

TABLE OF CONTENTS

| | |
|---|-----------|
| POLICY MANUAL ACKNOWLEDGEMENT FORM..... | 3 |
| PERSONNEL POLICY..... | 4 |
| A. EMPLOYEE VALUES AND CONDUCT..... | 5 |
| B. MODEL CODE FOR LEGISLATIVE STAFF | 7 |
| C. APPOINTING AUTHORITY..... | 10 |
| D. NEW EMPLOYEES | 10 |
| E. OFFICE STAFFING..... | 10 |
| F. ATTORNEY POLICY..... | 11 |
| G. CHARITABLE AND SALES SOLICITATION BULLETIN BOARD .. | 12 |
| H. PERSONAL PROPERTY LIABILITY | 12 |
| I. OFFICE HOURS..... | 12 |
| J. COMPENSATION, PAYROLL AND TIME REPORTING | 13 |
| K. VACATION AND PERSONAL DAYS..... | 15 |
| L. LEAVE OF ABSENCE..... | 16 |
| M. RESIGNATION AND TERMINATION | 22 |
| N. WORKERS COMPENSATION..... | 23 |
| O. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT | 23 |
| P. AMERICANS WITH DISABILITIES ACT | 25 |
| Q. INCLEMENT WEATHER AND OTHER EMERGENCIES..... | 25 |
| R. NEPOTISM..... | 26 |

S. NOTARY PUBLIC.....26
T. DISCHARGE/TERMINATION26
U. OPEN RECORDS LAW26
V. CAMPAIGN ACTIVITY31
W. LEGISLATOR SICK LEAVE REPORTING POLICY33

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, an express or implied contract or guaranteed employment 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. As such, it is the responsibility of the appointing authority to implement the following 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; and
- Goals are enumerated clearly, and staff work together to achieve these goals

The Wisconsin State Assembly values the members of its staff. As such, it is the responsibility of the appointing authority to implement the following standards:

- 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; and
- Staff vacations, sick time, and personal time are considered in operational 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 are intended 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
Note: an appointing authority 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 photo id's/fobs, or improper use of keys or photo id/access cards.
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 attire 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.

Employees are also prohibited from 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. In addition, employees are also prohibited from 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; failure 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.

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 (13) | 1 Legislative Assistant IV, 4 Administrative Assistants, 3 Administrative Assistant V, 1 Administrative Officer, 1 Associate Clerk, 2 Research Assistants, 1 Speaker Chief of Staff |
| Majority Leader (5) | 1 Legislative Assistant III, 2 Administrative Assistants, 1 Administrative Assistant V, 1 Administrative Officer |
| Speaker Pro Tem (3) | 1 Legislative Assistant III, 1 Administrative Assistant, 1 Administrative Assistant V |
| Minority Leader (5) | 1 Legislative Assistant III, 1 Administrative Assistant, 2 Administrative Assistant V, 1 Administrative Officer |
| Chair Joint Finance (5) | 1 Legislative Assistant III, 2 Administrative Assistants, 2 Administrative Assistant V |

Asst Majority Leader and Majority Caucus Chair (3) 1 Legislative Assistant III, 2 Administrative Assistants

Co-Chair Jt. Committee for Review of Administrative Rules (3) 1 Legislative Assistant, 2 Administrative Assistants

Asst Minority Leader and Minority Caucus Chair (3) 1 Legislative Assistant III, 2 Administrative Assistants

Committee Chairs and Joint Finance Members (2) 1 Legislative Assistant, 1 Research Assistant

Committee Vice Chairs and Ranking Members 1 Research Assistant, .5 Legislative Assistant

Freshman 1 Legislative Assistant (No exceptions, if a freshman is made a ranking member, they still are only authorized one staff)

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 Wisconsin 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. [Wis. Stat.s895.46]

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. If you have questions please contact 266-2406.

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 unless otherwise authorized by the employee's appointing authority. 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 direct deposit paystub, they should contact the Legislative Human Resources Office (LHRO) (264-8471) as soon as possible.

Assembly employees are paid monthly. Direct deposit paystubs are available via PeopleSoft Employee Self-Service. Contact LTSB for your IAM account information and visit LTSB's website for a video detailing easy access to PeopleSoft Employee Self-Service.

Salary Adjustments

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.

If an employee is re-classed from a higher classification to a lower classification (RA-LA, AA-RA, etc.), that employee's salary would be reduced to the appropriate level of compensation within that classification. An exception would be if the employee's pay exceeds the maximum of the lower classification, that employee will revert to the top of the range of the lower classification.

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 Wis. Stat. s.20.928(3).

Time Reporting

Employees who fail to turn in a time sheet by the 15th of the month will have their direct deposit removed (for the check dated the first of the following month) as per JCLO rules dated October 11, 2001. Any employee who has not turned in their 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 (LHRO) 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 10th 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 authority's 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, phone number 267-9528 or via e-mail at 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 upon the schedule shown below and based upon the employee’s 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.

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.**

In addition, 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 may be transferred to the new agency. If the agency the employee is transferring to will not accept the employee's full vacation balance, 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 your Trio Account.

Personal Time

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 LHRO 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.

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, phone number 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, please 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 to pay for 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 and, it must continue 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 (FMLA)

The Legislature provides Family and Medical leave in accordance with the provisions of the Federal and Wisconsin Family and Medical Leave Acts. The Federal and Wisconsin Family Medical Leave Acts (FMLA & WFMLA) provide unpaid job-protected family and medical leave to eligible employees (NOTE: the employee may elect to substitute accrued paid leave, including sick leave, vacation and personal holiday, for unpaid FMLA leave). Leave may be taken in a block of time, or intermittently as the medical condition requires and the laws permit.

FMLA Employee Eligibility

To be eligible for FMLA leave:

1. For Federal FMLA, the employee must have **worked for the State of Wisconsin for at least 12 months**. (Note: For Federal FMLA, the months do not need to be consecutive, but a break in service cannot exceed 7 years, to be counted for this purpose.) For Wisconsin FMLA, the employee must have **worked for the State of Wisconsin for 52 consecutive weeks**.
2. The employee must have worked for the State of Wisconsin for:
 - a. **at least 1250 hours (not including paid leave)** in the 12 months before taking leave, for Federal FMLA. **OR**
 - b. **at least 1000 hours (including paid leave)** in the 52 weeks prior to the employee's leave, for Wisconsin FMLA.

Qualifying Reasons for Leave

The **Federal FMLA** requires that eligible employees be granted unpaid leave for the following reasons:

1. Birth of a child and to care for the newborn;

2. Placement of a child for adoption or foster care;
3. Care of an employee's spouse, child or parent (not parent-in-law) with serious health condition;
 - i. Includes physical care and psychological comfort and support.
4. Care of a spouse, child, parent, or next of kin who is a service member;
5. The employee's own serious health condition;
6. Any "qualifying exigency" when a spouse, child, parent or next of kin is a covered military member on active duty or has been notified of an upcoming call or order to active duty; or,
7. To care for a covered service member with a serious injury or illness, incurred in the line of duty while on active duty (if the employee is the spouse, child, parent or next of kin of the service member). (Note: This qualifying event allows eligible employees up to 26 weeks of FMLA leave, per calendar year.)

(Note: All of the above Federal FMLA qualifying leave reasons, with the exception of (7), allow eligible employees up to 12 weeks of FMLA leave, per calendar year.)

The **Wisconsin FMLA** allows employees to take unpaid leave for the following reasons:

1. Birth of a child (Note: This qualifying event allows eligible employees up to 6 weeks of WFMLA leave, per calendar year.);
2. Placement of a child for adoption or a precondition to adoption (but not both). This does not include placement for foster care. (Note: This qualifying event allows eligible employees up to 6 weeks of WFMLA leave, per calendar year.);
3. Care for child, spouse, domestic partner or parent with a serious health condition, including parent-in-law or domestic partner's parent (Note: This qualifying event allows eligible employees up to 2 weeks of WFMLA leave, per calendar year.); or,
4. The employee's own serious health condition (Note: This qualifying event allows eligible employees up to 2 weeks of WFMLA leave, per calendar year.)

(Note: Federal and Wisconsin leave eligibilities run concurrently.)

Assembly employees must file a 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's employment will terminate.
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 Assembly 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 [Wis. Stat. 756.02] 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. [Wis. Admin. Code ER 18.10]

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 during his/her military leave.

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 Wis. Stat. 7.33, 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. Rather, employees who serve as electoral officials, do so without loss of pay for scheduled work hours and fringe benefits.

5th Week Leave

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

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 employee's transferred vacation time. If the agency the employee is transferring to will not accept the employee's vacation time, payment will only be made in accordance with eligibility (employee's cannot receive payment for more vacation time than can be earned in one year) upon termination, minus any amount transferred to the receiving agency. 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, as soon as possible.

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. [Wis. Stat. 230.18]

None of the Assembly appointing authorities may discriminate in employment on the basis of race, color, creed, sex (including pregnancy), national origin ancestry, age (40 or older), disability, marital status, sexual orientation, gender identity, arrest record,

conviction record, military service, use or nonuse of lawful products, declining to attend a meeting or participate in any communication about religious matters or political matters, or genetic information. 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. [Wis. Stat. 111.321].

Within the State Assembly, state law prohibits harassment by, and harassment of, Assembly employees. "Harassment" is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990 (ADA), or the Wisconsin Fair Employment Act (WFEA). Harassment is unwelcome conduct that is based on race, color, creed, sex (including pregnancy), national origin ancestry, age (40 or older), disability, marital status, sexual orientation, gender identity, arrest record, conviction record, military service, use or nonuse of lawful products, declining to attend a meeting or participate in any communication about religious matters or political matters, or genetic information. [Wis. Stat. 111.321]

The State Assembly shall provide reasonable accommodations to disabled 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 disabled, assignment to an alternative position with comparable pay, if possible. It is not employment discrimination because of disability 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 disability is reasonably related to the individual's ability to adequately undertake the job related responsibilities of that individual's employment. [Wis. Stat. 111.34 (2)(a)].

2. Affirmative Action

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) persons with disabilities. The Speaker of the Assembly has designated the Legislative Human Resource Manager 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.]

P. AMERICANS WITH DISABILITIES ACT

The Wisconsin Fair Employment Law (WFEL), Americans with Disabilities Act as Amended (ADAAA) and the Rehabilitation Act of 1973 (Sections 505 and 508) require employers to take reasonable steps to provide accessibility and to accommodate qualified employees with disabilities when an accommodation is reasonable and required.

A qualified employee with a disability may request a reasonable accommodation to assist them with performing essential job functions, accessing facilities, etc. The legislature will attempt to accommodate a reasonable accommodation request that is not an undue hardship and is not unduly costly, extensive, substantial or disruptive and does not fundamentally alter the nature of the job or the nature or operation of the Legislature.

If an employee would like to request an accommodation or has questions related to accommodations, please contact the Legislative Human Resources Office (LHRO).

Q. 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, frost/icy roads, tornado, etc.) may use vacation, holiday time or accumulated compensatory time. In some situations, employees may arrange with their appointing authority 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 (Wis. Stat.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 in Trio under Weather Day.

R. NEPOTISM

According to the Wisconsin Ethics Commission nepotism is prohibited by Wis. Stat. 19.45(2), 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.

S. NOTARY PUBLIC

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

T. 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.

U. OPEN RECORDS LAW

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, with limited exceptions, required by law to be available for inspection and copying by members of the public, including the news media.

The Assembly Chief Clerk provides a memorandum titled *Public Records Request Procedure Policy* for offices to follow. This is the preferred procedure for fulfilling Public Records requests to provide a consistent process that complies with Wisconsin's Public Records Law while allowing legislative offices to continue to function and meet the needs of the Representative, district, and constituents.

Outlined below are additional Assembly procedures, positions, and practices to be considered when fulfilling a Public Records request. Specific questions can be directed to the Assembly Chief Clerk.

1. Public Records Notice

Legislative Offices are open for business and may receive request to inspect 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.

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).

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

Requests of Legislative Offices are primarily delivered or fulfilled through the Chief Clerk's office. After the Legislative Office identifies and compiles responsive records, the Chief Clerk will make arrangements for the requester to review the records, provide any copies that may be requested, and collect any location or reproduction costs associated with the request.

This policy allows individual legislative offices to efficiently comply with records request, while continuing the day-to-day operation of official duties without disruption. Fulfillment of requests through the Clerk's office also avoids issues of allowing unfettered access to legislative offices. This prevents confidential information not subject to disclosure from being viewed or copied.

2. Costs and Prepayment

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 may be required if the total amount exceeds \$5.00.

It is the preferred policy of the Assembly to charge prepayment. When charging for prepayment you will need to provide an estimate of the total cost to the Requestor. Include a paragraph similar to the following when requesting prepayment:

"Preliminary analysis of your request indicates that there are approximately ___ responsive records, which will take approximately ___ hours to locate and copy and will cost approximately \$____. Please contact me by _____ if you would like to limit your

original request in some way.”

When charging for location costs it is necessary to determine the hourly rate of each employee participating in the records search. Offices can contact the Chief Clerk’s office to determine this rate.

As individual offices are not set up to accept cash or check as payment for records requests, these requests must be fulfilled through the Chief Clerk. Fees associated with a request may also be waived.

3. Requests for Specific Format

Legislative Offices will occasionally receive requests to provide records in specific formats. The authority may decide whether or not to provide public records responses in the requested format, but is not obligated to do so.

The Public Records Law does not require creating new records in order to respond to a public records request, or compiling information from existing records into a new format. Additionally, legislative offices retain the ability to provide copies of records that are substantially as readable as the original.

The preferred Assembly policy is to provide records for review in the Chief Clerk’s office. This is an effective way to allow Legislative Offices to review records for confidential material, conduct any necessary redaction, and ensure responsive electronic records are not tampered with or altered.

4. 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. Questions on redaction should be addressed to the Assembly Chief Clerk.

5. Disposition of Records upon leaving office

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.

6. Guidance for Fulfilling Requests

This section summarizes some major points to consider when fulfilling Public Records requests. This section does not address every scenario. Legislators and Legislative Staff should contact the Assembly Chief Clerk specific questions arise.

a. 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.

Offices should acknowledge receipt of a request prior to fulfilling the request. This is especially helpful for large requests that may require significant time or effort to complete.

b. 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.

c. 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."

d. 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.

e. 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:

- i. Personal property of the Legislator which has no relation to his or her office of Legislator;
- ii. 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;
- iii. Material to which access is limited by copyright, patent or bequest; and
- iv. 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.

f. Record Retention and Preservation

The records and correspondence of Legislative Offices are exempt from state records retentions requirements. However, when a public records request is made, the authority must preserve potentially responsive records until after the request is granted or until at least 60 days after the date that the request is denied.

g. 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.

7. Additional Resources

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

The Wisconsin Department of Justice, Office of Open Government is another valuable resource. You may also consult the Wisconsin Public Records Law Compliance Guide, November 2015, accessible here:

<https://www.doj.state.wi.us/sites/default/files/dls/2015-PRL-Guide.pdf>

V. CAMPAIGN ACTIVITY

On October 11, 2001 the Joint Committee on Legislative Organization adopted a motion establishing procedures relating to time reporting, campaign activities, employee protection and continuing education requirements. JCLO policy states that “no staff member may engage in activities for private business or political purposes while on state time.”

Legislative employees are not to engage in campaign activity in state offices or on state time. In order to participate in campaign activities a staff member must be outside the hours of employment claimed on a “non-paid leave of absence” or use vacation time. Accumulated sick leave or accumulated comp time cannot be used to work on campaign activities.

If a legislative employee plans to use vacation time to conduct campaign activity the employee should notify the Chief Clerk prior to taking the vacation time and engaging in the campaign activity. The October 11, 2001 JCLO motion provides additional clarification on impermissible campaign activity and related matter.

Every Assembly employee, upon employment, completes an Acknowledgement Form stating that they received a copy of the rules adopted by the Joint Committee on Legislative Organization dated October 11, 2001, and that they have read and understand its contents and acknowledge that it is their responsibility to request clarification or any information that they do not understand. The signed acknowledgement form is kept in their employee file in LRHO.

The Committee on Assembly Organization approved on February 14, 2013, a policy change that members of the Assembly and their personal campaign committees, cannot:

***Solicit or knowingly accepting any contribution in Dane County 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. This prohibition does not apply to a fund-raising social event of a current member of the assembly who represents a district that contains part of Dane County.**

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.

Definition of Campaign Activity

The term “campaign activity” means activity that does not reasonably and primarily fulfill and raise from official duties and that contributes to, enhances, or furthers a person’s ability to run for, or chance of election or reelection to, public office. Illustrative activities include:

- a. Arranging or assisting in arranging a campaign-related event or raising of campaign contributions.
- b. Soliciting, receiving, or acknowledging campaign contributions.
- c. Preparing or distributing television, radio, newspaper, or other forms of campaign advertisements.
- d. Preparing or designing campaign brochures, literature, nomination papers, or other campaign promotional materials.
- e. Distributing or arranging for the distribution of campaign materials.
- f. Directing, seeking or coordinating campaign volunteers.
- g. Preparing a campaign budget.
- h. Directing or participating in “get out the vote” drives.
- i. Creating, maintaining, editing, adding to, or deleting information from a list or database of campaign contributions or supporters.
- j. Creating, maintaining, editing, adding to, or deleting information from a list or database designed or intended for a campaign purpose.
- k. Preparing, coordinating, or participating in polling other than a legislator’s questionnaire seeking constituent views on issues.
- l. Transporting voters to polls or campaign rallies.
- m. Preparing campaign finance reports required by law.
- n. Directing or participating in candidate recruitment.
- o. Updating campaign websites and social media sites.

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 shall be part of an employee’s 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 Wisconsin Ethics Commission.

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.