The image shows the interior of the Wisconsin State Assembly. A large, ornate stained glass dome with a central circular medallion and radiating patterns is the focal point. Below the dome, a grand entrance features two large, polished red marble columns flanking a highly decorative, dark metal door. Above the door, a stone lintel is inscribed with the word "ASSEMBLY". In the background, a large arched window is topped with a sculpture of a bear, the state animal of Wisconsin, set against a background of oak leaves. The ceiling is decorated with gold leaf accents and a circular medallion with a leaf design.

WISCONSIN  
STATE  
ASSEMBLY

2021-2022  
POLICY MANUAL

**ASSEMBLY POLICY MANUAL  
ACKNOWLEDGEMENT FORM**

I have received a copy of the Wisconsin State Assembly Policy Manual and I 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.

**It is impossible to include every situation or scenario that a policy manual can address. As such, all employees are responsible to exercise good judgment in their daily work, and abide by the standards outlined in this policy manual. In addition, 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.**

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date

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# ASSEMBLY PERSONNEL POLICY

Revised January 2021

## **1. EMPLOYMENT-AT-WILL**

All employees of the Assembly are at-will employees 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. In addition, this policy manual is not designed to be, nor does it create, an express or implied contract or guarantee of employment between an employee and the Wisconsin State Assembly.

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

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

### **A. 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. Stats. §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. Stats. §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. Stats. § 111.321]

The State Assembly shall provide reasonable accommodations to persons with disabilities 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. Stats. §111.34 (2)(a)].

#### B. 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 Resources Director as the State Assembly's affirmative action officer who is assigned the applicable duties under Wis. Stats. § 230.06 (1)(k). 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. [Wis. Stats § 230.06 (1)(k)]

### **3. HARASSMENT, DISCRIMINATION, RETALIATION, VIOLENCE & BULLYING POLICY**

#### A. Introduction

The Assembly is committed to assuring that it operates in an environment that is free from harassment, discrimination and retaliation based upon race, color, creed, sex (including pregnancy), religion, national origin or ancestry, age (40 or older), disability, marital status, sexual orientation, gender identity, arrest or conviction record, military service, use or nonuse of lawful products, genetic information or any other applicable protected classification as specified by state and federal law, except as permitted under applicable law. The Assembly also prohibits violence and bullying in the workplace, as defined below. In addition, this policy contains illustrative examples of prohibited behaviors; however, the Assembly has the right to determine what constitutes inappropriate behavior under this policy, and take any level of corrective action (including termination) it deems appropriate.

For these reasons, the Assembly will not tolerate harassment, discrimination, retaliation, bullying or violence, as defined below, or any other behaviors that are considered inappropriate/

unacceptable in the Legislature. The Assembly is committed to preventing or stopping such actions/behaviors whenever it may occur. The policy presented here applies directly to the Assembly (legislators and staff); however, every feasible action necessary will also be taken to protect Assembly employees from harassment and discrimination from external sources as well, including but not limited to: lobbyists, the public, and employees working for other branches of government/the private sector.

**In addition, it is important for legislators and employees to understand that concerns and/or complaints related to harassment, discrimination, retaliation, bullying, violence, or any other behaviors that are deemed inappropriate/unacceptable in the Legislature, *may* cover conduct that occurred outside of the work location and outside of work hours, and is not solely limited to conduct that occurred at the work location and/or on work hours.**

#### B. Harassment, Discrimination and Retaliation Defined

The Assembly prohibits discrimination. **Discrimination** can include disparate treatment directed toward an individual or group of individuals based upon race, color, creed, sex (including pregnancy), religion, national origin or ancestry, age (40 or older), disability, marital status, sexual orientation, gender identity, arrest or conviction record, military service, use or nonuse of lawful products, genetic information or any other applicable protected classification as specified by state and federal law.

The Assembly also prohibits harassment. **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), religion, national origin or ancestry, age (40 or older), disability, marital status, sexual orientation, gender identity, arrest or conviction record, military service, use or nonuse of lawful products, genetic information or any other applicable protected classification as specified by state and federal law.

#### **Harassment exists whenever:**

- Submission to harassing conduct is made, either explicitly or implicitly, a term or condition of one or more individuals' employment, internship, partnership or services;
- Submission to or rejection of such conduct by an individual or group is used as the basis for decisions about employment, internship, partnership or services affecting such individual; and/or,
- The conduct has the purpose or effect of substantially interfering with an individual's or group's work performance or of creating an intimidating, hostile or offensive work or service delivery environment. (A Hostile Work Environment exists when the conduct is such that a reasonable person, under the same circumstances as the employee, would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.)

In addition, the Assembly also prohibits retaliation against employees. **Retaliation** is a materially adverse action against an employee by an employer for engaging in legally protected activity, such as bringing forward a concern or making a complaint, participating in workplace investigations (as a complainant, witness, etc.), or requesting/receiving a family or medical Leave (FMLA) or reasonable accommodation. Retaliation can include any negative job action, such as demotion, discipline, firing, or salary reduction.

It is our goal to prevent the occurrence of harassing, discriminatory and retaliatory 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 harassment, discrimination and/or retaliation be reported to the appropriate supervisor or the Legislative Human Resources Office (LHRO) immediately. While based on state and federal law, this policy may cover behaviors, which may not meet the legal definition of harassment, discrimination or retaliation but are considered unacceptable in the Legislature. This policy will be interpreted so as to avoid infringement upon First Amendment rights of free speech.

### C. Sexual Harassment

Sexual harassment includes unwelcomed sexual advances, requests to engage in sexual conduct, and other physical and expressive behavior of a sexual nature where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;

(b) Submission to or rejection of such conduct by an individual is used, or threatened or suggested to be used, as the basis for employment decisions affecting the individual (Quid Pro Quo);

(c) Such conduct substantially interferes with an individual's performance or creating an intimidating, hostile, or demeaning work environment.

Determination as to whether the alleged conduct constitutes sexual harassment should take into consideration the totality of the circumstances, including the context in which the alleged incidents occurred.

Under this policy, sexual harassment can be verbal, visual, or physical. It can be overt, as in the suggestion that a person could get a raise in salary or promotion by submitting to sexual advances. The suggestion or the advance need not be direct or explicit--it can be implied from the conduct, circumstances, and relationships of the persons involved.

Sexual harassment can also consist of persistent, unwelcome attempts to change a professional relationship to a personal one.

It can range from unwelcome sexual flirtations and inappropriate demeaning of individual persons or classes of people to physical contact/abuses such as sexual assault.

Examples could include, but are not limited to: unwelcome sexual advances; repeated and unwelcome sexually-oriented bullying, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; derogatory or demeaning comments about women or men in general, whether sexual or not; leering, touching, pinching, or brushing against another's body; or displaying objects or pictures, including electronic images, which are sexual in nature and which create a hostile or offensive work environment.

The interpretation of sexual harassment in the law and the Assembly's policy provides that:

- Sexual harassment generally carries a component of power differential between individuals and can occur between men and women or between members of the same sex.
- An employee does not have to suffer economically before harassment can be found.
- A person who, on the surface, consents to sexual advances might still be subjected to harassment.
- Whether conduct is welcome or unwelcome depends on the "eye of the beholder" and a "reasonable person" test.
- Offenders can be legislators, co-workers, or non-employees (including but not limited to: lobbyists, the public, and employees working for other branches of government/the private sector).
- A third person can be offended by harassing behavior among willing participants.
- Harassment does not necessarily have to be reported soon after it occurs to be addressed.
- A single incident or a few incidents *may* not be illegal harassment; however, a single incident of unwanted touching of a person's intimate body part could be sexual harassment.
- Non-sexual but abusive, hostile, rude, or harsh treatment of members of one gender may also constitute harassment.

#### D. Consensual Relationships (Supervisor/Subordinate)

Sexual, romantic, or intimate relationships between persons in a supervisor/subordinate relationship that appear to be voluntary and welcome may nonetheless constitute sexual harassment under this definition. Relationships between a supervisor and those employees whom he or she supervises may give rise to legal and ethical concerns or a conflict between personal and professional interests. Although such a relationship may be viewed by the parties involved as consensual, that fact alone does not mean that no sexual harassment exists.

**Relationships between supervisors and subordinates are not allowed in the Assembly.** Supervisors involved in such relationships have the obligation to remove themselves from the consensual relationship.

#### E. Racial Harassment

Harassment that is directed at a person or group of persons because of race, color, creed, national origin or ancestry is covered under this policy. Even if actions are not directed at specific persons, a hostile environment can be created when the conduct is sufficiently severe or

pervasive and objectively offensive so as to substantially interfere with the person's work or employment experience.

F. Harassment Based on Religion, Disability, Sex (including Pregnancy), Age (40 and older), Marital Status, Sexual Orientation, Gender Identity, Arrest or Conviction Record, Military Service, Use or Nonuse of Lawful Products, Genetic Information or Other Protected Status

Harassment that is directed at a person or group of persons because of any characteristic protected by this policy or local, state or federal law is also covered under this policy.

G. Retaliation

Retaliation against an individual for bringing forward a concern or making a complaint (even if they are not the victim), for resisting discrimination or harassment, or for assisting in the investigation of a complaint (such as witnesses) is a violation of Assembly policy action and will not be tolerated.

H. Violence and Bullying Prohibited

Most incidents of workplace violence are not lethal, yet have devastating physical and emotional consequences for vulnerable victims. In addition, they create a negative work place dynamic and create an unacceptable workplace environment. Examples of prohibited violence and bullying include, but are not limited to:

- Teasing and practical jokes that cause anger and/or humiliation
- Intimidation
- Bullying
- Angry outbursts
- Verbal abuse, name calling, biting sarcasm or obscene language
- Threats (verbal, written or gesticulated)
- Harassment (general and sexual)
- Theft, vandalism and sabotage
- Throwing or breaking objects
- Hitting, pushing, poking, slapping, grabbing, and other forms of physical battery
- Romantic obsessions and stalking
- Sexual assault and rape

I. Concern/Complaint Resolution

In an effort to prevent or stop discriminatory, harassing, retaliatory, or other inappropriate behavior, the Assembly has adopted specific avenues through which an individual can bring his or her concern or complaint forward to be resolved. With issues of discrimination, harassment, retaliation, violence or bullying, it is important to identify and remedy the situation as soon as possible. For this reason, we have established two different resolution methods that employees may use to raise discrimination, harassment, retaliation, violence, bullying or other inappropriate

behavior concerns—an *Informal Concern Resolution* and a *Formal Complaint Resolution Process*. Employees have the right to choose which process they would like to pursue (there is no requirement to engage in one process before another). In addition, employees who engage in the Informal Concern Resolution process first, may decide later to pursue the Formal Complaint Resolution process. Each process is discussed more in depth below. Questions related to each process should be addressed with the Legislative Human Resources Office (LHRO).

To best remedy a situation, complainants or witnesses (which includes legislators/staff who witness or are made aware of inappropriate behavior) are urged to promptly share concerns or complaints rather than risking their well-being or negatively affecting the Assembly's ability to look into such concerns/complaints, due to the passage of time and potential departure of witnesses.

#### 1) Informal Concern Resolution Process

Under the Informal Concern Resolution Process, an employee can bring his/her concern, *either verbally or in writing, to a supervisor with authority over the person against whom the concern is directed, to the employee's supervisor, or the Legislative Human Resources Office (LHRO).* The employee's concern will be addressed/resolved in an appropriate manner. If an employee would like his/her concern addressed through a formal investigation, the employee should utilize the Formal Complaint Resolution Process below.

**Supervisors who receive employee concerns should either: 1) Refer the employee's concern to the LHRO to resolve, if the supervisor does not have the ability to resolve the concern or would prefer for the LHRO to resolve the concern; or, 2) Meet with the employee to discuss the concern and attempt to resolve the employee's concerns as soon as possible, but consistent with the severity and complexity of the matter. Resolution of such concerns may include, but is not limited to: speaking with appropriate parties and making sure any inappropriate behavior stops (and following up at a later date to make sure the behavior has not resumed); when appropriate, working with the LHRO to provide mediation for employees; when appropriate, working with the LHRO to provide remedial training for an employee/employees; disciplinary action; termination, etc. (if discipline or termination is pursued as a result of an informal concern, please consult with the LHRO prior to discipline/termination, when possible). Supervisors should document the concern/resolution of the concern.**

Supervisors and the LHRO will take prompt and effective action on any concern received. In addition, supervisors and the LHRO will maintain confidentiality to the extent possible. Lastly, retaliation for bringing forward a concern or aiding with a concern will not be tolerated and should be immediately reported to the LHRO.



## 2) Formal Complaint Resolution Process

Under the Formal Complaint Resolution Process, an employee can bring a complaint *in writing, detailing the individual(s) involved, violations/behavior, locations, dates/times, witnesses, how the complainant would like his/her complaint resolved, and any other information relevant to the complaint, to the Legislative Human Resources Office (LHRO)*. The employee's complaint will be reviewed, and if appropriate, formally investigated. If an investigation finds inappropriate behavior on the part of an individual involved, the inappropriate behavior will be addressed/resolved in an appropriate manner. If an employee does not wish to pursue a formal investigation into his/her complaint/concern, the employee should utilize the Informal Concern Resolution Process above.

Once a complaint is received from an employee, the LHRO will: 1) Meet with the employee to discuss the employee's complaint, determine if the complaint meets the standards of investigation, and if so begin the complaint investigation (if the employee's complaint does not meet the standards of investigation, he/she may instead utilize the Informal Concern Resolution Process above); 2) Interview pertinent witnesses; 3) Interview the subject(s) of the complaint; 4) Come to an investigatory conclusion; 5) Share the investigatory conclusion with appropriate leadership/legislator(s); and, 6) Work with appropriate leadership/legislator(s) to address any inappropriate behavior in an appropriate manner.

The Assembly will take prompt and effective action on any complaint received. In addition, the Assembly will maintain confidentiality to the extent possible. Lastly, retaliation for bringing forward a complaint or aiding with a complaint will not be tolerated and should be immediately reported to the LHRO.

*\*Please note that this policy does not create any legally enforceable rights, contract, timeframes or protections beyond those of the State or Federal Equal Employment Opportunity laws, even if the Assembly prohibits conduct which is less than the legally defined standards for harassment/discrimination/retaliation or other actionable conduct under these laws.*

### J. Employee Assistance Program (EAP)

The Kepro 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. Some legal and financial counseling may have associated fees. Please call Kepro at 1 (833) 539-7285, or visit the EAP web portal at <https://sowi.mylifeexpert.com/login>, code: SOWI. All users will be required to create a web account, which allows for site customization and saving information to your profile.

### K. Confidentiality

Persons seeking general information or guidance about bringing forward a concern or complaint may be concerned about whether the information they share will be confidential. While the Assembly strives to maintain an environment in which individuals feel comfortable bringing forward concerns and complaints, legal obligations may require us to take some action once

information is brought forward indicating that harassment, discrimination, retaliation, violence, bullying or any other inappropriate behavior is occurring. Because of their positions of authority, certain personnel are obligated to take action when they receive such concerns or complaints. Although the confidentiality of the information received and the privacy of the individuals involved cannot be guaranteed, they will be protected to as great an extent as is legally possible. The expressed wishes of the employee regarding confidentiality will be considered in the context of our legal obligations to the extent possible.

L. Sanctions

Employees found to have engaged in harassment, discrimination, retaliation, violence, bullying or any other behaviors that are deemed inappropriate/unacceptable in the Legislature are subject to appropriate disciplinary action, up to and including termination of employment.

M. Anti-Harassment Training Requirement

All Assembly Representatives and staff are required to attend anti-harassment training during each biennial session (provided by the Legislative Human Resources Office (LHRO)).

**4. EMPLOYEE CONDUCT/DISCIPLINE**

In serving the public interest, Assembly employees will observe integrity, objectivity, and independence in discharging their professional responsibilities at all times. Employees should act professionally at all times in conducting their work. This includes compliance with laws and regulations and relevant technical and professional standards.

Government information, resources, or positions are to be used for official purposes and not inappropriately for an employee's personal gain or in a manner contrary to the public interest. Failure to comply with laws, regulations, policies, and relevant standards may result in disciplinary action, which may include termination.

**5. DRESS CODE**

A. Session/Committee Days/External Meetings

During Assembly session days and when representing the Assembly or Assembly District outside of 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.

B. In-Office Attire (non-session/committee)

It is important that legislative staff present themselves in a professional manner at all times. When not in session, business casual dress is the standard. Examples of business casual include,

but is not limited to: dress pants, khaki pants, neatly pressed shirts (collared, button down, etc.), sweaters, skirts of an appropriate length, polo shirts, and appropriate dress shoes.

Attire that is too casual for the business environment is not acceptable. Attire considered too casual includes jeans, fleece apparel, shorts, sweatpants, exercise pants, spandex, tank tops, T-shirts or other shirts with mottos, logos, faces and the like. Sandals may be acceptable if they are not too casual. Athletic shoes are never acceptable. In addition, for safety reasons, flip flops and slippers are not acceptable.

## **6. ALCOHOLIC BEVERAGES/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.

## **7. 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, reasonable accommodations and compensatory time. The appointing authority is required by JCLO rule to sign each of their employee's time sheets.

## **8. NEW EMPLOYEES**

Written notification of employment must be made to the Legislative Human Resources Office (LHRO) 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, benefited/non benefited, part-time/full-time, and a resume. The LHRO will review the resume to evaluate educational experience, relevant legislative experience, and non-legislative experience to determine salary. Relevant experience is essential. The LHRO will work with the appointing authority to create and send out an appointment letter to all new employees.

The LHRO will set up the new employee for orientation, which shall include a meeting with the Assembly Chief Clerk's Office for an orientation to the Legislature. The LHRO shall provide an orientation schedule to the new employee on or before their first day of employment.

## **9. ATTORNEY POLICY**

State law provides for the indemnification of state officers and employees in certain circumstances. In addition, under the Wisconsin Constitution, the Assembly has inherent authority to obtain legal counsel for itself, its members, and its employees. The policies that follow outline the general processes applicable to retention of legal counsel in the Assembly.

If 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, actions, 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. Stats. § 895.46(1)(a).]

## **10. PERSONAL PROPERTY LIABILITY**

The Wisconsin State Assembly is not responsible for loss, theft, or damage of personal items brought by employees to the office. This includes, but is not limited to, headphones, personal electronic devices, clothing, and other personal affects.

## **11. OFFICE HOURS, ALTERNATE SCHEDULES & COMPENSATORY (COMP) TIME**

### **A. Office Hours**

Within each pay period, each full-time Assembly staff member shall work at least an average of 40 hours each work week. If leave is used, the total amount of work plus authorized leave must average a total of at least 40 hours per work week for the pay period, as indicated on the employee's electronic Assembly Time Reporting In/Out system (TRIO) timesheet. Work will be scheduled at the discretion of each appointing authority to allow completion of assigned tasks on schedule and to ensure that each employee works the minimum number of hours.

## B. Alternate Schedules

The appointing authority should set the work hours for the office and advise staff of the assigned time for starting and ending work. Alternate work schedules may be approved by the appointing authority (such as 6:30AM to 3:30PM, Monday through Friday or 6:00AM to 5:00PM, Monday through Thursday). Employees must inform the Assembly Chief Clerk and Legislative Human Resources Office of any approved alternate work schedules.

## C. Comp Time

There is no additional compensation for overtime work, as salaries are considered to be commensurate with employee responsibilities. Compensatory time off is not an official benefit conferred by the Assembly. However, recognizing the irregularities of the Assembly's schedule and the variable work load during different time periods, the appointing authority may, at his or her discretion, authorize an employee compensatory time off for hours worked in excess of the minimum. Time off for compensatory time accrued must be approved by the employee's 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. ***In addition, employees may not engage in campaign activity while on compensatory leave.***

# 12. COMPENSATION, PAYROLL AND TIME REPORTING

## A. Pay Period and Payday

The normal pay period for employees of the Assembly is monthly. All employees are required to submit direct (electronic) deposit account information to the LHRO within seven days of date of hire. Multiple direct deposits are allowed and are made on the first federal banking day of the month following the pay period. Employees can access their pay stubs/advice statements in Employee Self Service (ESS). Employees should contact the LHRO for their EIAM account information. If an employee discovers what they might consider an error on his or her direct deposit paystub, they should contact the LHRO (316-9700) as soon as possible.

## B. Salary Adjustments

Assembly staff are eligible for a pay adjustment eighteen (18) months from their starting date and every eighteen (18) 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 LHRO will again evaluate the employee's education and relevant experience in order to determine the employee's salary. Employees are then eligible for a step increase after eighteen (18) months from this position change, not from their original starting date with the Assembly.

If an employee is re-classed from a higher classification to a lower classification (e.g., Research Assistant to Legislative Assistant; Administrative Assistant to Legislative Assistant; or Administrative Assistant to Research Assistant, etc.), the employee's salary will 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. In this case, the employee will revert to the top of the range of the lower classification.

### C. General Wage Adjustment

The General Wage Adjustment (GWA) is provided by state employee contracts and determined by the Joint Committee on Legislative Organization (JCL) 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 cannot be awarded until passage of the budget, in accordance with Wis. Stats. § 20.928(3).

### D. Time Reporting

All hours worked and taken off with paid leave must be reported in TRIO. Please note: employees need to notify the Assembly Chief Clerk in advance any time they intend to use vacation time from their state position in order to work on a campaign. Employees can either do this through the "vacation notification" link in TRIO or send the Assembly Chief Clerk in email in advance of taking the time off. The TRIO timesheet submitted to the LHRO is the official record of hours of employment. The monthly timesheet must be certified and signed by the employee and the appointing authority, and submitted to the LHRO by the tenth day of each month for the previous month. After the report is printed, any adjustments to time must be noted manually on the printed copy and initialed by the employee and the appointing authority (must be done by emailing the LHRO with the appropriate changes and appointing authority's approval). Employees 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 the first of the following month) as per JCL rules dated October 11, 2001. If the 15<sup>th</sup> day of the month falls on a weekend, the deadline will extend to the end of the day on the following Monday. ***A pay check will not be distributed to any employee who has not submitted a timesheet.***

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
- Personal, Sick, Vacation and Compensation time taken
- Official record of employee's time

The LHRO will not pay or authorize payment of salary to an employee unless the employee has submitted the time sheet to the LHRO. If the employee is waiting on the legislator to sign the timesheet, the employee should still submit their unsigned time sheet to LHRO (via Inter-D mail, or through the designated timesheet email address), and email LHRO at [Assembly.HR@legis.wisconsin.gov](mailto:Assembly.HR@legis.wisconsin.gov) stating that they are waiting for legislator approval. The LHRO will accept the unsigned timesheet, and the employee will have 30 days to submit the signed timesheet.

### **13. PAID TIME OFF**

#### **A. Holidays**

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

- New Year's Day (January 1)
- Martin Luther King Day (the third Monday in January)
- Memorial Day (the last Monday in May)
- Independence Day (July 4)
- Labor Day (the first Monday in September)
- Thanksgiving (the fourth Thursday in November)
- Christmas Eve (December 24)
- Christmas Day (December 25)
- New Year's Eve (December 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 eight hours of vacation leave to use as authorized under Assembly policy.

***The above paid holidays are automatically entered into TRIO by the system.***

#### **B. Jury Duty**

If called for jury duty, an employee receives full pay without loss of vacation time. Remittance of jury pay is not required. 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]

#### **C. Serve as an Election Official**

Under Wis. Stats. § 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.

#### D. Vacation Leave

Vacation leave (including personal days described below) must be taken with the prior approval of the individual's appointing authority (i.e., Representative, Chief Clerk, or Sergeant at Arms). ***An employee who will engages in campaign activities while on vacation leave must notify the Assembly Chief Clerk of the use of vacation leave before the leave is taken.*** Please see Time Reporting policy for more information.

Vacation leave is earned on a monthly basis and must be earned before it is used. The appropriate number of hours will be added to each employee's TRIO balance at the beginning of each month. Vacation leave is granted as indicated below, based upon cumulative years of service as a WRS participant in the Legislature or in any state agency. Prior approval must be obtained from the employee's appointing authority before vacation time may be taken.

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

Vacation for part-time, benefited employees will be prorated at the above rates.

After 15 years of employment in state government, employees are entitled to five weeks of vacation. Wis. Stats. § 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.

Used vacation leave should be recorded on the employee's monthly time report, and signed by the employee's appointing authority. Employees can access their leave balances by clicking on the "Leave Balance" tab in TRIO. However, leave balances are only updated on a monthly basis, after monthly payroll processing. This means that any leave time entered, before payroll closes and processes for that month, will not be reflected on the employee "Leave Balance" tab totals.

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. 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 has been with the Assembly less than six months, they will not be paid out any accumulated vacation.

In addition, if an employee uses more vacation leave than the employee has been granted, the unearned balance will be subtracted from the next month's pay.

If an employee is transferring to another state agency, the employee is strongly encouraged to obtain a written agreement on how much vacation time may be transferred to the new agency. If the agency that the employee is transferring to will not accept any or all of the employee's



vacation balance, vacation payout will only be made in accordance with the eligibility standards stated above (minus any leave time that was transferred to the receiving agency).

#### E. Personal Time

Employees earn 36 hours of personal time during each calendar year of employment in addition to vacation time. These personal days are credited immediately upon employment, or for continuing employees on January 1 of each subsequent year. 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. Personal days may be used in lieu of vacation or sick leave but cannot be used for campaign-related activities. 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.

Unused personal time may be paid out upon termination or transferred to the receiving state agency upon transfer, if the receiving agency so authorizes.

#### F. Sick Leave

Employees earn sick leave at a rate of 130 hours per year or 10.84 hours per month (pro-rated for part-time benefited employees). Unused sick leave is accumulated year to year without limit.

Sick leave may be used for absences related to personal injury, illness, maternity/paternity leave, exposure to contagious disease, for immediate family or personal medical or dental appointments (that cannot be scheduled at times other than during work hours), temporary emergency medical care of ill or injured members of the immediate family, or upon a death in the immediate family. In addition, three days of sick leave plus required travel time not to exceed four additional work days, may be used for the funeral of a member of the immediate family.

“Immediate family” means:

- Parents, stepparents, grandparents, foster parents, children, stepchildren, grandchildren, foster children, brothers (and their spouses), sisters (and their spouses), of the employee or employee's spouse
- The employee's spouse
- Aunts and uncles, sons-in-law or daughters-in-law of the employee or employee's spouse
- Other relatives of the employee or employee's spouse providing they reside in the same household of the employee. [Wis. Admin. Code ER §18.03]

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.

Employees can access their leave balances by clicking on the “Leave Balance” tab in TRIO. However, leave balances are only updated on a monthly basis, after monthly payroll processing. This means that any leave time entered, before payroll closes and processes for that month, will not be reflected on the employee “Leave Balance” tab totals.

#### **14. 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 Assembly Chief Clerk and the Legislative Human Resources Office 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. 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 Assembly Chief Clerk or the Legislative Human Resources Office under this section.

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

#### **15. LEAVE OF ABSENCE**

A leave of absence may be taken for a variety of reasons, including but not limited to: campaign activity, FMLA, military leave, etc.

If an employee is considering taking a campaign Leave of Absence (LOA), the employee should contact both the Chief Clerk’s Office and Legislative Human Resources Office (LHRO) as soon as possible. The Chief Clerk’s office will review the requirements from a policy perspective. The LHRO will review with the employee how the particular circumstances of their LOA will affect their pay, benefits, time keeping, and other payroll related issues.

If an employee is considering taking an FMLA or a military leave of absence (LOA), the employee should contact the Legislative Human Resources Office (LHRO) as soon as possible.

The LHRO will review with the employee how the particular circumstances of their LOA will affect their pay, benefits, time keeping, and other payroll related issues.

During an unpaid leave of absence, the State of Wisconsin provides 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.

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

A. Approvals

- 1) **Campaign LOA** - Employees requesting a campaign LOA must get written approval from their appointing authority (Legislator or Supervisor) and submit it to the Assembly Chief Clerk and Legislative Human Resources Office (LHRO) as soon as possible. A form letter for requesting an LOA is available from the LHRO.
- 2) **FMLA/Military LOA** - Employees requesting an FMLA or military LOA should contact the Legislative Human Resources Office (LHRO) as soon as possible.

B. Time Reporting While on a LOA

It is the employee's responsibility to make sure all Assembly Time Reports 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.

C. 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 percent (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.

D. Wisconsin Retirement System (WRS)

Contributions to the WRS are not made on the employee's behalf while an employee is on an unpaid LOA.

#### E. Leave Accumulation

During a paid LOA, leave is accumulated. While on an LOA, employees cannot use unearned leave time. **Vacation and sick leave is not earned while on an unpaid LOA.**

#### F. 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).

#### G. Return to Work

- 1). Campaign LOA - Upon return from a campaign LOA, it is required that the employee notify the Assembly Chief Clerk and the LHRO in writing. A form letter for returning to work is available from the LHRO.
- 2). FMLA/Military LOA - Upon return from a FMLA and military LOA, it is recommended that the employee notify the LHRO via phone or email.

#### H. Campaign Leave Information

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.

##### 1) Campaign for Partisan Office

Assembly staff must take leave to run for a partisan elected office. The leave must start 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 and Legislative Human Resources Office as soon as possible to make the appropriate pay and benefit arrangements.

##### 2) Campaign Activity

On October 11, 2001 the Joint Committee on Legislative Organization (JCLO) adopted a motion establishing procedures relating to time reporting requirements, standards of conduct, employee protection and continuing ethics 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 time, personal time 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 personnel file at the LHRO.**

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 accept 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 fundraising 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.

### 3) 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 re-election 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.

#### 4) 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.

#### 5) Engaging in Campaign Activity

**Legislative employees are prohibited from engaging in campaign activity in state offices and/or on state time.** An employee of the Legislature may not assign or authorize campaign activity to be performed on state time and/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:

- a) During claimed hours of employment.
- b) While on any form of paid leave (including “comp” time) **other than vacation time**. However, in order to utilize vacation for campaign leave time, the employee must submit a request to use vacation time to the Assembly Chief Clerk, and the Chief Clerk must find that the leave will not be contrary to the interests of the Assembly.
- c) 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. However, the Chief Clerk must find that such variant hours or unpaid leave will not be contrary to the interests of the Assembly.

## 6) 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.

### I. Required Ethics Training

Each house of the Legislature shall require the attendance of its employees at annual seminars conducted by the Wisconsin Ethics Commission on the standards of conduct and work rules.

The Legislature shall provide resources to obtain the services of experts for faculty from a variety of entities, such as the Wisconsin Ethics Commission, University of Wisconsin, National Conference of State Legislatures (NCSL), and other recognized individuals. Each new employee will attend the first seminar offered after the commencement of his or her employment. Each employee shall thereafter attend a seminar at least once every 4 years. Alternative methods shall be developed for providing training on standards of conduct and work rules, to provide opportunities for attendance by those who may be unable to attend scheduled sessions. Failure to attend a seminar or use alternative training methods may result in withholding of compensation.

### J. Violation of Rule as Prima Facie Evidence of Violations of S. 19.45(5), Wisconsin Statutes

An appointing authority or legislative employee's intentional violation of this rule may be evidence of an unlawful use of state resources.

### K. Distribution of Rule

The Chief Clerk shall distribute a copy of this rule to every new employee upon hiring. As a term of employment and eligibility to receive payment of salary or compensations, the employee must provide the Chief Clerk with written acknowledgment of the information's receipt.

## 16. 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 and WFMLA law require that group health benefits be maintained during the protected leave period and that employees are returned to the same (or an equivalent position) at the end of their FMLA leave.

The FMLA leave must be pre-approved, when possible, by the appointing authority, before the leave begins. A form to request FMLA leave is available from the LHRO. Medical proof of necessity for the FMLA leave request may be required. The LHRO should be notified as soon as possible upon return to work.

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 definitive enough to allow temporary employees to be hired to aid the office while an employee is on leave if needed.

### A. 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 1,250 hours (not including paid leave) in the 12 months before taking leave, for Federal FMLA, or
  - b. at least 1,000 hours (including paid leave) in the 52 weeks prior to the employee's leave, for Wisconsin FMLA.



## B. 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;
4. Includes physical care and psychological comfort and support.
5. Care of a spouse, child, parent, or next of kin who is a service member;
6. The employee's own serious health condition;
7. 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,
8. 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.)

### C. Limited Term Employee (LTE) for Family Leave

When an employee takes a leave of absence 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 \$12.64 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 Legislative Human Resources Office with the limited term employee's start date and end date. The limited term employee's resume should accompany this letter.

## **17. REASONABLE ACCOMMODATIONS**

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 a reasonable accommodation or has questions related to accommodations, please contact the Legislative Human Resources Office (LHRO) at (608) 316-9700.*

## **18. 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. 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 may 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.***

## **19. RESIGNATION, TERMINATION & TRANSFERRING TO ANOTHER STATE AGENCY**

Upon resignation and after notification to the employee's appointing authority an employee must provide written notice to the Legislative Human Resources Office of the date of the last day of employment. If the employee is benefited, an appointment should be set up with the LHRO to discuss the impact leaving state employment will have on the employee's benefits and other aspects of employment.

Employees eligible to receive vacation/personal payout will receive payment on their last paycheck if the LHRO has their final timesheet signed by their appointing authority. If no timesheet is available for the employee's last paycheck, a separate check will be issued once the LHRO has their final timesheet signed by their appointing authority.

Sick leave remains dormant for up to five years for employees leaving state service. If the employee is transferring to another state agency, the accumulated sick leave is transferred.

Upon departure, the employee shall return all keys, access cards, and their state ID to the Assembly Chief Clerk's office. The employee should turn their last time sheet into the Legislative Human Resources Office.

Vacation, personal, and sick time can be transferred to another state agency if the agency is willing to accept the employee's vacation and personal time. If the agency the employee is transferring to will not accept the employee's vacation and personal 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.

### **A. Severance Pay**

When employment is involuntarily terminated (either the employee is terminated or chooses to resign in lieu of termination), the appointing authority may schedule the termination/resignation date ***up to one month in advance***, direct the employee to refrain from coming into work, and

authorize the employee to remain on payroll until the termination/resignation date through the use of the employee's own accumulated/earned vacation and/or personal leave. The appointing authority may fill the position immediately, regardless of whether severance pay has been authorized for the employee or not.

## **20. WORKERS' COMPENSATION**

Workers' compensation insurance is required in the state of Wisconsin. It provides benefits for injury or illness as a result of one's employment. This covers not only sudden accidents, but also for injuries that occur over a longer period, such as neck or back injuries. Workers' compensation policies also pay out a death benefit in the event that a death occurs at the workplace.

If an employee suffers an injury/illness, it should be reported to the LHRO within 24 hours of occurrence (or as soon as possible). Once notified, LHRO will send an 'Employee Workplace Injury or Illness Report' form (DOA-6058) to the employee as well as a 'Supervisor and Safety Coordinator Investigation for Injury or Illness' form (DOA-6437) for the appointing authority to complete. These forms need to be returned to the LHRO. The LHRO will provide the appropriate documentation to Risk Management at the Department of Administration (DOA). DOA bases their decisions on the medical evidence provided by attending physicians in the adjudication of claims. Therefore, medical documentation is required for all workers' compensation claims that involve loss of time and medical care. It is the responsibility of the injured employee to provide this documentation to the LHRO. After the initial documentation has been presented, the employee must provide medical progress updates, until the employee is released to return back to work. Employees will be brought back to work as soon as they are medically able.

## **21. 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, personal 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. 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 when the employee is safely able to do so.

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 when the Speaker or governor closes the Assembly/state office buildings.

## **22. NEPOTISM**

According to the Wisconsin Ethics Commission nepotism is prohibited by Wis. Stats. § 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.

## **23. NOTARY PUBLIC**

A notary public is available in the Assembly Chief Clerk's Office and the Legislative Human Resources Office.

## **24. 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.

## **25. OPEN RECORDS**

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 and practices to be considered when fulfilling a Public Records request. Specific questions can be directed to the Assembly Chief Clerk.

#### A. Custodian

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).

#### B. Assistance with Response

The Chief Clerk is responsible for responding 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 a 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.

#### C. Confidentiality

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 *Shill 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 evidence a violation of law or policy.

#### D. Hours of Inspection and Fees

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. Fees may *not* be charged for redaction. (*Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65). Prepayment of fees may be required if the total exceeds \$5.00 (Wis. Stats., sec. 19.35(3) (f).) These fees may be waived. Individual offices

are not set up to accept cash or check as payment for records requests. As such, these requests must be fulfilled through the Chief Clerk.

E. 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.

# ASSEMBLY OFFICE POLICY

Revised January 2021



## A. CAPITOL POLICE

The Capitol Police will respond to all state office buildings. Capitol Police are located in the North basement, Room 2B, Capitol. Their headquarters are located in the Risser Justice Center, 17 West Main Street, Suite 301, Madison, WI 53703. Their number is as follows:

<b>Police Dispatch/Emergency</b>	266-7700
<b>Non-Emergency</b>	266-8797

### Disruptive & Harassing Visitors

#### Duress/Panic Button Use

Duress alarm systems (sometimes referred to as Panic Buttons) are utilized in an employment setting where an immediate emergency response is required and you are unable to use the telephone to get law enforcement assistance. The purpose of the alarm is to allow a person under duress to quickly and silently call for help in the event of an emergency. An example of when to use the Duress Panic Buttons would be when you or someone else is being physically threatened or under duress and the use of a phone may cause the situation to escalate. Activation of the duress button causes an alarm to go to the Capitol Police dispatch which in turn dispatches police officers to where the alarm is located. The Capitol Police law enforcement dispatcher will also be calling back to the office where the alarm is located. Capitol Police will still continue to the location even if the alarm is accidentally activated or set off. An example of when NOT to use the duress button would be when you need fire or medical assistance (call 911).

Office personnel should know the locations of the duress buttons in their offices and how to activate these buttons. If you are uncertain as to where duress buttons are in your office, please contact the Sgt-at-Arms office (266-2004).

Review the State of Wisconsin Capitol Safety and Security Guidelines provided to each employee for Capitol safety and security guidelines. This guideline will be included within your orientation packet from the ACC's office.

## B. COMMITTEE EXPENSES

Committee chairs must request and receive prior approval from the Speaker before any travel of the committee or incurring of expenses. Legislators who have legislation pending in a committee must get prior approval from the Speaker for travel to attend a committee for reimbursement out of their legislative office account.

When acquiring a meeting room at a location outside of Madison, sometimes the place requests a Certificate of Protection in Lieu of an Insurance Policy. If this happens, please contact the Assembly Chief Clerk's Office. The certificate is prepared by DOA and typically takes several days to receive the proper documentation.

Committee Chairs, from time to time, have a need for printing, photocopying, postage, stationery, rental of audio-visual equipment, and meeting rooms, as well as the use of fleet cars or vans. These expenditures are for direct services to the committee as a whole, or by the Chair, to facilitate the hearing process. Also, postage and duplicating services may be utilized to reply to unsolicited correspondence regarding proposals and issues before the committee.

### **C. COMPUTER POLICIES**

As a general rule, employees shall not use their access to computer equipment, software, the Internet, email, etc. in any way that would be inappropriate if disclosed to the public or that would constitute a misuse of state resources.

The Assembly does not condone the illegal duplication of software. The copyright law is clear. The copyright holder (e.g., manufacturer) is given certain exclusive rights, including the right to make and distribute copies. Title 17 of the U.S. Code states that “it is illegal to make or distribute copies of copyrighted material without authorization” (Section 106). The only exception is the user’s right to make a backup copy for archival purposes (Section 117). The law protects the exclusive rights of the copyright holder and does not give users the right to copy software unless the manufacturer has a backup copy. Unauthorized duplication of software is a federal crime. Penalties include a fine of up to \$250,000 and jail terms of up to five years.

Even the users of unlawful copies suffer from their own illegal actions. They receive no documentation, no customer support, and no information about product updates.

1. The Assembly licenses the use of computer software from a variety of outside companies. The Assembly does not own this software or its related documentation and, unless authorized by the software manufacturer, does not have the right to reproduce it.
2. With regard to using local area networks on multiple machines, Assembly employees shall use the software only in accordance with the license agreement.
3. Assembly employees learning of any misuse of software or related documentation within the Legislature shall notify the Chief Clerk of the Assembly.
4. Violators are subject to civil damages and criminal penalties, including fines and imprisonment. Assembly employees who make, acquire, or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances.

#### Non-Standard Software

The use of non-standard (non-work related) software is unauthorized on Assembly computers. Non-standard business-related software is not authorized without prior approval of the Chief Clerk and is subject to the Open Records Law. Proof of purchase and licensing are the responsibility of the legislative office. This is not an authorized office account deduction. Requests for installation should be on office letterhead, signed by the Legislator and addressed to

the Chief Clerk. The Chief Clerk will request LTSB install software that is for business purposes and properly licensed. The LTSB will make a good faith effort to install the software, but cannot guarantee the functionality. If non-standard software interferes with the functionality of standard software, the non-standard software will be removed.

### Computer Password Policy

Cyber security threats continue to increase for individuals and institutions. Risks include damage to public image, interruption of business, data theft, stolen identities, and significant financial impacts.

To protect the Wisconsin Legislature, LTSB uses spam-blocking technology, virus protection, firewalls, and strong security practices in its management of legislative computer systems.

The current password policy for all employees in the Legislature is:

- All passwords will expire after 180 days
- Minimum password length is 10 characters
- Password will need to contain at least one character from at least three of these four categories:
  - Uppercase characters (A through Z)
  - Lowercase characters (a through z)
  - Digits 0 through 9
  - Special characters (such as ` ~ ! @ # \$ % ^ & \* ( ) \_ + - = { } | \ : " ; ' < > ? , . / and space)

Password suggestions:

- Length is the most important factor when determining the strength of a password.
- A complex password is at least 10 characters long. The complexity of a password (how difficult it is to break) rises exponentially for each character after 12.
- A password should not contain any personally identifiable information like parts of your name, important dates in your life, or your favorite author or sports team.
- You can use up to 128 characters for your legislative password and therefore could use an entire phrase or sentence instead of one word.
- Longer passwords can be more difficult to remember, so we recommend *passphrases* instead of passwords.

Password security:

- Don't reveal a password to anyone else (including your staff or coworkers)
- Don't reveal a password over the phone to anyone
- Don't reveal a password in an email message
- Don't talk about a password in front of others
- Don't hint at the format of a password (e.g., "my family name")
- Don't reveal a password on questionnaires or security forms
- Don't share a password with family members
- Don't use the "Remember Password" feature of applications

- Don't write passwords down and store them anywhere in your office where someone can see them.

If you have any questions, please contact LTSB Technical Services at 267-9528.

### Files

All files stored on a Wisconsin State Assembly employee's hard drive or the server are the property of the Wisconsin State Assembly. All files stored on the Legislative network are the property of the Legislature. Since storage resources on Legislative servers are limited, files such as, but not limited to, music/videos should not be stored on any Legislative server.

### Software

Software may be installed on an employee's home computer if the licensing agreement permits and if the employee is authorized to work from home.

### Viruses

Employees are responsible for taking reasonable precautions against, and not propagating, computer viruses. Any practice that results in viruses being spread will be discontinued.

### Use of Email

The use of email for business is encouraged. All messages sent are identified as originating from the State of Wisconsin. Employees should use discretion in sending and responding to email messages. Copyrighted materials, as well as confidential, proprietary, or sensitive information, should not be sent via email. Assembly employees are permitted to use their email accounts for personal communication, provided such usage is minimal and that messages do not contain pornography, jokes, pictures or material that may be considered offensive, or other inappropriate content. In addition, Assembly employees may not use their legislative email accounts for campaign purposes, commercial ventures, or solicitation at any time.

All messages sent and received on the email system are the property of the Legislature and should never be considered confidential. The content of any email message sent or received on the legislative system, whether personal or business-related, is not protected from public disclosure and may be considered a public record under Wisconsin law.

The appointing authority reserves the right to review, intercept, and disclose all messages sent or received on an Assembly employee's email account, without the prior consent of the employee. This right notwithstanding, an employee shall not access another employee's email account without the prior consent of the employee or appointing authority. In addition, messages should not be copied or forwarded for a Legislative employee without the permission of the Legislator or appointing authority for whom the employee works.

## Internet Policy

Internet usage by individual employees is generally not tracked, except as may be provided in the Internet browser's history file on the employee's local hard drive. However, an appointing authority or, at the appointing authority's request, the Chief Clerk may monitor an employee's usage of the Internet or email and may access any information on an employee's computer or associated with an employee's use of the Legislature's network at any time. Employees should have no expectation of personal privacy with regard to any information associated with their use of the computer, the Internet, the electronic mail system, or the Legislature's network.

However, outside of the employment context and depending upon the circumstances employees may have a great expectation of personal privacy with regard to this information. For example, due to privacy concerns, certain personal emails are not subject to public inspection under the Wisconsin Open Records Law. Offices that receive a request for access to electronic records under the Wisconsin Open Records law should contact the Chief Clerk or the Legislative Council.

The Wisconsin Assembly provides internet access to all staff, and the use of this resource for business purposes is encouraged. Employees should use discretion in choosing websites to visit. Visiting or downloading material from "pornography" sites, or other sites that may be considered offensive is prohibited. Information that is not for public consumption should not be disclosed over the internet. Only individuals authorized by the appointing authority may represent the Wisconsin Assembly in placing information on the Internet.

All internet activity records are the property of the Assembly and should never be considered confidential.

The content of any site accessed on the legislative system is not protected from public disclosure and may be considered a public record under Wisconsin law. The Wisconsin Assembly reserves the right to review and disclose all accessed websites, without the prior consent of the employee.

## Computer Repairs

Computer and printer related problems should be called into the Legislative Technology Services Bureau's Help Desk (LTSB) 267-9528. If your printer flashes "toner low," shake the toner cartridge back and forth to redistribute toner. If the printing quality is light, call the Assembly Sgt-at-Arms office at 266-1503 for a new cartridge. Please return the used cartridge to the Sgt-at-Arms office.

## Toner Cartridges

Contact the Assembly Sgt-at-Arms for toner cartridges, 266-1503.

## Disposing of Used CDs

If you are interested in recycling used CD's, have them delivered to LTSB for destruction. LTSB will shred them and dispose of them properly.

## Websites and Social Networking

The Code of Ethics for State Public Officials prohibits the use of an official's public position for private benefit. As such, it is important for an official to be able to distinguish between a public purpose and a private purpose when considering the use of public resources. To avoid the appearance of misuse of public resources a public official should include some indication of whether a social media account is for their official position or is a campaign, business, or personal account in the profile, summary, or other description of the account.

### Best Practices for Official Social Media Accounts

Official social media accounts are the most restricted. Officials should limit the use of their official social media accounts to information related to an official's position, duties, and issues with a public purpose.

Examples of acceptable communications from an official social media account

- Posts discussing how the state could address an issue through state laws or actions;
- General legislative activity like information about bills that the official has sponsored or co-sponsored;
- State budget information;
- Sharing newsletters from the official's office;
- Publicizing public events;
- Public service announcements; and,
- Endorsements and messages of support when justified by having a state purpose: "I support [candidate or organization] and their work to address [state policy issue] in Wisconsin."

Examples of communications that should NOT come from an official social media account

- Solicitation of campaign contributions;
- Promotion of campaign-related events;
- Photos of campaign-related branding and events such as T-shirts, signs, or banners; and,
- Any content that is strictly personal or commercial such as promoting the official's personally owned business or a business with which the official is associated.

### Best Practices for Campaign and Personal Social Media Accounts

A campaign may use a campaign social media account for all communications allowable for an official account, in addition to campaign-related activities including solicitation of contributions. Campaign social media accounts should not be used for strictly personal or commercial purposes.

A personal account may contain both official and campaign-related information.

## Use of Social Media on “State Time”

Because an elected official is simultaneously an official and a candidate, elected officials will often switch between official and campaign activities throughout the day. However, to avoid the appearance of misuse of public resources an elected official is advised not to create campaign-related social media communications or content while performing their official duties (i.e., while participating in an event in their official capacity – e.g., an event listed on their official calendar, a floor session, or committee hearing). Also, no person may enter or remain in any state building, office, or room for the purpose of requesting or collecting a contribution; therefore, elected officials should take special care as to the content of their social media communications while in a state building.

An elected official is also advised to not use campaign committee resources for strictly personal benefit, or for commercial purposes. For instance, the candidate should not use a campaign social media account or campaign website to advertise for personal business.

## 50-Piece Rule Application to Social Media

The language of the 50-piece rule does not distinguish between electronic pieces and printed pieces. It simply prohibits the use of public funds for the distribution of 50 or more pieces of substantially identical material by a covered person during a specified time period. Electronic communications almost always result in multiple copies being created even when sent to a single recipient. This is due to the nature of the technical systems that enable electronic communications. When calculating the number of pieces distributed under the 50-piece rule the Ethics Commission will only count those instances of electronic communication intended by the sender.

If a message is actively communicated to individually addressed recipients (e.g., via email, instant messages, or direct messages), each individual recipient is considered a single piece under the 50-piece rule. However, a passive message such as a website, Facebook post, or tweet, where the sender has no direct control over the audience of his or her message, is only counted as a single piece under the 50-piece rule.

## **D. COPIERS**

The Multi-Function Devices (MFD's) have the capability of printing letters and large documents from your computer. The software will allow you to:

- Print directly (and securely) from your computer to the MFD;
- Print 60 pages per minute, compared to 45 pages per minute with your office Samsung printers;
- Create a mail merge in Word for direct printing to the copier;
- Import merged data from Forward;
- Make a text watermark; and,
- Supports Secure Printing.

## Multi-Function Devices Locations in the Capitol:

- 19 West
- 110 North
- 313 East
- 319 North
- 411 West
- Assembly Chamber

In addition, MFD's scan as well as copy.

Each office is given a personal, 4-digit identifier number that must be entered into the MFD machine. Contact the Chief Clerk's Office at 264-8588 for your identifier number. Committee Clerks will also have a code assigned for each committee.

## **E. FURNITURE/OFFICE EQUIPMENT/WORKSPACE**

All equipment, furniture, and supplies purchased by and intended for use by the State Assembly are owned and managed by the State Assembly. Any unauthorized use or appropriation of Assembly equipment, furniture, and supplies by any Assembly employee for private benefit will subject the employee to possible disciplinary action up to and including termination of employment. The transfer of Assembly equipment or furniture from one location to another is prohibited without prior notification to and approval from the Sgt-at-Arms (266-1503).

Offices will not be reimbursed for any unauthorized purchases of furniture, headsets, software, supplies, etc. Prior to any purchase, a request must be submitted in writing to the Chief Clerk for authorization. If the Chief Clerk authorizes the purchase of furniture, supplies or equipment, it becomes the property of the Wisconsin State Assembly.

Legislators who retire are not authorized to remove items from the office unless otherwise determined.

Requests for office furniture and other office equipment must be in writing and addressed to the Sgt-at-Arms.

Workspace will be assigned within the Wisconsin Assembly by the appointing authority, taking into account staffing levels, equipment needs, and type of work being performed.

Employees will be assigned to facilitate efficient workflow and communications. The size of work areas shall be determined in an equitable manner as possible, taking into account the work area needs of the individual office and the organization as a whole. Each employee is responsible for keeping his or her workspace orderly in appearance and free from clutter. Personal workspace decorations are permitted so long as they do not interfere with space needed for work or cause damage to walls, floors, or equipment. The appointing authority may inform



employees on a case-by-case basis of decorations that are inappropriate for the office environment.

Building Management staff will hang pictures, posters, etc., at the appropriate place and with appropriate hooks. Contact the Chief Clerk's office to place a work order to have items hung. There may be a charge to the office account for work orders.

Do not mark, paint, hang or affix anything to the walls, windows, doors or elevators, affixed items that deface the surface of the building will be removed and costs will be charged, out of the office account, to the occupant.

Posters and announcements are not to be placed in public areas without specific permission from Building Management or the Capitol Police. Bulletins, notices, posters, articles, pictures, etc. shall not be attached to walls, windows, curtains, woodwork, wallpaper, or furniture in any fashion, other than those approved by Building Management. Building occupants must utilize bulletin boards for information dealing with state permitted activities. Contact Building Management for easels to post notices of authorized functions.

#### **F. IN-DISTRICT MILEAGE REIMBURSEMENT**

Members are able to draw on this account for mileage reimbursement up to the pre-determined amount for one's particular district. Go to Reimburse <http://reimburse.wisleg.root.local/Home/Index> to claim in-district mileage.

Madison Legislators	500 Miles
Dane County Legislators	500 Miles
0 - 25 Miles	500 Miles
26 - 50 Miles	1,500 Miles
51 - 75 Miles	2,500 Miles
76 - 100 Miles	3,500 Miles
101 - 250 Miles	5,000 Miles
251 - 1,000 Miles	6,500 Miles
1,501 - 3,000 Miles	10,000 Miles
3,001 & Over	12,500 Miles

In-district mileage reimbursements should be recorded on the Assembly Expense website, <http://reimburse.wisleg.root.local/Home/Index>. Include the purpose of each trip (be specific), the itinerary, and miles traveled. Please call 264-8588 with any questions when completing your expenses. **You cannot file for in-district mileage on a day you claim per diem.**

The kinds of activities and meetings eligible for reimbursement include:

- Meetings and interviews with local news media
- Meetings with government officials and agencies
- Meetings, conferences, and related activities of local, regional or statewide organizations held within the district that are non-political or non-campaign related

Please keep accurate records of your mileage costs and use discretion when deciding what meetings to claim for in-district mileage reimbursement.

## G. MAINTENANCE

The Capitol Buildings and Grounds office is responsible only for offices in the Capitol building. If you need maintenance for any reason such as hanging pictures, light bulb changes, clock repairs, temperature issues, spills on the carpet, bulletin boards, chair repair, etc., call the Chief Clerk's office at 266-1501. ***Do not call Capitol Maintenance directly.*** Maintenance charges are office account expenditures; these charges are billed monthly.

## H. NEWSLETTERS, STATIONERY, AND PRINTING

Printing services are obtained through our contract printers or a state copy shop. Requisitions for state copy shops are available through the Chief Clerk's office at 266-1501.

The Assembly has on staff, two graphic designers and two photographers. Because these skills are available to you at no cost, the Assembly will not pay to have the same services provided by outside sources.

To help you keep an accurate record of your office account balance, the Chief Clerk's office will send you a copy of all your printing orders as soon as costs are determined. Please keep this copy, since the monthly office account printout you receive from the Chief Clerk's office may not reflect recent printing charges.

A printer of your choice may do printing if the cost is equal to or less than the state or contract printer cost. (Wisconsin Constitution, Article IV, Section 25). If you wish to use a printer of your choice, your graphic designer will generate a state bid and send it to the printer. The printer must then provide a quote that is equal to or less than the state bid.

### Stationery

Committee Chairs, along with leadership and the ranking minority member of a committee, may receive 2,500 pieces of letterhead and #10 envelopes from the Assembly general fund. This stationery is provided only once during the two-year Session per legislator, and cannot be ordered after April 15 of an election year. Reorders after the initial 2,500 will be an office account deduction.

### Printing

All of the following items require external printing and are office account deductions:

- Business Cards;
- Staff Business Cards (Thermograph Style Only);

- Letterhead/Envelopes;
- Labels;
- Miscellaneous (“Saw You in the News” or “Per Your Request” cards);
- Newsletters/Questionnaires; and,
- Notepads.

***If an individual uses a printing vendor that is higher than the state bid (i.e., the lowest bid) that individual must pay the difference between the two out-of-pocket.***

### Newsletters & Legislative Mailings

Legislative newsletters and surveys are a good way to explain issues and policy actions and are an excellent form of contact with your constituents. Surveys also give you an opportunity to build your database for future mailings.

Careful preparation for your mailings is important to ensure you have the funds available in your office account to cover the cost of printing and distribution. Work with the graphic designers, LTSB, and the legislative mailroom to determine what kind of mailings work best for you.

### Newsletter Season

The spring season prior to an election at the end of a legislator’s term is known as “Newsletter Season,” beginning roughly January 1 and ending at midnight on April 14. Most legislators choose to send out a mailing during Newsletter Season to update their constituents one last time on the work they’ve accomplished as their elected official. Completing newsletters for all Assembly members within this strict timeframe is an involved and difficult process that includes the efforts of the Assembly graphic designers, LTSB GIS Applications, and Forward Database teams, the Capitol Mailroom, the Sergeant’s staff, and the state contract printers. The graphic designers will serve as the point person for the project, and will create a staggered production schedule with FIRM deadlines. Failure to honor these deadlines or adhere to newsletter policy eliminates any guarantee that your newsletter will be completed and postmarked by April 14.

### Work With the Graphic Designer

The graphic designers will send each office a detailed reminder in late December or earlier just before Newsletter Season begins, alerting them to schedule their production date. A chart will be included listing sample cost estimates so you can get a rough idea of postage and print prices to help you select a format and quantity that does not exceed your office account. You should, however, use this chart as an estimate only. The graphic designer will provide you with an accurate print quote before your production date.

The production date is your deadline to provide the graphic designer with:

- FINAL, legislator-approved **copy** (Word documents are best and can be emailed or provided on USB thumb drive.)

- **Photo selections** with captions (If photos are on the P: Drive, provide the name and location.)
- **Format/size**, meaning the number of pages and folding configuration (The format will impact the postage rate and therefore, your final newsletter costs. Consider your office account when selecting your format. If the legislator has done newsletters in the past, it's more streamlined to follow his or her previous format.)
- **Color selection** Full-color printing is recommended with high resolution photographs.
- Final **print quantity** (This should be based on how you will be distributing the newsletter. See "Determine How You Will Distribute the Newsletter" below.)
- For your reference, the graphic designers have PDF files of previous newsletters.

#### Print Quotes

If DOA updates or changes their contracts with state printers during newsletter season, the graphic designer will email a revised print quote to any legislator's office that has already received a print quote.

#### Determine How You Will Distribute Your Newsletter

Distribution options are:

- 1) **Saturation Mailing** (Higher print quantity mailed to more recipients but not targeted.)
  - Contact LTSB's GIS Applications team for your postal customer list (283-1830)
  - E-mail your final list to the mailroom for a processing and postage quote 266-1006. For Democrats, email your list to your graphic designer, not the mailroom.
  - If it's determined that the Sergeant's office will process your mailing, you **MUST** contact them for scheduling purposes.
- 2) **Address List Mailing** (Lower print quantity to targeted addresses, but additional costs incurred for outside mailing services.)
  - Contact LTSB's Forward/Database team for your mailing list (267-9528)  
YOU **MUST** provide the CASS certified list from LTSB to the mailing service.  
For Democrats, provide the CASS certified list to your graphic designer.
- 3) **Local Newspaper Inserts** (Negotiate cost to insert with your newspaper publisher and provide the graphic designer with their address so arrangements can be made for the printer to deliver the newsletters directly to the publisher.)

LTSB will help you with your saturation and address list mailings:

- Contact the GIS Applications team (283-1830) for saturation information.
- Contact the Forward/Database team (267-9528) for CASS certified address lists.

For accurate postage cost information, contact the Capitol Mailroom (266-1006). For Democrats, contact your graphic designer, who will guide you through the process and will contact the appropriate mail service provider.

### Proofs and Proofreading

The newsletter process includes several proofs so that you have ample opportunity to carefully proofread and review the design and content of your newsletter. The first proofs come from the Assembly graphic designer and the last one is generated by the state contract printer from the final approved files sent by the graphic designer.

### Initial Proofs

After the newsletter is laid out, the graphic designer will email an initial PDF proof or provide a hard copy proof to the legislator's office. If you have revisions to the proof they should be sent to the graphic designer in writing, which can be handled in one of two ways. Either print out the PDF proof, mark the revisions on the print out and send the marked-up proof to the graphic designer via inter-departmental mail. (It's recommended that you make a copy of the marked up proof before you send it to the graphic designer.) Or email the revisions if they can be described in a simple and clear explanation.

The final proof will have a red stamp on it for your signature and date, or your designer may email you a sheet to sign and return.

You will need to check the appropriate checkbox stating that the proof is approved as is or that additional revisions are still required. If additional revisions are needed, they may be marked on the proof itself, and another proof will be sent for a final sign-off. You must sign and date the red stamp on the hard copy proof and return it to the graphic designer or e-mail a final approval to send files to the printer.

### Printer's Proof

All newsletter projects will include a final prepress proof from the printer. The print vendor generates a prepress proof after they run the digital files received from the Assembly graphic designer through a preflight stage. This proof is mailed to the Assembly Chief Clerk's office or emailed to the graphic designer, is reviewed by the graphic designer, and is sent on to the legislator's office for a final signature approval in order to proceed with printing. Printers may require a signature approval on their own proof before they will proceed to print a job.

If content revisions are requested on the Printers Proof or subsequent proofs thereafter, an additional charge will be made to the legislator's office account per revision and additional proofs will be provided. If revisions are needed due to the graphic designer's error, they will be made and proofs will be provided at no charge.

State contract print vendors are allowed 10 business days to print and deliver a newsletter project, starting the day after they receive files electronically from the graphic designer. Within this 10-business day period, the printer's proof will arrive, must be signed-off on, and will be put in Express Mail back to the printer within 24 hours. (Express Mail costs are charged to office accounts.) The Chief Clerk's office will get the printer's proof to the legislator's office before 5:00 pm the same day it arrives. The printer's proof must be returned to the Chief Clerk's office with a signature approval ASAP and the Chief Clerk's office will take care of returning it to the printer.

If a printer's proof is not turned around within 24 hours from when it arrives in the Chief Clerk's office and when it is put in Express Mail back to the printer, the printer does not have to guarantee the job will be printed and delivered within the 10-business day timeframe.

### Final Approval and Sign-Off

“Sign-off” refers to your final approval for the graphic designer to send files to the printer and for the printer to proceed with printing your newsletter. No files will be sent to a printer without final approval in writing, either in an email or a signature on a hard copy proof, and no printer will print a job without a sign-off on their own proof. This is your confirmation that you have carefully proofread and reviewed the newsletter proof and you approve for it to be printed.

Revisions requested on the printer's proof must be done by the printer because these proofs are generated after the file has been preflighted for their press. State contract printers follow the industry-standard practice of charging anywhere from \$50 to \$75 per revision on files that have already gone through their preflight stage. These charges will be in addition to the original print quote and will be taken from the legislator's office account.

Paper is ordered by the Chief Clerk's office immediately when a job is sent to the printer in order to ensure that the paper arrives at the printer's in time for the press date. A paper order cannot be cancelled because the shipping process begins immediately once the paper vendor receives the order. Therefore, if an office requests to reduce their print quantity AFTER they've signed off on the final proof, their account will still be charged for the original order amount. The printing price may reduce slightly, but the bulk of the printing cost is the price of the paper. A printer outside the state-contracted printers most often chooses to order its own paper, so these restrictions would not apply.

Questions regarding printing costs can be directed to the graphic designers.

## **I. OFFICE ACCOUNTS**

The biennial budget for each representative's office is \$20,000.00. Expenditures from legislative office accounts include:

### Interpreters/Translators

The State has a list of vendors that provide interpretation/translation services throughout Wisconsin at competitive prices. Please contact the LHRO for an updated list of vendors who provide interpretation/translation services.

Since interpreters charge for their mileage traveled, offices should choose a vendor closest to the location needed (i.e. a Madison vendor should be chosen for interpretation services at the State Capitol).

Interpreter and translation costs are an office account deduction when used for a private meeting in a legislator's office, for a meeting/event in a legislator's district, or for translation services directly related to the legislator's work as an elected official.

Interpreter and translation costs are a general fund deduction when needed for a committee meeting. Interpreter and translation costs are a general fund deduction when needed for an Assembly session. Interpreter and translation costs are not the responsibility of the Assembly for a function held in the Assembly chambers not sponsored by the Assembly or a member of the Assembly.

Payment for any interpreter/translator costs should be submitted to the Assembly Chief Clerk through an invoice or bill explaining the charges within 30 days. Reimbursement for any interpreter/translator costs should be submitted through the Reimburse program with a receipt within 60 days of incurring the cost.

### Printing

Newsletters, stationery, and miscellaneous printing requests should be directed to the graphic designers: (GOP) 264-8395 or (DEM) 264-8603. Related charges for printing should be directed to the Assembly Chief Clerk's office, 266-1501.

### Incoming and Outgoing Mail

All incoming and outgoing mail arrives at the Risser Justice Center before being brought to the Capitol building.

The Assembly and Senate mailrooms have merged and now operate together in B-10 West of the Capitol. Mailroom personnel deliver incoming mail twice daily at approximately 10:00 a.m. and 1:00 p.m. Outgoing mail is picked up twice a day. DOA picks up outgoing US mail and inter-d mail from the Risser Justice Center at 2:30 p.m. Mail that needs to be out by the end of the day must be delivered to the mailroom no later than 2:10 p.m. Only upon prior approval from the Assembly Chief Clerk will stamps be available, in small quantities.

### First Class mail

Unstamped mail should not be sealed, and the envelope flaps up, as it goes through a metering and sealing machine. Make sure your mailing slip is attached to it. Stamped mail should be sealed. Packages or large envelopes also need to be sealed prior to being picked up by mailroom personnel.

### Bulk Mail

Can be done through the mailroom in #10 envelopes in batches of 200 or more of identical pieces such as a targeted topic or informational newsletter. The savings are approximately 9 cents cheaper than first class per piece. Bulk mail is processed early Tuesday and Thursday mornings so they need to be to the mailroom the day before by 2:10 p.m.

### Mail House Services

District-wide mailings, such as newsletters may be processed by a mail house vendor or done in-house. Their costs depend on the layout, type of paper, set-ups, tabs, etc. Arrangements should be made with the graphic designers. Otherwise see the Legislative mailroom for questions, 266-1006, or the Assembly Chief Clerk's office for verification, 266-1501.

### Package Express

Packages can be sent FedEx (contact the Legislative mailroom at 266-5837 for materials), Badger, or Greyhound bus (1-800-739-5020). All charges must have a Representative's name on it for identification. Please call Sgt's office for assistance.

If you have any mail questions, please contact the Legislative mailroom, at 266-1006 or 266-5837.

### Newspaper Subscriptions

Every six months a memo is sent by e-mail regarding state newspapers delivered to your office. These papers are delivered to the office only. District papers can be delivered to both office and/or home. All newspapers are an office account expense.

### Color Copy Charges

These charges are billed monthly to legislative office accounts. Color copies are \$.10 each.

### Flags

State flags & U.S. flags (3x5): State nylon/\$12.00; or U.S. nylon/\$12.00 are available through the Chief Clerk's Office. Contact the Chief Clerk's office for shipping information or visit the Chief Clerk's website.

U.S. and Wisconsin flag sets are for Capitol office use. The flag set (consisting of the flags, poles, stands, cords and tassels) cost \$202.05. Upon retirement from the Assembly each



legislator can take the flag set with them. Please send a written request to the Assembly Chief Clerk's office.

### Citations

Citation frames with mat cost \$8.00 per frameset. Seals, ribbon, and paper are available for \$0.10/each. Framing is done by the Assembly Sgt-at-Arms Office in 411 West, State Capitol. For a citation template please contact the Chief Clerk's Office at 266-1501. Please allow two days for the completion of citations. Citation requests made through the Chief Clerk's office become "official" citations and a copy is given to the LRB to be printed and bound at the end of the biennium. Official Assembly Citations are signed by the requesting Representative, Speaker, and Speaker Pro-Tempore per Assembly Rule 97. Official Joint Citations are signed by the Senate President, Assembly Speaker, and the Assembly Chief Clerk, per Joint Rule 7. Citation paper can be purchased from the Assembly Sgt-at-Arms 266-1503 for offices to complete their own non-official citations or resolutions.

Legal size plaques are available in the Chief Clerk's office at the cost of \$13.50 (available in oak, cherry or walnut).

### General Office Supplies

Supplies are provided to the Assembly and may be picked up from the Sgt-at-Arms office located at 411 West or call for delivery, 266-1503. General supplies are not an office account deduction, rather a service provided at no cost to the office. Non-general "special order supplies" will be office account deductions. Prior approval is required for those "special order" items not available from the supply room.

### Postcards

Photos of school groups or individuals taken by the Assembly photographers can be converted to a color postcard and charged to the office account at a cost of \$.10 each for small (9 prints per sheet) or \$.25 for large (4 prints per sheet). Consult your photographer or the Chief Clerk's office if you have questions. These charges are billed monthly to office accounts.

### Faxination

Sending faxes is done through Outlook. In the **To:** field in a new email message, enter [fax:1 followed by the area code and phone number, then end with ]. EXAMPLE: [fax:16082665617]. Press CTRL+K, then send the email/fax as usual. The fax is converted into \*.TIF format. Faxination will always email a confirmation informing the user whether or not the fax was sent successfully. If the fax machine on the receiving end didn't work properly, Faxination will wait 60 seconds and try again. Contact LTSB Help Desk at 267-9528 for assistance.

### Photo/Film Reimbursement

There is no film/photo reimbursement for services provided outside of the legislature. The intent is to ensure that office account funds are not used for film or photo development for outside Capitol activities. The use of the photographers in Assembly districts needs prior approval from the Chief Clerk.

### Staff Mileage Expenses

Reimbursement is allowed for **pre-approved** staff mileage expenses (\$.51 per mile) for in-district meetings, in-state development seminars, and in-state conferences. (Meals and/or lodging are not reimbursable.) Complete the **My Travel Approvals** section in the Reimburse program. (<http://reimburse.wisleg.root.local/Home/Index>)

Travel Approvals must be approved by the Speaker prior to the event. To obtain reimbursement go to the Assembly Expense Website and enter the correct information into the reimbursement application also attaching any receipts. All mileage reimbursement requests must be submitted within 60 days of attendance. Mixed purpose mileage is not reimbursable, an example of mixed purpose mileage might be going to the district for a city council meeting on Friday and staying until Sunday night to return to Madison/home. Conflict would be district fundraisers and lit drops in the district during a weekend visit.

Staff travel reimbursement for mileage will not be allowed after the first day authorized by law for the circulation of nomination papers. This will be in effect until after the November election of that year.

### Office Account Credits

Office account credits can only be billed to an office account if that expense occurred during that session. For example, a Representative cannot charge bills incurred in January of a new session to the office account from the previous session.

A Representative cannot overcharge the allotted \$20,000 (negative balances are not permitted). Reimbursements to the office account are not allowed unless prior approved is given by the Chief Clerk.

A member has 60 days to dispute a charge or credit to an office account.

### No Late Fee Payments

The Assembly will not pay late fees for phone bills or any other expense paid from the general fund. The late fee may be charged to the office account.

### Tax-Exempt

The Wisconsin State Assembly is tax-exempt. Taxes applied to outside state contracted services, i.e., high-speed internet, cable, cell phone bills, etc., will be charged to the office account.

### Check or Reimbursement Requests

It costs the state \$7.00 to produce a check. No check will be cut for less than \$5.00.

### Payment of Cancelled Drafts (Checks)

Please note that checks not cashed within one (1) year of the date of issue will be voided (the issue date is indicated on the check). Voided checks may be reissued within six (6) years of the original date of issue. However, any voided check for which demand for payment has not been presented within six (6) years from date of issue will not be paid. (See Wis. Stats. §16.401(10) & §20.912(2)-(3)).

### District Office

The Assembly will not support a district office. Legislative staff employed by the Wisconsin State Assembly shall work in the legislator's Madison Capitol office. (Exceptions to the rule are when the appointing authority authorizes staff to work in the district on certain occasions.) **Additionally, staff are not authorized to work from home.**

### Plunder Boxes

Plunder boxes are offered at the beginning of each biennium. The cost of a box is \$650 and is an office account deduction.

## **J. OFFICE KEYS/ACCESS FOBS/PHOTO IDs**

Capitol office keys, and photo ID/access cards, will be issued only to legislative staff, not interns. **Capitol office keys cannot be duplicated legally by anyone but the state locksmith.** Making copies is expensive, time-consuming and a poor security practice. When someone terminates employment with the Legislature, the office keys/fobs/IDs must be returned to the Chief Clerk's Office. Charges for lost keys are as follows:

Office keys and hallway keys:	\$17.50 each
Photo Id/Access card:	\$5.00 each
Access key Fob:	\$5.00 each

To report lost keys, photo ID/access cards, please call the Clerk's office at 264-8588.

## **K. PARKING**

The Wisconsin State Assembly is allocated spaces in various parking facilities in the downtown Madison area, which are offered to Assembly members and staff based on seniority within the Assembly. Parking spaces are redistributed as they become available. The employee pays the cost for the space. Administration of parking is done by the Assembly Sgt-at-Arms office, 266-2004.

## **L. PER DIEM**

The Assembly Organization Committee has limited per diem to 153 days per year. Legislators have the option to claim 153 days of per diem per year for every day they come to the capitol. Per diem is 90% of the federal rate for overnight stays, \$153 and 45% for non-overnight stays and Dane county legislators, \$76.50.

Wis. Stat. §13.123 Legislators' expenses. (1) IN-SESSION EXPENSES. (a) 1. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special legislative session shall be entitled to an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business, but not including any Saturday or Sunday unless the legislator is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which the legislator is a member. The amount of the allowance for each biennial session shall be 90 percent of the per diem rate for travel for federal government business within the city of Madison, as established by the federal general services administration. For the purpose of determining the amount of the allowance, the administrator of the division of personnel management in the department of administration shall certify to the chief clerk of each house the federal per diem rate in effect on December 1, or the first business day thereafter if December 1 is not a business day, in each even-numbered year. Each legislator shall file an affidavit with the chief clerk of his or her house certifying the specific dollar amount within the authorized allowance the member wishes to receive. Such affidavit, when filed, shall remain in effect for the biennial session.

## **M. SMOKING POLICY**

Wisconsin law prohibits smoking in indoor areas of government buildings and indoor employment. The Wisconsin State Assembly employees are not allowed to smoke in the indoor areas of state office buildings or any space leased for the Wisconsin State Assembly's use.

## **N. TELEPHONE POLICY**

State phones are to be used for calls that are primarily related to the employee's official responsibility. Assembly policy prohibits personal long distance calls except in an emergency.

The Assembly Organization Committee policy does allow for the *"Personal use of Assembly phones for local calls, limited to calls which are essential."* This authorization for some personal use of Assembly phones will continue as long as employees are judicious and do not make excessive use of telephones for this purpose.

A report of all outgoing long-distance calls is included with the monthly office account report. Personal calls should be highlighted, as noted on the cover letter since they are a public record.

The Assembly has upgraded to a new VoIP phone system, so it is not necessary to dial and "8" or "9" to get an outside line. The VoIP phones allow for 5 digit dialing between other offices in the Capitol or legislative agencies. There is no need to dial a "1" for long- distance or toll-free calling, just the area code and phone number is sufficient. If you are calling within the 608 area code, you can dial the 7 digit number without using "608", as the phone system will assume it's a local call.

It is improper and illegal for a state public official to charge the State of Wisconsin for a telephone call if the call is not primarily related to the person's official responsibility—even if the official later reimburses the State for its costs.

If a telephone call is related primarily to official business, the State of Wisconsin appropriately pays it. If a telephone call is primarily personal, the call should not be billed to the State of Wisconsin, even if some official activities are discussed in the course of the conversation.

The identification of telephone calls properly paid by the State of Wisconsin requires the exercise of judgment—most appropriately exercised and responsibility most appropriately borne by the official making or authorizing the telephone call.

Calls properly paid by the State: Although a state public official's purpose determines whether his or her telephone call should be billed to the State of Wisconsin, telephone calls of the types described below are usually properly paid by the State:

- 1) Telephone calls between a state public official and his or her government office (e.g.: a vacationing official calls his or her government office or a legislator's aide calls the legislator at the legislator's home or place of private employment).
- 2) A telephone call between a state public official and the official's home or place of private employment at which the official regularly receives messages related to his or her official duties (e.g., a state public official publishes his or her home telephone number on official stationery and uses the home as an extension of his or her government office).
- 3) A telephone call made by a state public official required to be away from home on official business because the official's schedule is changed abruptly (e.g., an official at an out-of-state conference or a legislator at the Capitol calls home because his or her schedule has been changed abruptly).
- 4) A state public official's telephone call to a representative of the press.

### Calls usually paid by Individual

Telephone calls described below are of types likely to be made to further a personal interest. If a state public official makes one of these calls, he or she should be certain that it arises because of official functions before billing it to Wisconsin's taxpayers:

- 1) A telephone call made to any political campaign headquarters or political committee.
- 2) A telephone call made by a state public official to a relative, business associate, personal friend, or to the official's place of private employment.
- 3) A telephone call made by a full-time, salaried, appointed state public official from his or her government office to his or her home.

Although an official receiving a message to return a telephone call is sometimes unable to know the call's purpose, the Wisconsin Ethic's Commission suggestions apply to calls returned as well as to calls initiated by a state public official.

The test is whether the telephone call arises independently of official functions or because of them.

Following are several frequently used features available on telephones in the office:

The Assembly uses a VoIP phone solution hosted by LTSB. More information can be found here: <http://ltsb/> or by calling LTSB at 267-9528.

### VoIP Phone Features



The following are several frequently used features available on the VoIP phones in your office:

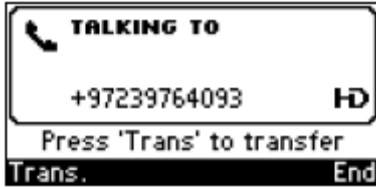
#### Performing a Consultative Transfer

You can perform a consultative transfer using the := softkey on the phone.

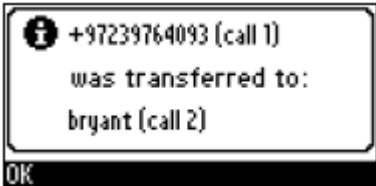
- While in a call, press the := **softkey**, then select the **Consultation Transfer** option from the menu. The caller is put on hold, you will hear a dial tone and the TRANSFER TO field opens.



- Enter the desired number or press the **Directory**  or **Call Log**  icons.
- Press the **Dial** softkey once you have selected the correct number to call. You can now freely talk with the third party.





- When ready, press the **Trans.** softkey. The call is then transferred and you will be disconnected.

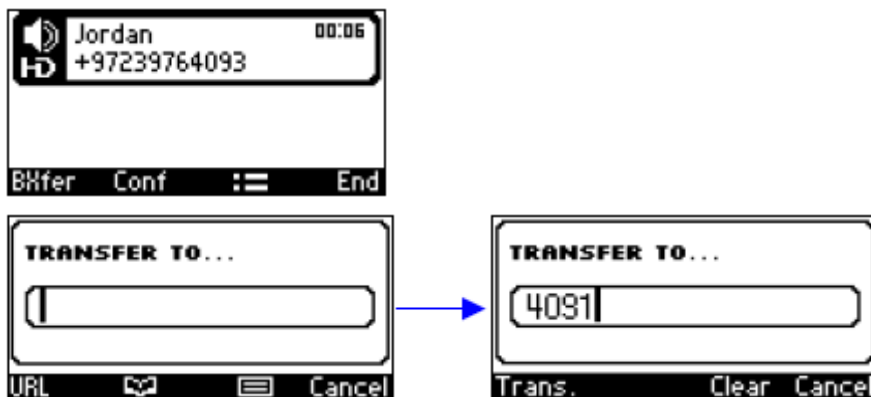


### Performing a Blind Transfer

You can perform a Blind Transfer using the **TRANSFER** softkey.

In the **TRANSFER TO** screen


- Enter the desired number or press the **Directory**  or **Call Log**  icons.
- Press the **Dial** softkey once you've selected the correct number to call. The calls will be connected and you will be disconnected.




### Forwarding Calls

You can set up Skype for Business so that any time your office phone rings, another number rings as well. The call can then be answered from *either* phone. This is called Simultaneous Ring.

### Enable Simultaneous Ring


- At the bottom of your Skype for Business software client, select the Call Forwarding button 
- Select **Simultaneous Ring > New Number**
- Type in the number you would like to have the calls also ring and click **OK**.

#### Disable Simultaneous Ring

- At the bottom of your Skype for Business software client, select the Call Forwarding button 
- Select **Turn Off Call Forwarding**

#### Starting the Conference Call and Adding Attendees

Starting a conference from the Audio Codes phone is as easy as tapping the **Meet Now** softkey and adding your attendees.

- Select the **Meet Now** softkey
- You will be presented with a **CONFERENCE** screen on your phone
- Click the **Add** softkey to add participants. Options include:
  - Dialing a number (e.g. a person's cell phone)
  - Selecting from a Contact using the  button
  - Tapping one of your speed dial contacts
- Continue to add people/numbers
- Adding a person will dial their number. After answering the call, they will immediately be connected to the conference room
  - *Note: If the caller does not answer, you will see a message saying "Participant did not answer"*

#### Turning an Existing Call into a Conference Call

You can easily turn an ongoing call into a Conference Call by pressing the **Conf.** softkey while in a call. Once in the conference, all of the below functions still apply!

#### Dialing into the Conference

It is also possible for external people to dial into your conference room. You can provide your Conference ID and Dial-In Number to your attendees, and once you have started the room, they will be able to dial in and connect to your room on their own.

To view the Conference ID and Dial-In number of your conference:

- From the main conference screen, tap the **:=** softkey to open the *Call Menu*
- Use the radial dial's down arrow to scroll to the bottom of the *Call Menu* list
- Tap the **Select** softkey on **Conf.Info**

NOTE: The Dial-In number is the same for everyone in the legislature. A new Conference ID will be generated every time a Conference room is setup.



## Managing the Callers and Ending the Conference

Now that you are in an established conference call, you can quickly manage the attendees. As the conference host, you will have the ability to add more people, mute attendees, and even drop an attendee from the room.

To mute and un-mute an attendee:

- Use the radial dial arrow keys to highlight the caller you want to mute
- Tap the **Far Mute** softkey
- To un-mute them, tap the **UnMute** softkey

To drop attendees from your conference call:

- Use the radial dial arrow keys to highlight the caller you want to drop
- Select the := softkey to open the *Call Menu*
- With **Remove** highlighted, tap the **Select** softkey

For further phone system help, please visit <http://ltsb/> or give LTSB a call at 267-9528

### Cellular Phones/Smartphones

State public officials are the only individuals who are authorized for the state rate for cell phones (this does not include staff). *Cell phones are to be used for Official State business only.* Under this program, state officials are only authorized one cell phone or smartphone. The Assembly will not pay for any calls on other devices. Data plans can only be paid by office account if no high-speed internet is charged to the office account.

Cell phone packages are available to Representatives. Cell phone bills are an office account deduction. *All cell phone bills must be approved and the bill signed before being submitted for payment to the Assembly Chief Clerk.* Personal calls should be highlighted and paid for with a personal check made out to the Assembly Chief Clerk.

Equipment accessories are an out-of-pocket expense.

### Voice Mail

All districts are set up with traditional voicemail and it is shared among the office. The first time you access the voicemail system, you will be prompted to create a greeting and a passcode (PIN). The PIN must be four or more digits in length. Any questions regarding setting up or changing a voice mailbox should be directed to LTSB at 267-9528.

When you receive a new voicemail, your phone's message indicator (envelope button) will light up. Tapping the lighted button will dial your office's voicemail line and then prompt you to enter your PIN followed by the “#” sign. Follow the menu prompts to check the messages, update your greeting, etc.

To retrieve voicemail messages from outside of the office, dial **608-237-9300**. When prompted, enter your mailbox number (91XX) followed by #, then enter your PIN followed by #. Mailbox numbers are always “91” and “XX” is your district number.

#### District Phone

Each Representative may submit a local and/or long distance district phone bill. *All calls must be approved and the bill(s) signed before being submitted for payment to the Assembly Chief Clerk.*

A second home line may be installed at the direction of the Representative. The “district phone line” is a “business line” installation. The installation charges are a one-time fee paid by the general fund. Expenses such as reconnect charges for moving or reconnect due to late payment will not be paid for by the Assembly general fund or as an office account expenditure.

The District Phone monthly bills are paid through the general fund. These bills cannot exceed \$150/month for both local and long distance services. Any overage will be an out-of-pocket expense.

#### Data/High-Speed Internet

A Representative may choose to have the data portion of a smart phone paid for through the office account, but then CAN NOT have high-speed internet also paid from the office account.

Data plans on mobile phones or high-speed internet services are half general fund and half office account expenditures. Please contact the Chief Clerk for authorization and directions for hook-up, 266-3826.

#### Telephone Repair Service

If you have any problems with the phone system, contact LTSB at 267-9528. They will troubleshoot the issue and provide replacement equipment if necessary.

### **O. TRAVEL & LODGING-TRAVEL REQUESTS**

#### Expense Guidelines

Approval must be requested from the Speaker prior to travel. Go to: **<http://reimburse.wisleg.root.local/Home/Index>** and complete the My Travel Approvals section. No reimbursement will be made without this approval.

Reimbursement will be made only for actual and necessary expenses, Go to: **<http://reimburse.wisleg.root.local/Home/Index>** and complete the My Travel Reimbursements section.

Scanned in original receipts must be submitted for all expenses claimed. These expenses will be reimbursed within the limits set forth below, unless a justification for exceeding the limit accompanies the travel voucher. Staff is not authorized to travel. The only exception is for special occasions and with prior approval of the Speaker.

### Committee Travel

Speaker approval of a committee chairperson's travel request will cover the committee members, committee staff person and a messenger.

### Scholarships Accepted on Behalf of the State

In addition to receiving reimbursement from the state for travel and attending conferences for state related activities, Legislators may also be able to accept scholarships, including food, drink, travel, and lodging in connection with a conference or seminar, with the approval of the Speaker.

Wis. Stat. § 19.56(3)(c) allows state officials to receive and retain, on behalf of the State of Wisconsin, and primarily for the benefit of the state government, to accept food, drink, transportation, or lodging, or reimbursement therefore, in certain circumstances. The legislator must prevent clear and convincing evidence that the food, drink, transportation, or lodging, was received on behalf of the state, primarily for the benefit of the state, and not primarily for the private benefit of the official or any other person.

According to Ethics Commission guidance, members of the state assembly should obtain the authorization of the Assembly Speaker, confirming that the cost of attendance at the conference or seminar would otherwise be paid by the state in furtherance of state business.

Several groups or associations regularly invite state legislators to conferences or seminars for the primary benefit of the state for the purpose of issue education and discussion, policy analysis, and sharing experiences from fellow legislators and experts throughout the country. Because of the established nature of these groups and the recurring nature of these events, the Speaker has given prior approval for scholarships accepted in connection with a conference or seminar hosted by any of the following:

NCSL	National Conference of State Legislators
ALEC	American Legislative Exchange Council
CSG	Council of State Governments
SLLF	State Legislative Leaders Foundation
NBCSL	National Black Caucus of State Legislators
NFWL	National Foundation for Women Legislators
NALEO	National Association of Latino Elected and Appointed Officials

Legislators wishing to accept a scholarship, food, drink, lodging, or transportation in connection with a conference or seminar not hosted by groups on this list must receive prior approval from the Assembly Speaker, as required by law. As part of this approval, a legislator must demonstrate that the scholarship is received “on behalf of the state of Wisconsin and primarily

for the benefit of the state and not primarily for the private benefit of the official or any other person.”

### Lame Duck Travel

Pursuant to Section 13.123 (3) (b) 1., Wisconsin Statutes provides, in pertinent part: no member of the Legislature may be reimbursed for attendance at any meeting held outside this state, other than a meeting of the Legislature, a legislative committee, committee of the joint legislative council or a statutory body of which the person is a duly constituted member, after the Chief Clerk of the member’s house determines one of the following:

- 1) After the day of the partisan primary, that the member either has not filed nomination papers for re-election or election to another legislative seat or has sought a party nomination for a legislative seat but is generally acknowledged that the member has not won nomination.
- 2) After the day of the general election, that it is generally acknowledged that the member has not been elected to a legislative seat for the succeeding session.

In making the determination under sub. 1., the Chief Clerk is bound by the determination of the chairperson of the Election Commission or the chairperson’s designee if such determination has been issued.

### Registration Fees

Conference registration should be prepaid by the attendee. Reimbursement will be made through the Assembly Expense website (<http://reimburse.wisleg.root.local/Home/Index>), please attached receipt of payment.

No reimbursement will be made for meals provided by the conference and included in the registration fees. Also, if you are claiming meals, a copy of the meeting or conference brochure should be attached to the travel voucher along with the original receipt.

### Transportation

If a Representative or employee opts to drive his/her personal automobile, the mileage allowance is (\$.51/mile).

### Air Travel

Reimbursement for commercial air travel shall be limited to the lowest appropriate airfare. Airfare is limited to \$500.00 per flight. Excessive mileage claims or transportation amounts must be accompanied by an explanation of the charges. The lowest airfare should be purchased whenever possible. This includes extending the trip to include a Saturday stay if this results in significant savings after inclusion of additional lodging and meal costs.

The Wisconsin Ethics Commission and the Department of Administration have ruled that, if flight coupons earned by an individual were earned in large part while flying on state time and/or at state expense, the benefit of the coupon shall be to the State of Wisconsin, not the individual. However, if miles accrued are incidental to the total necessary for the issuance of a flight coupon, the individual may retain such benefit.

### Lodging

The Uniform Travel Standards Act (UTSA) maximum amount for lodging for all in-state and out-of-state travel has been set at \$82.00 per night (except Milwaukee, Racine, and Waukesha counties where the maximum is \$90.00), not including applicable sales and lodging taxes. If the lodging fee is for a conference-site hotel and exceeds the maximum, reference this clearly on the travel voucher. **When accompanied by a spouse, the employee will be reimbursed for lodging at the single rate only.** This single rate must be shown clearly on the receipt. An original receipt must accompany all lodging claims submitted.

### Meals

The Uniform Travel Standards Act (UTSA) maximum allowable amounts that will be reimbursed for meals (including tax and tips) are as follows: In-State: breakfast, \$8.00; lunch, \$10.00; and dinner, \$20.00. Out-of-State: breakfast, \$10.00; lunch, \$15.00; and dinner, \$25.00. Alcohol may not be purchased with state funds. Meals provided at conferences or during airline flights are not reimbursable.

The maximum allowable tip is 15% of the meal cost and is included in the maximum allowable meal amounts listed in this section.

An individual may claim reimbursement for breakfast if he/she leaves home before 6:00 AM; lunch if he/she leaves home before 10:30 am and returns after 2:30 pm; and dinner if he/she returns home after 7:00 pm. Departure and return times must be noted on the green travel voucher for claiming meal reimbursement.

## **P. RECORD MANAGEMENT**

The records of the Assembly, whether held by a Representative or the Chief Clerk, are governed by Wis. Stat s. 16.61 (2) (b) 1. Neither a Representative nor the Chief Clerk is under any duty to preserve any records, except those that are subject to an open records request, an investigation, or a court order prohibiting their destruction. The Chief Clerk shall preserve all personnel, per diem, purchasing, and travel records of the Assembly for 6 years minimum under the General Records Schedule, provided by the Department of Administration. Any other records of the Chief Clerk's office may be destroyed at his/her discretion. If any of the records have any historical significance, the Wisconsin Historical Society or the Legislative Reference Bureau Library should be contacted prior to destruction. For further information, contact the Chief Clerk.

When a Representative leaves office, he/she controls the disposition of the records of that office. The Representative should complete the proper form provided by the Legislative Technology Service Bureau (LTSB) concerning disposition of electronic records. Generally, a Representative may choose to delete electronic records, transfer them to a successor in office, or delete and receive a copy of records. For additional information, contact the Chief Clerk or LTSB.

## **Q. USE OF GOVERNMENT MATERIALS BY CANDIDATES**

Wis. Stat. § 11.1205 restricts the use of public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material after the date for circulation of nomination papers.

**(1) (a)** Except as provided in sub. [\(2\)](#), no person elected to state or local office who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material distributed after:

- 1.** In the case of a candidate who is nominated by nomination papers, the first day authorized by law for circulation of nomination papers as a candidate.
- 2.** In the case of a candidate who is nominated at a primary election by write-in votes, the day the board of canvassers issues its determination that the person is nominated.
- 3.** In the case of a candidate who is nominated at a caucus, the date of the caucus.
- 4.** In the case of any other candidate who is nominated solely by filing a declaration of candidacy, the first day of the month preceding the month which includes the last day for filing the declaration.

**(b)** This subsection applies 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.

**(2)** This section does not apply to use of public funds for the costs of the following:

- (a)** Answers to communications of constituents.
- (b)** Actions taken by a state or local government administrative officer pursuant to a specific law, ordinance or resolution which authorizes or directs the actions to be taken.
- (c)** Communications between members of the legislature regarding the legislative or deliberative process while the legislature is in session.
- (d)** Communications not exceeding 500 pieces by members of the legislature relating solely to the subject matter of a special session or extraordinary session, made during the period between the date that the session is called or scheduled and 14 days after adjournment of the session.

This section has been interpreted to apply to both legislative newsletters and other state publications. This section also prohibits the purchase of materials for distribution with state monies. This has the practical effect of preventing representatives from using office funds to

purchase state highway maps, brochures, Capitol Guide books, etc. (over 49 pieces) for distribution in any manner after circulation of nomination papers begins.

## **R. ACCESS TO CAPITOL PRESS ROOM AND OTHER PRESS AREAS**

Individuals may have access to the Capitol press room and to the area reserved for press within the Assembly Chamber only if they possess a valid, permanent or temporary registration card issued by the Assembly Sgt-at-Arms office. This policy does not prohibit legislative employees or employees of the Department of Administration, or individuals performing duties under contract with either house of the Legislature or the Department of Administration, from accessing these areas as otherwise authorized. This policy does not limit the authority of the presiding officer to have individuals removed from the Assembly Chamber pursuant to Assembly Rules.

## **S. PROFESSIONAL LISTS AND OTHER LISTS**

### Lists Specific to District

If a Legislator desires to obtain a list that is specific only to his or her district but that is not in LTSB's regular inventory, the Legislator may request the Chief Clerk to purchase the list. A Legislator may make such a request only if the Legislator will use the list to distribute communications that are directly related to the affairs of state government. Upon receipt of such a request, the Chief Clerk shall request that LTSB obtain and process the list accordingly. For any such list, the list's cost is charged to the Legislator's office account.

### Statewide or Multi-District Lists

The Wisconsin Ethics Commission maintains the Statewide Voter Registration System which is Wisconsin's official list of registered voters. It contains voter id, name, address, county, municipality, ward, year of birth, sex and elections voted. LTSB obtains this list after each election once the Wisconsin Ethics Commission is prepared to release it.

The cost of the list is split between the Assembly and Senate. Once received, LTSB standardizes and geocodes the addresses adding Assembly and Senate districts. Offices may request the raw data or have it added to their Forward database by LTSB for use in the conduct of legislative business.

The Chief Clerk may provide LTSB with funds to purchase other statewide lists commonly used in the Legislature for use by all Legislator's and non-partisan legislative agencies in the conduct of legislative business.

## **T. 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)

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

Solicitations by Wisconsin State Assembly employees for charitable purposes or sales, fundraisers, 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.