or employee's position.

Whenever charges of any kind are filed, (or expenses incurred in contemplation thereof), or a civil or criminal action is brought against any Representative, Assembly officer or employee, because of such Representative's, officer's or employee's position or for acts, actions or conduct related to and within the scope of legislative duties and responsibilities; and such charges or such actions are discontinued or dismissed, or such matter is determined favorably to such Representative, officer or employee, the Committee on Assembly Organization may (by a majority vote of the membership) on behalf of the Assembly and the State, authorize payment of reasonable expenses and costs; including attorney's fees, of defending against such charges or actions when such charges or actions are not defended by the Department of Justice. **A Wisconsin State Assembly Legal Fees Payment Agreement must be completed and on file with the Assembly Chief Clerk.**

Acts, actions or conduct related to and within the scope of legislative duties and responsibilities mean those acts or that action or conduct which are performed to serve or are in the furtherance of a public purpose or public interest rather than performed or

in the furtherance of a private purpose or private interest.

## **G. CHARITABLE AND SALES SOLICITATION BULLETIN BOARD**

Solicitations by Wisconsin State Assembly employees for charitable purposes or sales, fund-raisers, etc. should be approved by the appointing authority and be confined to employees' non-work time. A bulletin board is provided to allow staff members to post non-legislative items, such as extra sports and theatre tickets, or rental apartments. Posting these items on the bulletin board will also keep the legislative e-mail system free of extraneous items. The site is available at: <http://assemblybulletin/>. Postings may be made only with the permission of the appointing authority and other state resources may not be used. Personal gain from solicitations or sales on state property by Assembly employees is strictly prohibited.

## **H. PERSONAL PROPERTY LIABILITY**

The Wisconsin State Assembly is not responsible for loss, theft, or damage of personal items brought by employees to the office.

## **I. OFFICE HOURS**

All Assembly employees are required to work a minimum of 40 hours per week. The appointing authority may also set the work hours for the office. In some areas, alternative work schedules may be established. Your appointing authority will advise you of your assigned time for starting and ending work.

### **Flextime**

Section 230.15 of the Statutes encourages flexible time schedules for state employees. In accordance with these provisions, flexible time schedules (an example would be 6:30 AM to 3:30 PM, one hour for lunch) are established by the appointing authority and informing the Assembly Chief Clerk.

### **Compensatory Time (Comptime)**

The Wisconsin State Assembly does not provide any additional compensation for overtime work as salaries are considered commensurate with employee's responsibilities. However, your appointing authority may provide for such compensatory time. Time off for compensatory time accrued must be approved by your appointing authority. Please note that the appointing authority is responsible for office policy enforcement and both the appointing authority and the employee are responsible for accurate record keeping of compensatory time earned and taken.

## **J. COMPENSATION, PAYROLL AND TIME REPORTING**

### **Pay Period and Payday**

If an employee discovers what they might consider an error on his or her check or check stub they should contact the Legislative Human Resources Office (264-8471) as soon as possible.

Assembly employees are paid monthly. Checks and direct deposit receipts are available in the Assembly Chief Clerk's Office on the 1st of each month. **If the 1st falls on a Saturday, checks will be available after 3 p.m. the Friday before the weekend. If the 1<sup>st</sup> falls on a Sunday, checks will be available the following Monday.** If an employee is absent from work on payday, arrangements can be made with the Legislative Human Resource Office or the Chief Clerk's Office to mail the check to the employee's home or bank. In this case, advance notification and special instructions will be required. In all other circumstances the check will remain in the Clerk's Office until the employee picks it up.

### **Salary Increases and Advancements**

Assembly staff are eligible for a pay adjustment eighteen months from their starting date and every eighteen months thereafter. This adjustment is discretionary and granted upon the approval of the appointing authority. Employees are eligible for these step increases until the salary classification range maximum is reached.

When an employee accepts a higher level position within the Assembly, e.g., Legislative Assistant to Research Assistant, the Chief Clerk will again evaluate their education and relevant experience and determine a salary. Employees are eligible for a step increase after eighteen months from this position change, not from their starting date with the Assembly.

### **Salaries Upon Transfer**

An employee may transfer from another state agency to the Wisconsin State Assembly without loss of pay status, provided the weight of responsibilities was similar in the previous employment. No request for retroactive salary or beginning date of employment will be granted.

### **Direct Deposit of Payroll Checks**

Direct Deposit of regular monthly paychecks is available to all employees. Funds can be deposited at almost any financial institution in numerous accounts. Contact the Legislative Human Resources Office for more information and/or to enroll, 264-8471.

When a person signs up for direct deposit, their data is made part of a file that is distributed, ultimately, to the Federal Reserve Bank for deposit into individual accounts.

The Federal Reserve, in part, establishes the rules for direct deposit of checks. The main rule that affects when an employee's check is deposited is that it is not supposed to be deposited on a bank holiday or a non-banking day for the Federal Reserve (i.e. weekend). The deposit is to be made on the next regular bank day (i.e. Monday after the weekend). When the 1<sup>st</sup> falls on a holiday or a weekend it is suggested that you contact your financial institution to see when the deposit of funds will be made.

## **Compensation Adjustment**

The General Wage Adjustment (GWA) is provided by State Employee Contracts and determined by the Joint Committee on Legislative Organization and the Committee on Assembly Organization. This compensation was formerly known as the "Cost of Living Adjustment (COLA)." As the title implies, this compensation award, when authorized by the Speaker, is at the discretion of the appointing authority and is not automatic.

Any approved GWA can not be awarded until passage of the budget in accordance with s.20.928(3), Wisconsin Statutes.

## **Time Reporting**

Employees who are on direct deposit who fail to turn in a time sheet by the 15<sup>th</sup> of the month will have their direct deposit removed for the check dated for the first of the following month as per JCLO rules dated October 11, 2001. Any employee who has not turned in a properly printed and signed time sheet will have the paycheck dated for the first of the following month held until that time sheet is turned in.

All Assembly employees are required, by action of the Joint Committee on Legislative Organization, to submit a time report indicating the dates and hours the employee was engaged in employment for the Legislature. Hours worked as well as an accurate account of all leave taken will be noted on the Time Reporting Form. This form provides the Legislative Human Resources Office with the following:

- Hours worked on a weekly basis
- Leave and sick time taken
- Official record of employee's time
- Detailed employee's work schedule

The Chief Clerk will not pay or authorize payment of salary or compensation to an employee unless the employee has submitted the Time Reporting Form detailing his or her time worked for the month. Employee monthly time reports are due no later than the 10<sup>th</sup> of each month. The form must be signed by the employee indicating the dates and hours the employee was engaged in employment. Additionally, the employee's appointing authority must sign the form certifying the hours worked. If the appointing authority is unavailable to sign employee's time report the employee will submit an interim form (found on the Chief Clerk's website under forms) along with their time sheet. The employee then has 30 days to submit their time report with the appointing authorities signature.

The Wisconsin State Assembly tracks time worked and paid time off on an electronic system called TRIO (Time Reporting – In Out). Questions related to technical aspects of TRIO should be directed to the Legislative Technology Services Bureau at Technical Support at 267-9528 or via e-mail at [tech.support@legis.wi.gov](mailto:tech.support@legis.wi.gov) for assistance. Policy questions should be directed to the Assembly Chief Clerk’s Office.

## K. VACATION AND PERSONAL DAYS

### Vacation

The following is a list of paid holidays that are granted each year:

- January 1
- The third Monday in January
- The last Monday in May
- July 4
- The first Monday in September
- The fourth Thursday in November
- December 24, 25 and 31

Section 230.35 (4)(a)10 of the Wisconsin Statutes states that if the holidays of January 1, July 4 or December 25 fall on a Sunday the “day following” shall be a paid day off for that holiday. If these days fall on a Saturday or if December 24 or 31 falls on a Sunday, the employee will receive 8 hours of vacation leave to use as authorized under Assembly policy.

Vacation is accumulated monthly based on the schedule shown below based on years of service with the State of Wisconsin. Please note that prior approval must be obtained from the employee’s appointing authority before vacation time may be taken.

Employees earn vacation time based on the number of years in state service. The amounts earned each year are shown below:

1 - 5 years	10 hours/month	120 hours/year	15 days/year
5 - 10 years	13.34 hours/month	160 hours/year	20 days/year
10 - 15 years	14.68 hours/month	176 hours/year	22 days/year
15 - 20 years	16.68 hours/month	200 hours/year	25 days/year
20+ years	18.00 hours/month	216 hours/year	27 days/year

The appropriate number of hours will be added to each employees balance each month.

Employees who work half or part time will have their annual leave prorated according to the number of hours worked during the calendar year.

It is recommended that employees use vacation time in the year it is earned. If not

used, vacation time may be carried over from one year to the next. **Please note that when an employee leaves employment that person cannot receive payment for more vacation time than can be earned in one year regardless of the cumulative amount.**

**If an employee uses more vacation leave than the employee has been granted, the unearned balance will be subtracted from the previous month's pay.**

If an employee is transferring to another state agency the employee is strongly encouraged to obtain a written agreement on exactly how much vacation time will be transferred in. If the agency the employee is transferring to will not accept the liability, payment will only be made in accordance with eligibility upon termination minus any amount transferred.

Used Vacation/Sick leave should be recorded on the employee's monthly time report, and signed by the employee's appointing authority. Vacation and sick leave balances are shown on the employee's monthly check stub.

## **Personal Holidays**

Employees earn 36 hours of personal time during each calendar year of employment in addition to vacation time. An employee may, with the appointing authority or supervisor's approval, use the 36 hours personal time at any time after the first day of employment.

Please note that personal time must be used in the calendar year earned. Personal time cannot be carried over from one year to another.

Any employee working less than full time will have personal time prorated to reflect the actual number of hours worked.

## **L. LEAVE OF ABSENCE**

A leave of absence may be taken for a variety of reasons. The following information deals with the possible types of leave an employee might take and the possible impact of a leave of absence on a variety of aspects related to employment.

When an employee is considering taking a Leave of Absence (LOA) one of the first things the employee should do is contact both the Chief Clerk's Office and Legislative Human Resources Office (LHRO). The Chief Clerk's Office will review the requirements from a policy and time keeping perspective. The Legislative Human Resources Office will review with the employee how the particular circumstances of their LOA will affect their pay, benefits and other payroll related issues.

The information provided below is a general review of some of the requirements and effects of an LOA.

During an unpaid leave of absence, the State of Wisconsin provides for the employer portion of the health insurance for three months in addition to the one month already prepaid. The Wisconsin Legislature will comply with this policy and procedure that has been used by the State of Wisconsin for several years. As a result, the Legislature will continue its normal policy in regards to prepayments being required by the employee and the employer portion being paid by the State of Wisconsin as long as the current State of Wisconsin policy allows.

The Legislature will automatically make those prepayments for you unless you decide to cancel the coverage. Please note that there are limitations on timing and whether you can re-enroll in certain benefits. Contact the Legislative Human Resources Office to discuss these options, 264-8471.

Should an outside entity wish to voluntarily reimburse the State of Wisconsin for any or all of these employer costs, they may do so. The outside entity is responsible for calculating the amount due and for making sure that payment is made in a timely fashion. Make the check payable to the State of Wisconsin, put the employee's name and "Benefit State Share – LOA" in the memo area and send the check to Legislative Human Resources Office, P.O. Box 7882, Madison, WI 53707-7882.

Approval - Employees requesting a LOA must get written approval from their appointing authority (Legislator or Supervisor) and submit it to the Chief Clerk and LHRO as soon as possible. A form letter for requesting an LOA is available from the LHRO.

## **Time Reporting**

Time Reporting – It is the employee's responsibility to make sure all Assembly Time Report sheets are filed at the time of the LOA. Failure to do so will result in delays in payment of any vacation pay or wages due. This is extremely important if any vacation time is being used during the LOA. Time reporting is not required during the unpaid LOA.

Benefits – Employees on an unpaid LOA can prepay the employee portion of the premiums for the benefits (health insurance, life insurance, income continuation insurance, etc.) for up to three months. If an unpaid LOA lasts longer than three months an employee must pay one hundred per cent (100%) of the premiums. Details will be provided to the employee by the LHRO on the exact cost of any premiums to the employee if the LOA lasts more than three months.

Wisconsin Retirement System (WRS) – Contributions to the WRS are not made on the employee's behalf while an employee is on an unpaid LOA.

Leave Accumulation – During a paid LOA leave is accumulated. Only leave accumulated through the leave of absence can be used for LOA purposes. There can be no deduction of any leave time from post-LOA accumulations. Only accumulated vacation can be used during a LOA for campaign purposes to continue to receive pay. Vacation and sick leave is not earned while on an unpaid LOA.

Parking – Please note that if you have a parking spot leased through the State of Wisconsin, prepayment of the monthly deduction will be taken from your final paycheck before your LOA begins. If funds are insufficient in that final check, payment may be made with a personal check. If you will not be using the spot during the LOA and someone else should be charged. Contact the Assembly parking coordinator (266-2004).

Return to Work - Upon return from a LOA, it is required that the employee notify the Chief Clerk and the LHRO in writing.

## **Sick Leave**

Employees earn sick leave at a rate of 130 hours per year or 10.84 hours per month. Unused sick leave is accumulated year to year. Sick leave may be used for personal injury, illness, maternity leave, exposure to contagious disease, and illness or death in the immediate family of the employee or spouse. (See “immediate family” definition below.) Vacation/Sick leave is reported on the employees monthly time report and signed by the employee's appointing authority.

For purposes of this section, immediate family means spouse, parents, grandparents, foster parents, children, step-children, grandchildren, foster children, brothers, sisters and their spouses, both of the employee and of the employee's spouse or domestic partner. Also included are any other relatives of the employee or employee's spouse provided they reside in the same household as the employee.

The number of sick days accumulated is one factor used to determine the premiums for income continuation insurance and if an employee retires and goes on immediate annuity, unused sick leave may be used to pay health insurance premiums. Upon termination of employment, an employee may not receive financial compensation for unused sick leave.

Sick leave can be accumulated indefinitely and can be converted into paid up health insurance upon retirement for the retiree or, in case of death, the surviving spouse. If an employee is ill and has not accrued sick leave, other types of leave must be used or leave without pay may be approved.

In the event the supervisor has reason to believe that an employee is abusing the sick leave privilege or may not be physically fit to return to work, the supervisor may require a medical certificate or other appropriate verification for absences due to illness.

## **Campaign Leave**

**Full unpaid leave of absence is required for partisan political activity. Employees cannot utilize “comp time” as paid leave to participate in campaign activity.**

The Wisconsin State Assembly requires employees who are going on a leave of

absence for partisan political activity to take a fully unpaid leave of absence. An employee taking such a leave will not be allowed to remain on the payroll. No partial leave of absence is allowed. Assembly employees are not permitted to utilize “comp time” as paid leave to participate in partisan political activity. An employee of the Legislature may not engage in campaign activity while on any form of paid leave other than vacation time.

### **Campaign for Partisan Office**

Long standing Assembly Policy states that Assembly staff must take leave to run for a partisan elected office. The leave must start no later than the first day of circulation of nomination papers. It continues until after the date of the election or after the date of the primary election if the person appears as a candidate on a primary election ballot and is not nominated at the primary election. Any employee taking leave should contact the Assembly Chief Clerk’s Office as soon as possible to make the appropriate pay and benefit arrangements.

### **Family and Medical Leave**

The federal law provides that an employee is entitled to a total of 12 work weeks of leave during any 12-month period for one or more of the following reasons. Employees are eligible if they have worked for a covered employer for at least one year and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

1. Birth of a son or daughter of the employee, in order to care for the son or daughter.
2. Placement of the son or daughter with the employee for adoption or foster care.
3. Care of spouse, child or parent of the employee if the spouse, child or parent has a serious health condition.
4. Serious health condition of the employee that makes the employee unable to perform the functions of his or her position [s. 102 (a) (1)] [Legislative Council Information Memorandum 93-1].
5. Domestic partner or domestic partner’s parent.

The following are a few key points regarding the relationship of Family or Medical Leave to other leave:

1. An employee may substitute accrued paid leave (e.g., sick leave or vacation leave) for the unpaid Medical Leave or Family Leave.
2. Use of sick leave for an employee's own illness or maternity will result in simultaneous use of Medical Leave. Similarly, use of sick leave to care for a sick family member will result in simultaneous use of that portion of Family Leave available for the medical treatment or medical supervision of an employee's child, spouse or parent.
3. Use of accrued vacation leave will result in simultaneous use of Family Leave or Medical Leave only if the employee requests the substitution. If an employee is

eligible to take Medical or Family Leave and requests to substitute vacation leave, the request must be granted and the employee's vacation leave and Family or Medical Leave will be used up simultaneously. If, on the other hand, the employee requests to use vacation leave, the employee does not request Family or Medical Leave and the employer approves the vacation leave, there will be no simultaneous use of Family or Medical Leave.

Assembly employees must file the Wisconsin State Assembly FAMILY OR MEDICAL LEAVE REQUEST FORM which may be acquired from the Legislative Human Resources Office, as follows:

1. In advance of leave for planned Family or Medical Leave (e.g., leave due to the birth or adoption of a child; the planned care of a child, spouse or parent; or the employee's own planned medical treatment).
2. With reasonable promptness after the employee learns of the probable necessity of leave for unplanned Family or Medical Leave (e.g., leave for unplanned medical treatment or care of the employee or his or her child, spouse or parent).

Assembly employees who plan to take Family or Medical Leave as partial absences must provide their proposed leave schedule to the Legislator's office for which the employee works as follows:

1. In advance of any Family Leave for birth or adoption.
2. With reasonable promptness after the employee learns of the probable necessity for other Family or Medical Leave.

Except as precluded by the need for medical treatment, the schedule must be definite enough to allow replacement employees to be scheduled, if needed.

### **Limited Term Employee (LTE) for Family Leave**

When an employee takes a leave for the birth or adoption of a child, the planned care of a child, spouse, domestic partner or parent, or the employee's own planned medical treatment, or for other reasons authorized by the Speaker, the appointing authority of that employee may hire a limited term employee to temporarily replace that employee, if an office is going to be without a full time employee. If an office has two staff members and one leaves, a LTE will not be authorized.

1. The limited term employment may be hired for up to 3 months, for 20 hours per week at \$10.62 per hour.
2. A limited term employee is not benefited. The benefits remain with the employee on leave. When the employee on leave returns, the limited term employee departs.
3. When an employee takes a family or medical leave and the appointing authority decides to hire a replacement limited term employee, a letter should be sent to the Chief Clerk with the limited term employee's start date and end date. The limited term employee's resume should accompany this letter.

## Jury Duty

Juror Qualifications (s. 756.02 Wis. Stats) Every resident of the area served by a circuit court who is at least 18 years of age, a U.S. citizen and able to understand the English language is qualified to serve as a juror in that circuit unless that resident has been convicted of a felony and has not had his or her civil rights restored.

An employee receives full pay while serving jury duty and need not use vacation or sick leave for jury service. However, when not impaneled for actual jury service and only on call, the employee shall report back to work.

Excuse; deferral (s. 756.03 Wis. Stats)

- (1) **Excuse.** The court to which a person is summoned for jury service may excuse the person from jury service if the court determines that the person cannot fulfill the responsibilities of a juror. The court shall not consider any structural limitations of a facility when making that determination.
- (2) **Deferral.** The court to which a person is summoned for jury service may, upon request of that person, defer to a later date set by the court the period in which the person must serve if the court determines that service as a juror would entail undue hardship, extreme inconvenience or serious obstruction or delay in the fair and impartial administration of justice.
- (3) **Clerk authorized to grant.** The judge responsible for administering the jury system in the circuit court may authorize the clerk of circuit court to grant excuses or deferrals under this section. The authorization may limit the grounds on which the clerk of circuit court may grant the excuse or deferral and may require persons seeking an excuse or deferral to document the basis for any excuse or deferral.

## Military Duty

Up to 30 days (excluding weekends and holidays) are allowed for annual military duty per year. The absence from work must be at least three days to qualify for military leave. Compensation from the state will be based on the state pay minus the military pay. If the amount of military pay is greater than the state pay there will be no pay issued by the state during the leave. Employees on military leave are not required to use vacation to receive the portion of their state pay described above.

Employees are required to furnish the Legislative Human Resources Office (LHRO) a copy of their orders as soon as possible after receipt. This can take the form of a telegram detailing the orders. The employee's appointing authority must approve the military leave. This approval can be written on the orders or in a separate memo.

In addition, employees are required to furnish the LHRO a copy of their military pay voucher as soon as possible upon return from duty. Employees continue to earn vacation, sick leave and any other benefits while on an authorized military leave. If an employee requires military leave beyond 30 days, that employee must use accumulated

vacation to receive any pay from the state.

Failure to provide a copy of the military pay voucher within three weeks of return to work will set in motion a procedure where the employee will be charged full vacation or have a reduction in pay if vacation is not available until the pay voucher is provided.

### **Serve as an Election Official**

Under s. 7.33 Wis. Stats., each employee who is appointed to serve as an election official is granted a leave for the entire 24 hours of each election day. The employee need not take vacation/sick leave.

### **5th Week Leave**

After 15 years of employment in State Government, employees are entitled to five weeks of annual leave (vacation). Section 230.35 (1p) states that these employees may take the fifth week as cash. An email will be sent to those qualifying employees each year.

## **M. RESIGNATION AND TERMINATION**

Upon resignation and after notification to the employee's appointing authority an employee must provide written notice to the Chief Clerk of the date of the last day of employment and any used vacation or sick days during the last month of employment. A form letter is available from the LHRO.

Vacation and sick time can be transferred to another state agency if the agency is willing to accept the vacation liability. If the agency the employee is transferring to will not accept the liability, payment will only be made in accordance with eligibility upon termination minus any amount transferred. Employees are encouraged to get an agreement in writing on leave transfer before accepting an agency position. Payment will not be made for unused personal time.

Employees eligible to receive vacation pay will receive payment in a separate check.

Upon departure, the employee shall return all keys, access cards, I.D., employee handbook, and last time report to the Assembly Chief Clerk.

The terminating employee should also contact the Legislative Human Resources Office to review benefit options.

## **N. WORKERS COMPENSATION**

If an employee suffers an injury or illness as a result of his/her employment, medical expenses and wage loss may be covered by provisions of the Worker's Compensation

Act. Any injury or illness suspected of being a result of employment should be reported to the Legislative Human Resources Office within 24 hours of occurring or as soon as possible (264-8471).

## **O. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT**

The Assembly Organization Committee has adopted the following Equal Employment and Affirmative Action Policy:

### **1. Equal Employment Opportunity**

The various appointing authorities of the Wisconsin State Assembly shall provide fair and equitable treatment to all employees and shall comply with state and federal legislation. Assembly appointing authorities shall provide equal employment opportunity in all terms, conditions or privileges of employment, including recruitment, selection, training, promotions, layoffs, disciplinary actions or terminations. Assembly appointing authorities shall evaluate an employee or applicant for employment based upon the employee's or applicant's individual qualifications rather than upon a particular class to which the employee or applicant may belong. [s. 111.31 (2), Stats.]

None of the Assembly appointing authorities may discriminate in employment on the basis of race, color, sex, marital status, religion, national origin or ancestry, age, handicap, sexual orientation, partisan political opinions or affiliations or arrest or conviction record. However, it is not discrimination to recruit, select or employ persons on the basis of partisan political opinions or affiliation where the appointing authority can demonstrate that partisan political opinions or affiliation is an appropriate requirement for the effective performance of the position involved. [ss. 111.321 and 230.18, Stats.; *Branti v. Finkel*, 445 U.S. 518 (1980)]

Within the State Assembly, state law prohibits harassment by, and harassment of, Assembly employees on the basis of race, color, sex, marital status, religion, national origin or ancestry, age, handicap, sexual orientation, partisan political beliefs or arrest or conviction record. "Harassment," for purposes of this policy, is defined as unwelcome and repeated verbal or physical conduct inappropriate to the context in which the conduct occurs which interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment. [s. 111.322 and 111.36 (1) (b), Stats.]

The State Assembly shall provide reasonable accommodations to handicapped persons to ensure equal access to employment unless the accommodation would impose a hardship upon the operation of the Assembly. Accommodations include, but are not limited to: accessible facilities; job restructuring; part-time or modified work schedules; acquisition or modification of equipment; and, for an employee who becomes handicapped, assignment to an alternative position with comparable pay if possible. It is not employment discrimination because of handicap to refuse to hire any individual, to terminate from employment any individual, or to discriminate against any individual in

promotion, compensation or in terms, conditions or privileges of employment if the handicap is reasonably related to the individual's ability to adequately undertake the job related responsibilities of that individual's employment. [s. 111.34 (1), Stats.]

## **2. Affirmative Action**

Assembly appointing authorities shall identify and eliminate present effects of past discrimination in employment. Assembly appointing authorities shall take affirmative action including, as necessary, the development of a plan and the achievement of goals to increase employment of (1) women, (2) ethnic and racial minorities, and (3) the handicapped. The Speaker of the Assembly has designated the Chief Clerk as the State Assembly's affirmative action officer who is assigned the applicable duties under s. 230.06 (1) (k), Stats. When appropriate, the affirmative action officer shall advise and assist Assembly appointing authorities in establishing programs to ensure equal opportunity and affirmative action. All Assembly appointing authorities are directly responsible for successful application of the Assembly's affirmative action policy. [s. 230.06 (1) (k), Stats.]

## **3. Harassment, Complaint and Enforcement Procedure**

Any State Assembly employee who believes that he or she has been harassed or discriminated against, in violation of this policy, may file a complaint with the Speaker or the Minority Leader of the State Assembly, or their designees, or the Assembly's affirmative action officer (Chief Clerk), without foreclosing any other means provided by law for obtaining redress.

An employee or other person filing a complaint will be asked to prepare a written account of the incident. The complaint will be treated confidentially, except as necessary to resolve the complaint and as agreed upon by the complainant. The complainant and other persons involved will be encouraged to resolve the problem through negotiation.

Complainants will also be informed that they may file complaints with the Equal Rights Division (ERD) of the Department of Workforce Development or the Federal Equal Employment Opportunities Commission (EEOC).

Complaints may be filed with the Equal Rights Division with DWD at 201 East Washington Ave. GEF I, Room A-100, P.O. Box 8928 Madison, WI 53708, telephone: (608) 266-6860.

Complaints may be filed with the Federal EEOC by contacting Equal Employment Opportunities Commission, 310 W. Wisconsin Ave, Ste. 500, Milwaukee, WI 53203, telephone: 1(800) 669-4000.

Appeals may be filed with the WI Employment Relations Commission (WERC), 4868 High Crossing Blvd. Madison, WI 53704, (608) 243-2424.

## **P. AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act (ADA) extend to people with disabilities civil rights similar to those now available on the basis of race, color, sex, national origin, and religion through the Civil Rights Act of 1964. It prohibits discrimination on the basis of disability in private sector employment, in state and local government activities, in public accommodations and services, including transportation, provided by public and private entities.

No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

### **Employment Provisions**

1. ADA prohibits discrimination against workers and job applicants with disabilities. This provision is based on the Civil Rights Act of 1964 and Title V of the Rehabilitation Act of 1973.
2. The ADA applies to all businesses employing 15 or more individuals.
3. ADA requires equal opportunity in selection, testing and hiring of qualified applicants with disabilities.
4. ADA requires equal treatment in promotion and benefits similar to other civil rights legislation.
5. ADA requires reasonable accommodation for workers with disabilities when such accommodations would not impose "undue hardship."

## **Q. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Employee Assistance Program (EAP) is a cost-free service offered by the State of Wisconsin to help employees and their families find resources for dealing with personal problems. Issues such as drug or alcohol abuse, marriage, family, legal, financial, emotional, or psychological problems can have an adverse effect on employee's health, stability, and productivity at work, as can stress from dealing with a loved one's problem or illness. EAP resource coordinators are trained to listen and assist in finding the appropriate community and professional agencies for help (coordinators are not trained to provide counseling).

### **Procedures**

An employee or any member of his or her immediate family may go to the EAP coordinator for assistance in finding treatment, counseling, support groups, and other

resources. An employee also may be referred to the program by a supervisor if it is suspected that a personal problem may be interfering with job performance.

## **Policies**

Use of the EAP program is completely voluntary. Employment status will not be affected by the decision to accept or reject EAP assistance. An employee who is referred to the program by a supervisor is not obligated to use it; however, whether or not the employee seeks EAP assistance, it is the employee's responsibility to bring job performance up to standard to avoid disciplinary action.

All contacts with the EAP are confidential. Resource coordinators must receive an employee or employee's family member's written consent to release any information regarding use of the program to any other person. In the case of referrals by an appointing authority, the coordinator will release no information to the appointing authority except to inform him or her that the initial appointment has been kept. No information regarding use of the program will appear in an employee's personnel file. LifeMatters Employee Assistance Program is a free service to all Assembly Employees and their dependents. This program offers a wide variety of counseling, referrals, and reference services, all designed to make your family healthier, happier, and provide for a more balanced work and home life. These services fall under HIPAA confidentiality rules. Please visit the following website for more information:

[mylifematters.com](http://mylifematters.com)

Contact the Assembly Chief Clerk at 266-1501 or the Legislative Human Resources Office at 264-8471 for further information.

## **R. INCLEMENT WEATHER AND OTHER EMERGENCIES**

Employees who cannot get to work or have requested to leave work early because of inclement weather (e.g. blizzard, icing, tornado, etc.) may use vacation, holiday time or accumulated compensatory time. In some situations, employees may arrange with supervisors to make up the time on an hour-for-hour basis. This time also may be charged to leave without pay. The Speaker has the authority during inclement weather to close the Assembly without loss of vacation or personal time.

The need to use leave for inclement weather should arise very infrequently. Employees are expected to make a reasonable attempt to get to work and to work the entire shift in all weather conditions.

In cases where the governor has used his statutory power (s.230.35) to close state office buildings due to weather conditions, energy shortages or emergency situations, he or she may also specify how any time off may be covered for state employees.

The Assembly Chief Clerk with direction from the Speaker will contact all offices when an inclement weather day is declared. The appointing authority makes final decisions on the closing of individual offices. Employees are required to account for inclement weather on Trio under Weather Day.

## **S. NEPOTISM**

According to the Government Accountability Board nepotism is prohibited by sec. 19.45(2), Stats., of the Ethics Code. This statute, in the Board's view, prohibits a state public official from using his or her office to bring about the employment by the state of the official's spouse or a dependent relative.

Thus, the Board suggests a public official should neither: (1) hire as a state employee; nor (2) advocate the hiring or promotion by the state of a person who is the official's parent, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, or nephew. The Board also suggests that an official, in order to avoid appearances of favoritism, not have his/her spouse, dependent relative (dependent as defined by the IRS) or any other of the aforementioned relatives under his/her jurisdiction or supervision.

## **T. NOTARY PUBLIC**

A notary public is available in the Assembly Chief Clerk's office.

## **U. DISCHARGE/TERMINATION**

Actions which seriously jeopardize or disrupt the security, health, safety and/or operations of the Wisconsin State Assembly, staff and/or others, or violations determined to be egregious or flagrant, may be subject to any disciplinary action up to and including immediate discharge/termination as determined by the appointing authority.

## **V. OPEN RECORDS LAW**

The Assembly Chief Clerk will respond to Open Records Requests made of the Assembly as a whole. All Open Records Requests of that nature must be directed to the Assembly Chief Clerk.

Much of the material in a Legislator's office or kept by a Legislator qualifies as a public

"record" under Wisconsin's open records law [s. 19.31 to 19.39, Stats]. Therefore, this material is required by law to be available for inspection and copying by members of the public, including the news media.

When an open records request is made to the Assembly Chief Clerk, the Clerk will notify the legislator in writing that a request relative to his/her office or staff has been made.

Steps by which a Legislator may deal with a request to inspect records in his or her office follow: DOJ Compliance Outline Wisconsin Public Records Law.

### **1. Clarify, in advance, the "custodian" of the office's records**

Each Legislator is the custodian of the records of his or her office and of the records of any committee of which he or she is the Chair. The Chief Clerk is the custodian of the records of his or her office (e.g., personnel, per diem, purchasing, telephone records, travel records, and documents that are part of the permanent historical records of the Assembly). Note that when a Legislator leaves office prior to the expiration of his or her term, the Legislator may choose to allow his or her staff to continue to have access to records of the office. In this situation, after the Legislator leaves office, the leader of his or her party caucus (i.e., Majority or Minority Leader) is the custodian of those records and controls their disposition.

### **2. Respond reasonably / promptly to a request**

A response to a record request must be made "as soon as practicable and without delay" under the law. In practical terms, a custodian may need some amount of time to retrieve and inspect the record before formulating a response.

The response to a request for a record is either (a) to provide the record or (b) to deny the request, in whole or in part. If the request is denied, the reasons for the denial must be given.

### **3. Respond to a request in kind**

If the request is made orally, and is going to be denied, the denial may be made orally. If a requester who was orally denied a request later demands a written statement of denial, and the demand is made within five business days of the oral denial, the written statement must be provided.

If a request is made in writing, the response must be in writing giving the reasons for the denial. Written responses to written requests must include this statement -- "This denial is subject to review by mandamus under s. 19.37 (1), Stats., or by application to the Attorney General or a district attorney."

#### **4. Demand that a request be reasonably specific**

A request must be honored if it "reasonably describes the requested record or the information requested." However, requests to go through an office's files (a "fishing expedition") do not have to be honored.

For example, requests such as the following must be given a response: "All constituent mail on Assembly Bill 000"; "the mailing list for your newsletter distribution"; "all correspondence on the Highway XO project in your district." Also, there is no blanket exemption for constituent mail--in most cases, it is a "record."

#### **5. Seeking identity of requester; purpose of request**

A records request may not be denied because the requester refuses to provide identification or to state the purpose of the request. However, always ask these questions. Also, if the record is at a private residence, or valid security reasons exist, a requester may be required to show acceptable identification.

#### **6. Decide if the requested material is a "record"**

A record is any material which bears information, regardless of form ("written, drawn, printed, spoken, visual or electromagnetic information") and which was created or is being kept by a custodian, EXCEPT:

- a. Personal property of the Legislator which has no relation to his or her office of Legislator;
- b. Drafts, notes, preliminary computations and similar material prepared for the personal use of the Legislator or prepared in the name of a Legislator by a member of his or her staff;
- c. Material to which access is limited by copyright, patent or bequest; and
- d. Published materials which are available for sale or are available at a public library.

If requested material falls into one of the above exceptions, it is not a "record" and the request may be denied for that reason.

#### **7. Make a decision on the request**

The open records law favors inspection of public records, and establishes a presumption of complete access to public records. Access may be denied only in exceptional cases--that is, in cases where it can be demonstrated that the harm done to the public interest by disclosure outweighs the right to access to public records.

1. If a Representative is not the records subject (i.e., the records relate only to a Representative's employee or contain no information identifying a Representative), they must fulfill the request as soon as practicable and without delay.

2. If a Representative is the records subject (i.e., the records contain information identifying a Representative, (like per diem or mileage), then, once the decision is made that the records must be released, the Representative gets written notice that he or she has 5 business days to review the records and submit comments to supplement the records. Records and comments are released on the 8<sup>th</sup> business day following date of the notice. This notice is provided pursuant to s. 19.356 (9), stats.
3. If a Representative is the subject of such records but not all of the others, the 5<sup>th</sup> day review under #2 applies to those records that the Representative is the subject of.

In some instances, access to records may be denied. However, any denial must specifically demonstrate that there is a need to restrict public access at the time that the request is made.

The exemptions to the open meetings law are used as a guide for denial. The applicable exemptions in that law are:

- a. "Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body."
- b. "Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a public body or the investigation of charges against such person...and the taking of formal action on any such matter...."
- c. "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility."
- d. "Deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specific public business, whenever competitive or bargaining reasons require a closed session."
- e. "Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons...which, if discussed in public, would be likely to have a substantial adverse effect on the reputation of any person referred to in such histories or data, or involved in such problems or investigations."
- f. "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved."
- g. "Consideration of requests for confidential written advice from the ethics board under s. 19.46 (2), or from any local government ethics board."
- h. "Considering any and all matters related to acts by businesses under s. 560.15 [Economic adjustment program where a business is shutting down or laying off] which, if discussed in public, could adversely affect the business, its employees or former employees."

[In addition to the above, meetings can also be closed to discuss probation or parole applications, crime fighting strategy, burial sites, ice rink operation and certain

Unemployment Compensation Advisory Council matters. In specific situations, these less-common grounds may be applicable to a records request made to a Legislator.]

In addition, the Wisconsin Supreme Court has stated that access to information collected under a pledge of confidentiality, where the pledge was necessary to obtain the information, may be denied. Last, the open meetings law exempts a record from access if: (a) federal or state law requires nondisclosure; (b) the record is a computer program; or (c) the record is a trade secret.

## **8. Partial denial**

If part of a record qualifies for confidential treatment, the remainder must be released. In those instances, either separate the confidential information, or delete it, and release the remainder.

## **9. Provide copies, on request**

Offices are open for business and inspection of records from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for records may be made at any time during normal business hours. The cost for copying documents is \$.15 per page. In addition, an Assembly office may charge the actual, necessary, and direct cost of locating requested documents if the cost exceeds \$50.00. Prepayment of fees may be required. These fees may be waived.

## **10. Reputation or Privacy Interests of an Individual**

When a record contains information affecting the reputation or privacy interests of an individual, the appointing authority must notify the individual of a pending record release in order to give the individual an opportunity to judicially block access to the record. The approving authority can withhold the release of information up to 72 hours.

Questions related to the Open Records Law and/or requests made can be directed to the Assembly Chief Clerk at 266-1501 or DOJ at 266-3952.

## **11. Confidentiality and Redaction**

It is the policy of the Assembly that legal memoranda of the Chief Clerk addressed personally to the Majority or Minority Leader are confidential and not subject to disclosure under Subchapter II of Chapter 19 of the Wisconsin Statutes (public records law). Pursuant to the holding in *State v. Zien*, Dane County Case No. 05 CV 2896, proposed legislation that has not been introduced may be withheld from public inspection under the public records law as a draft document, regardless of whether the proposed legislation was shared with other individuals or entities. To accomplish the public policy objectives of this exception from disclosure, it is likewise the policy of the Assembly that any information that identifies, discusses, or refers to such proposed legislation may be withheld from public inspection.

Pursuant to *Schill v. Wis. Rapids Sch. Dist.*, personal emails and similar documents are not subject to disclosure under the public records law if the content of the email or document is unrelated to public business and the document does not have evidence of a violation of law or policy.

Certain information must be redacted and other information, depending upon the circumstances, may be redacted from requested records. The records custodian should refer to the Legislative Council's Briefing Book for guidance concerning redaction.

## **W. CAMPAIGN ACTIVITY**

Campaign activity is not permitted during work hours. State owned facilities, office equipment, supplies, etc., may not be used for campaign purposes at anytime. Citizenship rights to campaign activity and community involvement must be exercised during non-office hours.

13.625(3) of the Wisconsin Statutes states: No candidate for an elective state office, elective state official, agency official or legislative employee (emphasis added) of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1)(b)(3), (c)(2), (5), (6), and (7).

(1)(b)(3) Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee.

(c)(2) Except as permitted in this subsection, make a campaign contribution as defined in s. 11.01(6), to a partisan elective state official for the purpose of promoting the official's election to any national, state or local office, or to a candidate for a partisan elective state office to be filled at the general election or a special election, or the official's or candidate's personal campaign committee. A campaign contribution to a partisan elective state official or candidate for partisan elective state office or his or her personal campaign committee may be made in the year of candidate's election between April 15 and the day of the general election, except that: A campaign contribution by a lobbyist to the lobbyist's campaign for partisan elective state office may be made at any time.

(5) This section does not apply to food, meals, beverages or entertainment provided by the governor when acting in an official capacity.

(6) Subsections (1)(b) and (c), (2) and (3) do not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt or anything of pecuniary value by that relative or individual residing in the same household as the individual.

(7) This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s.19.56.

In addition, the Committee on Assembly Organization adopted the following motions on January 25, 1999:

- 1) Members are prohibited from holding personal or legislative committee campaign fundraisers in Dane County during legislative floor periods.

The Committee on Assembly Organization approved by a unanimous bipartisan vote, February 4, 2009, a policy change to ban campaign fundraising by members during the biennial budget process. This policy change prohibits individual members from soliciting or accepting contributions for their campaign committees from the time the Governor introduces the budget until the budget has been adopted by the State Legislature.

The members of the Assembly, their personal campaign committees, or their s. 11.18 support committees, authorized under s. 11.05 (3) (p), for prospective candidacy for re-election to the Assembly, cannot:

**\*Solicit or knowingly accept any contribution for the purpose of promoting the member's nomination or re-election to the State Assembly during the period beginning on the day the biennial budget bill is introduced and ending on the date the biennial budget bill is presented to the Governor.**

It is recognized that under the limited circumstance of a member running as a publicly declared candidate for an elective office other than State Assembly, soliciting and accepting campaign contributions during the budget period is not contrary to the foregoing policy and that a member in this circumstance may solicit and accept campaign contributions for offices other than State Assembly during the budget period.

- 2) All members are prohibited from accepting political action committee contributions to their personal campaign committees during the first year of each biennium.

### **Definition of Campaign Activity**

The Joint Committee on Legislative Organization has defined campaign activity as activity which does not reasonably and primarily fulfill and arise from official duties and that contributes to, enhances, or furthers a person's ability to run for, or chance of election or re-election to, public office. Illustrative activities include:

1. Arranging or assisting in arranging a campaign-related event or raising of campaign contributions.
2. Soliciting, receiving, or acknowledging campaign contributions.
3. Preparing or distributing television, radio, newspaper, or other forms of campaign advertisements.

4. Preparing or designing campaign brochures, literature, nomination papers, or other campaign promotional materials.
5. Distributing, seeking or coordinating campaign volunteers.
6. Preparing a campaign budget.
7. Directing or participating in “get out the vote” drives.
8. Creating, maintaining, editing, adding to, or deleting information from a list or database of campaign contributions or supporters.
9. Creating, maintaining, editing, adding to, or deleting information from a list or database designed or intended for a campaign purpose.
10. Preparing, coordinating, or participating in polling other than a legislator’s questionnaire seeking constituent views on issues.
11. Transporting voters to polls or campaign rallies.
12. Directing or participating in candidate recruitment.

### **Assigning Campaign Work**

An appointing authority or supervisor of legislative employees may not assign, authorize, or request an employee of the Legislature to engage in campaign activity to be performed while the employee is on state time, with the use of state resources or on state property.

Employees who are asked to conduct campaign work during state time should report the incident immediately to the Assembly Chief Clerk.

### **Employees Engaging in Campaign Activity**

Legislative employees are prohibited from engaging in campaign activity in state offices or on state time.

An employee of the Legislature may not assign or authorize campaign activity to be performed on state time or in state offices.

An employee of the Legislature may not use, or make available for use by another, state property or resources in connection with campaign activity except as the property or resources are normally available to anyone under similar circumstances.

An employee of the Legislature may not engage in campaign activities:

- During hours of employment claimed.
- While on any form of paid leave (including “comp” time) other than vacation time and then only after having submitted to the Assembly Chief Clerk a request to use vacation time and the Chief Clerk’s finding that the leave will not be contrary to the interests of the Assembly.
- During regular hours of employment unless the employee has submitted to the Assembly Chief Clerk a request to work variant hours or for unpaid leave and the

Chief Clerk's finding that such variant hours or unpaid leave will not be contrary to the interests of the Assembly.

### **Campaign Activity Employee Protection**

It is a term of employment that no decision affecting an employee's continued employment, salary, benefits, or the terms, hours or other conditions of the individual's employment may be based, in any manner or to any degree on the employee's failure to participate in campaign activities or failing to make a political contribution. If an employee feels that they have been released or disciplined for not participating in campaign activity or for failing to make a contribution to a campaign they should report the incident to the Assembly Chief Clerk and Government Accountability Board.

## **X. LEGISLATOR SICK LEAVE REPORTING POLICY**

A member of the Assembly who is recorded as absent from a session day, a committee hearing, or a committee executive session due to a personal injury, illness, the birth or adoption of the member's child, exposure to contagious disease, or illness or death in the immediate family of the member or the member's spouse shall notify the Chief Clerk in writing as soon as practicable of the need to debit his or her sick leave balance for the amount of leave taken. Members must claim leave for the period of time beginning with the official roll call and ending with adjournment of floor session or a committee hearing or executive session. The Chief Clerk shall round the amount of leave taken to the nearest thirty minute increment. A member of the Assembly who has exhausted his or her sick leave, or who has reduced his or her sick leave balance to zero under the following paragraph, is not required to provide notice to the Chief Clerk under this section.

A member of the Assembly may direct the Chief Clerk in writing to reduce his or her unused accumulated sick leave balance to any lesser amount. The Chief Clerk shall debit his or her sick leave balance accordingly.

For the purposes of this section, "immediate family" means the member's spouse, and the parents, grandparents, foster parents, children, step-children, foster children, brothers and sisters and their spouses, of the member and of the member's spouse. Also included are any other relatives of the member or member's spouse provided they reside in the same household as the member.