



Office of Legislative Council

Employee Manual

Issued on November 17, 2017, and in effect as of that date.

I. Introduction

The Vermont Office of Legislative Council is a nonpartisan office that provides legal, operational, and information technology (“IT”) support to all members and committees of the Vermont General Assembly and to staff offices within the General Assembly.

The Office of Legislative Council is divided into three units: Legal, IT, and Operations. The Legal unit is composed of attorneys and law clerks and provides legislative legal services, including the drafting of legislation, and legal and policy analysis for the General Assembly. IT develops and maintains the General Assembly’s computer systems and provides user support for members of the General Assembly and employees of legislative offices. The Operations unit includes administrative staff, committee assistants, and drafting support and editing staff. The Office has both year-round and “session-only” staff¹; for example, many committee assistants only work during the legislative session. Each unit is headed by a Deputy Director who reports to the Director and Chief Counsel. The attached chart shows how the Office is organized (attachment 1).

The Office of Legislative Council only provides support and services relating to legislative matters and to the operation of the General Assembly; it does not provide constituent or campaign-related services. The Office as a whole is overseen by the Legislative Council Committee. In addition, IT is also overseen by the Legislative Information Technology Committee.

II. Mission, conduct, and employee expectations

The mission of the Office of Legislative Council is to provide the highest quality nonpartisan legal, operational, and IT support and services to the General Assembly in a manner that allows legislators to fulfill their responsibilities representing the citizens of Vermont.

The Office of Legislative Council is a nonpartisan office and is committed to serving all members of the General Assembly equally, regardless of political party or other factors. Because of the importance of maintaining the nonpartisan nature and reputation of the Office, all employees must conduct themselves in a nonpartisan manner that ensures the ability of the employee to perform his or her duties. Similarly, employees should not engage in any outside employment or activity that is inconsistent with or in conflict with their duties or employment with Legislative Council. Employees should avoid acting in a manner that may create the appearance of bias, partisanship, or a conflict of interest that would impair the ability of the employee to perform his or her duties. Employees should notify the Director of any outside activity or employment that might create a conflict of interest or an appearance of bias or partisanship.

¹ Individuals who do not work year-round may start or stop work at different times of the year depending on their job title and responsibilities. The term “session-only” is intended to refer to all session-only and seasonal staff.

Employees shall respect the potential confidentiality of information to which they may gain access. Employees should not use, or attempt to use, their position, or any confidential information obtained through their employment, to benefit improperly or to obtain special privileges or exemptions for themselves or others.

The Office of Legislative Council provides the members of the General Assembly with research, drafting, information collection, information technology support, operations support, and legal assistance regarding, or in relation to, legislative matters. See, 2 V.S.A. § 404. Services that do not regard or relate to legislative matters, such as campaign activities, fall outside the scope of services that will be provided by the Office of Legislative Council.

All employees are expected to do their best and to act and dress in a professional manner at all times. The dress code varies depending on whether the General Assembly is in session. During the legislative session, or when committees are meeting, employees are expected to dress in a business manner that reflects the dignity of the General Assembly. When the General Assembly is not in session, more casual attire is permitted.

The performance of all employees, including the Director and Deputy Directors, will generally be evaluated biennially. These reviews will be conducted by the employee's supervisor and will be intended to evaluate the employee's performance and whether the employee is meeting expectations.

III. Personnel policies

All employees of the Office of Legislative Council are exempt employees. The Office is part of the General Assembly, a separate and co-equal branch of government. As a result, employees are not subject to the procedures, rules, or authority of the Vermont Department of Human Resources or any other Executive Branch agency. However, the Office of Legislative Council will refer to the personnel policies applicable to comparable exempt employees of the State of Vermont whenever appropriate. In the absence of a specific policy, the Office may, in the discretion of the Director, rely on the policies applicable to comparable exempt Vermont State employees.

Policies and employee expectations will be communicated through this manual, staff meetings, individual meetings, and performance reviews. This manual, which will be posted on the intranet, is only intended as a general summary of the most important policies and expectations; it does not contain a complete or exhaustive list of all policies and expectations. The policies and expectations summarized in this manual, as well as those communicated in staff meetings, individual meetings, and reviews, are subject to change by the Director.

Employees are responsible for understanding and complying with the contents of this manual. Employees are also responsible for understanding and complying with any additional policies or expectations that are communicated at staff meetings and for any policies or expectations communicated to an individual employee in a review or meeting between the individual employee and the employee's supervisor or the Director.

A. Office hours, employee attendance, and schedules

The Office of Legislative Council's normal office hours are 7:45 a.m. to 4:30 p.m., Monday through Friday. During the legislative session, the office may be open additional hours. The Office is closed when the State House is closed and on all State holidays. Rules and expectations concerning employee hours, attendance, and schedules will be communicated by supervisors, and employees are expected to comply. Requests to use leave (see B below) or to change or modify an employee's schedule must be approved by the employee's supervisor.

B. Leave

Accrual of sick, annual, and personal leave: Year-round employees accrue leave on a bi-weekly and quarterly basis. Attorneys accrue sick, annual, and personal leave at the same rate as attorneys in the Attorney General's Office, as set forth in "Leave Accrual Rates by Bargaining Unit as of July 1, 2008" (attachment 2). Nonlegal management staff accrue sick, annual, and personal leave at the same rate as "Supervisory Bargaining Unit & Managers/Confidentials & Game Wardens (V & VI)," and all other year-round employees accrue leave at the same rate as "Non-Management & Corrections Bargaining Units." Employees who accrue personal leave per quarter will accrue 10 hours of personal leave per quarter for not using more than eight hours of sick leave per quarter.

Unused annual leave may be carried over from year to year up to the maximum number of hours indicated in each leave plan. Upon resignation from the Office of Legislative Council, up to 160 hours (20 days) of accrued annual leave will be compensable. Upon retirement or death, all annual leave up to the maximum number of hours indicated in each leave plan will be compensable. Personal leave days cannot be carried over from fiscal year to fiscal year (except for the 1.25 days earned in the last quarter of a year) and are not compensable on separation from the office.

Session-only employees are awarded paid sick leave, but the number of hours varies depending on when they start work and how long they are on payroll. In general, Law Clerks and Drafting Operations staff have 32 hours of sick leave, whereas Committee Assistants have 24 hours. Session-only employees are paid for State holidays when the State House is closed. Session-only employees do not accrue annual or personal leave.

Accrual of compensatory leave ("comp. time") and overtime: Year-round employees accrue "comp. time" on a one-hour-for-one-hour-worked basis, for hours worked in excess of 40 hours per week during the legislative session. Year-round employees will not be compensated for unused "comp. time."

Certain session-only employees will be compensated on a one-and-one-half-hour-for-one-hour-worked basis, for any time worked in excess of 40 hours per week during the legislative session. Session-only employees must notify their supervisor of any such extra time worked.

Use of sick leave: The use of sick leave is governed by the policies applicable to comparable exempt Vermont State employees. An employee taking sick leave must

notify his or her supervisor before the start of his or her normal start time if possible. Sick leave should be used if the employee is ill and unable to perform his or her duties or a family member is ill, and the Director may require that an employee submit documentation, including a doctor's note, to verify that sick leave is being used properly.

Use of annual, compensatory, and personal leave: All requests to use annual, compensatory, and personal leave must be preapproved by the employee's supervisor. It is the responsibility of all employees to monitor their leave balances and ensure that they are requesting and using leave in an appropriate manner. An employee who is absent without providing the required notification or obtaining the necessary approval, or who attempts to take leave without having sufficient time available, may not be paid for the time absent.

The legislative session is the busiest time of the year, and it is essential that all employees be at work during the session. As a result, the rules pertaining to taking leave during the session, and outside the session, are different.

Annual, compensatory, and personal leave generally cannot be taken during the legislative session, except that leave may be taken during the Town Meeting Week adjournment if the employee's responsibilities allow, and the Director may approve other leave under special circumstances.

As noted above, during the session, taking leave may be approved by the Director only for special circumstances. In an effort to give employees flexibility and strike a positive work-life balance, the Office of Legislative Council encourages year-round employees to use leave during the interim, not only in large blocks of time, but also in smaller blocks to allow a more flexible work schedule. The Office also allows year-round employees to use flex time and to work at home under appropriate circumstances during the interim. As noted above, all requests to take annual, compensatory, and personal leave must be approved by the employee's supervisor. Employee requests to work at home or to use flex time must also be approved by the employee's supervisor, and will only be approved if there is no substantial impact upon other staff or the ability of the office to fulfill its duties.

Other forms of leave: Military leave is governed by 21 V.S.A. § 491 and family and parental leave is governed by 21 V.S.A. §§ 471 and 472.

Change to session-only status: Year-round employees may request permission to transition to session-only status. Approval and terms are up to the discretion of the Director, and will only be approved if there is no substantial impact upon other staff or the ability of the office to fulfill its duties. Employees should understand that, because of the Office's small size and the lack of redundancy, every request will be considered on a case-by-case basis and it may not be possible to approve a request.

IV. Insurance and other benefits

Year-round employees receive the same insurance, retirement, and other benefits available to other exempt State employees. New employees will receive information on

available benefits when they start work, and the Office will make every effort to inform all employees of available benefits as appropriate.

V. Employment status

As noted above, all employees of the Office of Legislative Council are exempt employees. This means that employees are not governed by any laws, contracts, or rules applicable to classified employees.

All employees of the Office of Legislative Council are employed “at will” and therefore may be terminated at any time, without liability, notice, or cause. At-will employees are not entitled to a grievance process. This document is intended to function as a general reference to the Office of Legislative Council policies and is not intended to create, and should not be construed as creating, any promise or contract of continued employment.

As discussed above, this manual will be posted on the intranet, and employees are responsible for understanding and complying with the contents of this manual, as well as with any additional policies or expectations that are communicated at staff meetings and any policies or expectations communicated to an individual employee in a review or meeting between the individual employee and the employee’s supervisor or the Director. Any violation of policies and expectations may result in disciplinary action, up to and including termination of employment. Hiring, retention, discipline, termination, and compensation of staff are the responsibility of the Director with oversight provided by the Legislative Council Committee.

VI. Equal opportunity, discrimination, and harassment

It is the policy of the Office of Legislative Council to provide a professional working environment and the Office is opposed to, and prohibits without qualification, sexual harassment. The Office has adopted the House and Senate rules and policies (attachments 3 and 4) concerning the prevention of sexual harassment. Employees of the Office are bound by these policies and shall not engage in sexual harassment.

The Office shall provide training on the House and Senate policies with the goals of ensuring that all employees understand the policies and what may constitute sexual harassment, are educated about their options, and are empowered to make informed decisions. Employees are encouraged to bring questions or concerns to any of the four facilitators: Jen Carbee, Damien Leonard, Katie McLinn, and BetsyAnn Wrask; to their supervisor; to the Deputy Director of Legal; or to the Director. All questions and concerns will be handled in a confidential, supportive, and sensitive manner.

The Office shall also adopt, comply with, and provide training on any policies adopted by the House or Senate relating to equal opportunity, discrimination, or harassment, including any policy adopted by the House Discrimination Prevention Panel.

VII. Information technology

The General Assembly's computer systems are maintained and operated to support the mission and functions of the General Assembly. The hardware and software provided are the property of the State of Vermont and should only be modified, upgraded, or replaced by IT staff. Hardware and software may be modified, upgraded, or replaced at any time. Employees may not use the legislative computer systems or Internet connection for unlawful or inappropriate purposes. Relevant IT policies are included as attachment 5.

Employee Acknowledgement

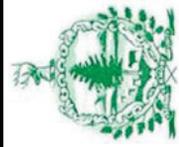
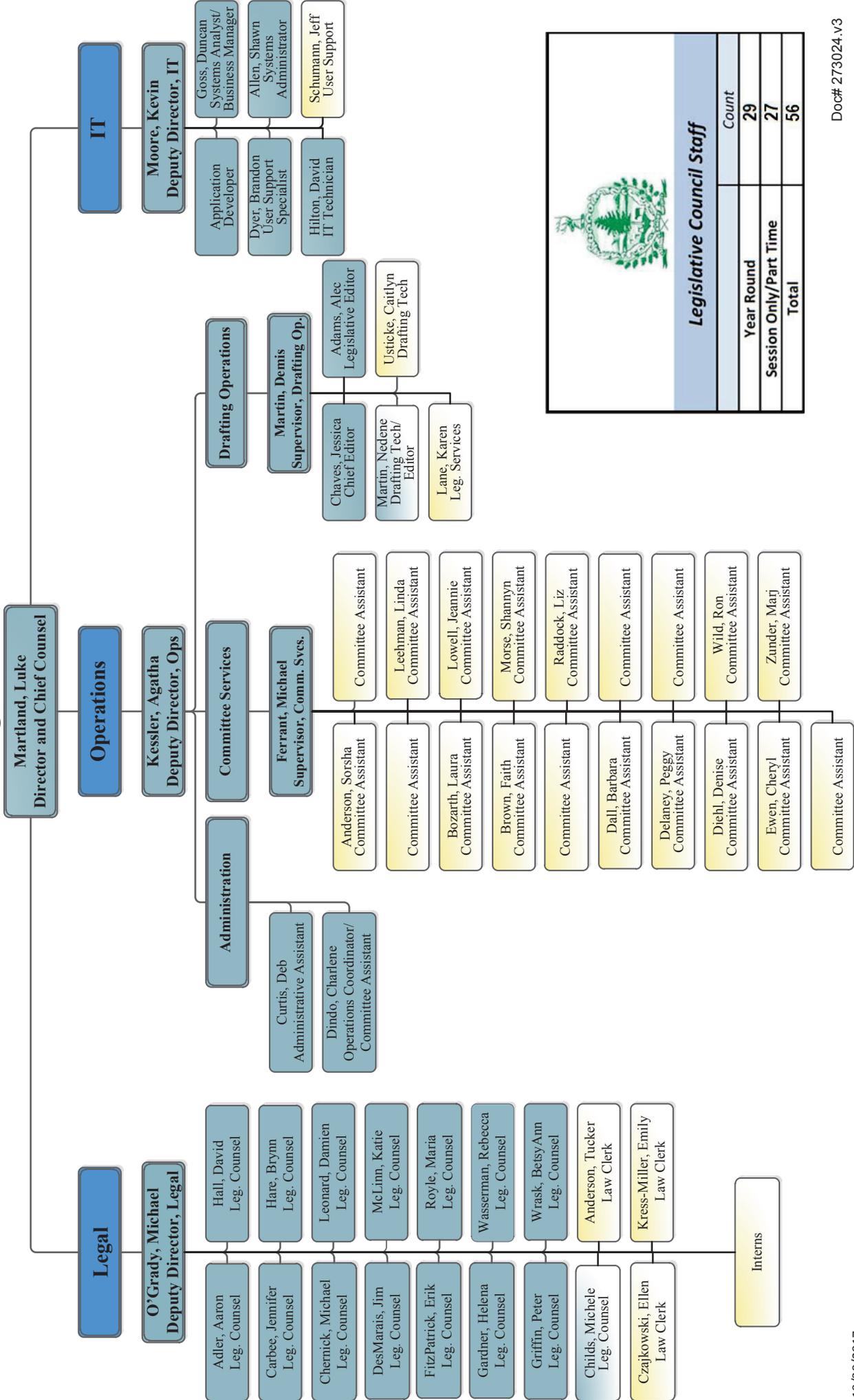
This is to acknowledge that I have received a copy of the Office of Legislative Council Employee Manual, including IT policies. I understand that it is my responsibility to read and familiarize myself with all information in this manual.

Employee's name (printed)

Employee's signature

Date

Office of Legislative Council



Legislative Council Staff	
Year Round	Count 29
Session Only/Part Time	27
Total	56

Leave Accrual Rates by Bargaining Unit as of July 1, 2008*

Non-Management & Corrections Bargaining Units				
Yrs Svc	Sick	Annual	Personal	Max Hrs
less than 5	3.69	3.69	10/Qtr	240.00
5 < 10	4.62	4.62	10/Qtr	280.00
10 < 15	5.54	5.54	10/Qtr	320.00
15 < 20	5.54	6.13	10/Qtr	340.00
20 < 30	6.46	6.46	10/Qtr	360.00
30+	6.46	7.38	10/Qtr	360.00

Supervisory Bargaining Unit & Managers/Confidentials & Game Wardens (V & VI)				
Yrs Svc	Sick	Annual	Personal	Max Hrs
less than 5	3.69	3.69	24/FY	240.00
5 < 10	4.62	4.62	32/FY	280.00
10 < 15	5.54	5.54	40/FY	320.00
15 < 20	5.54	6.13	64/FY	340.00
20 < 30	6.46	6.46	64/FY	360.00
30+	6.46	7.38	64/FY	360.00

State Police Bargaining Unit					
Yrs Svc	Sick	Annual	Non Mgmt Personal	Supervisor Personal	Max Hrs
less than 5	4.15	4.15	11.25/Qtr	27/FY	270.00
5 < 10	5.20	5.20	11.25/Qtr	36/FY	315.00
10 < 15	6.23	6.23	11.25/Qtr	45/FY	360.00
15 < 20	6.23	6.90	11.25/Qtr	72/FY	382.50
20 < 30	7.27	7.27	11.25/Qtr	72/FY	405.00
30+	7.27	8.31	11.25/Qtr	72/FY	405.00

Liquor Control Investigators & Game Wardens (I & IV)					
Yrs Svc	Sick	Annual	Non Mgmt Personal	Supervisor Personal	Max Hrs
less than 5	4.27	4.27	11.56/Qtr	27.75/FY	277.50
5 < 10	5.34	5.34	11.56/Qtr	37/FY	323.75
10 < 15	6.41	6.41	11.56/Qtr	46.25/FY	370.00
15 < 20	7.12	7.12	11.56/Qtr	74/FY	393.13
20 < 30	7.47	7.47	11.56/Qtr	74/FY	416.25
30+	8.54	8.54	11.56/Qtr	74/FY	416.25

Fire Fighters					
Yrs Svc	Sick	Annual	Non Mgmt Personal	Supervisor Personal	Max Hrs
less than 5	4.79	4.79	12.97/Qtr	31.125/FY	311.250
5 < 10	5.99	5.99	12.97/Qtr	41.50/FY	363.125
10 < 15	7.18	7.18	12.97/Qtr	51.875/FY	415.000
15 < 20	7.18	7.95	12.97/Qtr	83/FY	440.938
20 < 30	8.38	8.38	12.97/Qtr	83/FY	466.875
30+	8.38	9.58	12.97/Qtr	83/FY	466.875

Judicial Bargaining Unit					
Yrs Svc	Sick	Annual	Non Mgmt Personal	Supervisor Personal	Max Hrs
less than 5	3.69	3.69	12/Qtr	24/FY	240.00
5 < 10	4.62	4.62	12/Qtr	32/FY	280.00
10 < 15	5.54	5.54	12/Qtr	40/FY	320.00
15 < 20	5.54	6.13	12/Qtr	64/FY	340.00
20 < 30	6.46	6.46	12/Qtr	64/FY	360.00
30+	6.46	7.38	12/Qtr	64/FY	360.00

Attorney General's Office			
Sick	Annual	Personal	Max Hrs
6.15	6.15	10/Qtr	360.00

*NOTE: All accrual rates are per pay period unless otherwise specified. Years of service calculated on Service Date.

Vermont House of Representatives Policy for the Prevention of Harassment

It is the policy of the Vermont House of Representatives to provide a professional working environment free from harassment. Therefore, the House of Representatives is opposed to, and prohibits without qualification, sexual harassment.

This policy covers the conduct of Representatives and persons employed by the Speaker and the House Clerk's office. This policy is intended to not only protect Representatives and employees of these offices, but also members of the public, including lobbyists, advocates, and members of the press who suffer harassment attributable to a Representative or employee of these offices.

Sexual harassment undermines the integrity of the State House environment, demonstrates a lack of respect for the rights of others, lowers morale, interferes with work effectiveness, and violates a person's sense of well-being. Not only sexual harassment but also retaliation for reporting harassment or cooperating in an investigation of harassment are prohibited by this policy, and all complaints will be handled in a speedy and impartial manner.

Definition and Examples of Sexual Harassment

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting the individual; or
3. the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include:

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of a person's body;
- touching or grabbing any part of a person's body after that person has indicated that such physical contact is unwelcome;
- continuing to ask a person to socialize on or off duty when that person has indicated a lack of interest;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, posters, or

other visual matter if it is known or should be known that the behavior is unwelcome;

- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's duties or work environment);
- derogatory or provocative remarks about or relating to a person's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of the person's sex or sexual orientation; and
- off-duty conduct which falls within the above definitions and affects the work environment.

Procedures and Confidentiality

A person may make a complaint to a member of the House Sexual Harassment Prevention Panel who will thoroughly explain the complaint process and other options for resolution.

1. Any person who believes that a member or an employee of the House has sexually harassed him or her has a number of avenues of resolution. The person is encouraged, but not required to, identify objectionable actions to those responsible, and to try to resolve issues informally. This policy provides for a procedure if this approach is ineffective, or if the person chooses not to attempt such an informal resolution.
2. If the person decides to pursue a formal process, complaints must be in writing and signed by the Complainant. A complaint may be made by any person, but it must be in regard to alleged misconduct committed by a member during the current biennium. Complaints may be given to any member of the Panel. If a Panel member other than the Chair receives a complaint, he or she shall immediately notify the Chair and give the written complaint to the Chair.
3. The Panel shall provide the Respondent a copy of the complaint. The Respondent may file a response with the Panel, a copy of which the Panel shall provide to the Complainant. The Panel may then begin an investigation.
4. The Panel shall not take action on a matter at issue in a pending criminal proceeding in which the Respondent is a defendant until either the criminal proceeding is dismissed or a decision no longer subject to appeal has been issued.

5. Investigations. An investigation includes interviewing witnesses and collecting any available documents. No Panel member shall participate as a Panel member for a report for which the Panel member is the Complainant or Respondent.
- A. Confidentiality. The investigation shall be confidential.
 - B. Outcome of investigation.
 - i. If the Panel determines there is not enough evidence to support a charge of a violation, the complaint shall be closed and remain confidential.
 - I. Notice of the Panel’s decision shall be sent to the Complainant and to the Respondent.
 - II. The Panel may reopen a closed complaint in the future if the Respondent demonstrates a pattern of improper behavior.
 - ii. If the Panel determines there are reasonable grounds to believe the Respondent committed a violation and the complaint is not closed as provided in i.:
 - I. The Panel may enter into a mutually agreed to resolution with the Respondent and the Complainant.
 - II. The Panel may enter into a confidential stipulation with the Respondent that may include a warning or discipline, such as a reprimand. The Panel shall advise the Complainant of the remedial action taken.
 - III. If the Respondent chooses not to enter into a stipulation, the Panel shall draft charges and set the matter for a hearing. The Complainant and the Respondent shall receive a copy of the charges and the details regarding the time, date, and location of the hearing. The Respondent may file an answer to the charges, a copy of which the Panel shall provide to the Complainant.
6. Hearings.
- A. General. The Panel shall conduct a hearing in which the Respondent may present his or her position, present evidence, call witnesses, and question witnesses called by the Panel. The Chair of the Panel shall preside and the Panel may hire independent counsel to serve as a hearing officer if necessary. The Office of Legislative Council shall provide legal advice and administrative support to the Panel. The Respondent may hire his or her own counsel at the Respondent’s expense.
 - B. Confidentiality. The hearing shall be closed to the public, unless the Respondent and Complainant request that it be open to the public.
 - C. Rules of procedure and evidence. The Panel shall not be bound by technical rules of evidence and may admit evidence that the Panel considers to be reliable,

material, and relevant. The Chair shall make evidentiary rulings, which may be overruled by a majority of the Panel present at the hearing. The decision of the Panel cannot be based solely on hearsay evidence.

- D. Burden of proof. Burden of proof that a violation occurred is clear and convincing evidence. This standard indicates that the alleged violation is highly probable or reasonably certain. Evidence is “clear” if it is certain, unambiguous, and plain to the understanding; and it is “convincing” if it is reasonable and persuasive enough to cause the Panel to believe it.

7. Findings.

- A. If the Panel finds that a violation did not occur, it shall dismiss the complaint. This dismissal shall be confidential. Notice of dismissal shall be sent to the Complainant and the Respondent.
- B. If the Panel finds that a violation occurred, a meeting shall be held with the House Rules Committee, or Joint Rules Committee where appropriate, to determine the appropriate course of action.

8. Time periods.

- A. When the General Assembly is in session: The Panel shall determine whether there are reasonable grounds to believe that a violation of this policy has occurred within 48 hours of receiving a written complaint, and shall conclude any investigation and issue findings within two weeks.
- B. When the General Assembly is not in session: The Panel shall determine whether there are reasonable grounds to believe that a violation of this policy has occurred, and shall conclude any investigation and issue findings as soon as reasonably possible.

9. Confidentiality and maintenance of records.

- A. Confidentiality.
 - i. Members of the Panel, the Clerk’s Office, and the Office of Legislative Council shall keep confidential any information received and any records produced or acquired in accordance with this Procedure.
 - ii. All records produced or acquired in accordance with this Procedure are not subject to the Public Records Act.
- B. Maintenance of records. The Office of Legislative Council shall maintain all records associated with providing legal advice and administrative support to the Panel, and the Clerk’s office shall maintain all other records associated with any complaint under this Policy.

10. Interns, staff, and volunteers who work for a Representative.

- A. Any Representative who employs an intern, staff person, or accepts the services of a volunteer to do legislative work shall provide the Clerk’s Office and the Speaker

with the name, address, and contact information for that person. If the intern, staff person, or volunteer is a minor, the Representative shall also provide the name, address, and contact information for the parent(s) or guardian(s), and shall provide additional information as the Speaker requires.

- B. The Panel shall provide every intern, staff person, or volunteer with a copy of this policy and with contact information for the Chair of the Panel, and shall ensure that the person understands how to report harassment.

Training and Information

It is crucial that Representatives, employees, and other persons are provided with training so that they will understand this policy and how to make a complaint. The Speaker and the Clerk of the House shall ensure that House members and employees are informed of this policy and the procedures for reporting sexual harassment. The Speaker shall ensure that training is made available to members and employees and that appropriate information is disseminated. Members of the Sexual Harassment Prevention Panel may receive additional training so they can carry out their responsibilities.

Other State House Policies and Panels

As noted above, this policy covers the conduct of Representatives and persons employed by the Speaker and the Clerk's office. In addition to this policy, the Senate has a policy that covers the conduct of Senators and persons employed by the President Pro Tempore and the Secretary's office. Any complaints concerning the conduct of employees of the Joint Fiscal Office, the Office of Legislative Council, and the Sergeant at Arms that would not be within the jurisdiction of the House or Senate Panels shall be adjudicated by a Joint Panel composed of the House and Senate Panels. If the Joint Panel meets in 2016, the Chair of the Senate Panel shall serve as the Chair of the Joint Panel, and the Joint Panel shall follow the Senate Policy. If the Joint Panel meets in 2017 or 2018, the Chair of the House Panel shall serve as the Chair of the Joint Panel, and the Joint Panel shall follow the House Policy. Thereafter, the Chair of the Joint Panel and the Policy that shall be followed shall rotate biennially between the Senate and the House Panels. It is the intent of the General Assembly that all policies will be applied in a consistent manner. The following chart indicates what panel will adjudicate different complaints.

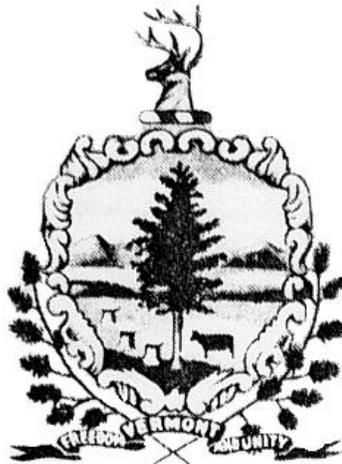
Adjudication of Complaints		
Accused	Complainant	Panel
Representative, staff of Speaker's office or Clerk's office	Representative, staff from any office, member of public	House
Senator, staff of President Pro Tempore's office or Secretary's office	Senator, staff from any office, member of public	Senate

Representative	Senator	House
Senator	Representative	Senate
The Sergeant at Arms and any person employed by the Joint Fiscal Office, the Office of Legislative Council, and the Sergeant at Arms	Representative, Senator, staff from any office, member of public	Joint

Although persons subject to this policy are encouraged to use this policy, a complaint may also be made to court through a private attorney or to any of the following:

- Equal Employment Opportunity Commission (EEOC), John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, tel. (800) 669-4000
- Vermont Human Rights Commission, 14-16 Baldwin St., Montpelier, VT 05633, tel. (800) 416-2010
- Vermont Attorney General, Civil Rights Unit, 109 State St., Montpelier, VT 05609, tel. (802) 828-3657

VERMONT SENATE



SEXUAL HARASSMENT POLICY

(ADOPTED ON MARCH 18, 2016)

Permanent Rules of the Vermont Senate

XIX

OF CONDUCT OF MEMBERS AND OFFICERS

101. Sexual Harassment

(a) *A member and officer of the Senate shall be responsible for ensuring that each legislative employee and colleague enjoys a workplace free from discrimination by conducting himself or herself in a manner that promotes public confidence in the integrity of the Senate.*

(b) *Violation of this rule will result in appropriate disciplinary action enforced by the full Senate, if necessary.*

(c) *Retaliation against a person who complains, reports or cooperates in an investigation of sexual harassment is prohibited.*

(d) *The Rules Committee shall develop and adopt a policy and procedure for receiving and reviewing allegations of discrimination involving the conduct of members or officers of the Senate.*

(e) *The Secretary of the Senate shall develop procedures for employees of the Senate office.*

(f) *The Committee on Committees shall, at the beginning of the biennium, or as soon as possible thereafter, establish a Sexual Harassment Panel with the authority to receive, investigate and resolve complaints of sexual harassment, retaliation and noncompliance made against members or officers of the Senate. The panel shall be comprised of six members of the Senate, including at least one representative from each major political party.*

(g) *The President pro tempore shall ensure that training is made available to all Senate members and employees and that they receive copies of the policy and procedures which implement this rule.*

Vermont Senate Policy for the Prevention of Sexual Harassment

It is the policy of the Vermont Senate to provide a professional working environment free from harassment. Therefore, the Senate is opposed to, and prohibits without qualification, sexual harassment.

This policy covers the conduct of Senators and persons employed by the President Pro Tempore and the Senate Secretary's office. This policy is intended not only to protect Senators and employees of these offices, but others, including members of the public, lobbyists, advocates, and members of the press who suffer harassment attributable to a Senator or employee of these offices. The conduct of others interacting with Senators and persons employed by the Senate may be covered by other policies referenced herein.

Sexual harassment undermines the integrity of the State House environment, demonstrates a lack of respect for the rights of others, lowers morale, interferes with work effectiveness, and violates a person's sense of well-being. Not only sexual harassment but also retaliation for reporting harassment or cooperating in an investigation of harassment are prohibited by this policy, and all complaints will be handled in a speedy and impartial manner.

Definition and Examples of Sexual Harassment

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting the individual; or
3. the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include the following when the acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of a person's body;
- touching or grabbing any part of a person's body after that person has indicated that such physical contact is unwelcome;

- continuing to ask a person to socialize on or off duty when that person has indicated a lack of interest;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, posters, or other visual matter if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's duties or work environment);
- derogatory or provocative remarks about or relating to a person's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of the person's sex or sexual orientation; and
- off-duty conduct which falls within the above definitions and affects the work environment.

Procedures and Confidentiality

A person may make a complaint to a member of the Senate Sexual Harassment Panel who will thoroughly explain the complaint process and other options for resolution.

1. Any person who believes that a member or an employee of the Senate has sexually harassed him or her has a number of avenues of resolution. The person is encouraged, but not required, to identify objectionable actions to those responsible, and to try to resolve issues informally. This policy provides for a procedure if this approach is ineffective, or if the person chooses not to attempt such an informal resolution.
2. If the person decides to pursue a formal process, complaints must be in writing and signed by the Complainant. A complaint may be made by any person, but it must be in regard to alleged misconduct committed by a member during the current biennium, or during the period between when the Senate adjourned during the last year of the prior biennium and the end of the current biennium. Complaints may be given to any member of the Panel. If a Panel member other than the Chair receives a complaint, he or she shall immediately notify the Chair and give the written complaint to the Chair.

3. The Panel shall provide the Respondent a copy of the complaint. The Respondent may file a response with the Panel, a copy of which the Panel shall provide to the Complainant. The Panel may then begin an investigation. No Panel member shall participate as a Panel member for a report for which the Panel member is the Complainant or Respondent.
4. Investigations. An investigation includes interviewing witnesses and collecting any available documents.
 - A. Confidentiality. The investigation shall be confidential.
 - B. Outcome of investigation.
 - i. If the Panel determines there is not enough evidence to support a charge of a violation, the complaint shall be closed and remain confidential.
 - I. Notice of the Panel's decision shall be sent to the Complainant and to the Respondent.
 - II. The Panel may reopen a closed complaint in the future in the case of a subsequent complaint.
 - ii. If the Panel determines there are reasonable grounds to believe the Respondent committed a violation and the complaint is not closed as provided in i above:
 - I. The Panel may enter into a mutually agreed to resolution with the Respondent and the Complainant.
 - II. The Panel may enter into a confidential stipulation with the Respondent that may include a warning or discipline, such as a reprimand. The Panel shall advise the Complainant of the remedial action taken.
 - III. If the Respondent chooses not to enter into a stipulation, the Panel shall draft charges and set the matter for a hearing. The Complainant and the Respondent shall receive a copy of the charges and the details regarding the time, date, and location of the hearing. The Respondent may file an answer to the charges, a copy of which the Panel shall provide to the Complainant.
5. Hearings.
 - A. General. The Panel shall conduct a hearing in which the Respondent may present his or her position, present evidence, call witnesses, and question witnesses called by the Panel. The Chair of the Panel shall preside and if necessary the Panel may hire independent counsel to serve as a nonvoting hearing officer. The Senate Secretary shall provide legal advice and administrative support to the Panel. The Respondent may hire his or her own counsel at the Respondent's expense.
 - B. Confidentiality. The hearing shall be closed to the public, unless the Respondent and Complainant agree that it be open to the public.

- C. Rules of procedure and evidence. The Panel shall not be bound by technical rules of evidence and may admit evidence that the Panel considers to be reliable, material, and relevant. The Chair shall make evidentiary rulings, which may be overruled by a majority of the Panel present at the hearing. The decision of the Panel cannot be based solely on hearsay evidence.
 - D. Burden of proof. Burden of proof that a violation occurred is clear and convincing evidence. This standard indicates that the alleged violation is highly probable or reasonably certain. Evidence is “clear” if it is certain, unambiguous, and plain to the understanding; and it is “convincing” if it is reasonable and persuasive enough to cause the Panel to believe it.
6. Findings.
- A. If the Panel finds that a violation did not occur, it shall dismiss the complaint. This dismissal shall be confidential. Notice of dismissal shall be sent to the Complainant and the Respondent.
 - B. If the Panel finds that a violation occurred, a meeting shall be held with the Senate Rules Committee, or Joint Rules Committee where appropriate, to determine the appropriate course of action.
7. Time periods.
- A. When the General Assembly is in session: The Panel shall determine whether there are reasonable grounds to believe that a violation of this policy has occurred within 48 hours of receiving a written complaint, and shall conclude any investigation and issue findings within two weeks.
 - B. When the General Assembly is not in session: The Panel shall determine whether there are reasonable grounds to believe that a violation of this policy has occurred, and shall conclude any investigation and issue findings as soon as reasonably possible.
8. Confidentiality and maintenance of records.
- A. Confidentiality.
 - i. Members of the Panel and the Secretary’s Office shall keep confidential any information received and any records produced or acquired in accordance with this Procedure.
 - ii. All records produced or acquired in accordance with this Procedure are not subject to the Public Records Act.
 - B. Maintenance of records. The Secretary’s office shall maintain any records produced or acquired in accordance with this Procedure.

Other State House Policies and Panels

As noted above, this policy covers the conduct of Senators and persons employed by the President Pro Tempore and the Secretary's office. In addition to this policy, the House of Representatives has a policy that covers the conduct of Representatives and persons employed by the Speaker and the Clerk's office. Any complaints concerning the conduct of employees of the Joint Fiscal Office, the Office of Legislative Council, and the Sergeant at Arms that would not be within the jurisdiction of the House or Senate Panels shall be adjudicated by a Joint Panel composed of the House and Senate Panels. If the Joint Panel meets in 2016, the Chair of the Senate Panel shall serve as the Chair of the Joint Panel, and the Joint Panel shall follow the Senate Policy. If the Joint Panel meets in 2017 or 2018, the Chair of the House Panel shall serve as the Chair of the Joint Panel, and the Joint Panel shall follow the House Policy. Thereafter, the Chair of the Joint Panel and the Policy that shall be followed shall rotate biennially between the Senate and the House Panels. It is the intent of the General Assembly that all policies will be applied in a consistent manner. The following chart indicates what panel will adjudicate different complaints.

Adjudication of Complaints		
Accused	Complainant	Panel
Representative, staff of Speaker's office or Clerk's office	Representative, staff from any office, member of public	House
Senator, staff of President Pro Tempore's office or Secretary's office	Senator, staff from any office, member of public	Senate
Representative	Senator	House
Senator	Representative	Senate
The Sergeant at Arms and any person employed by the Joint Fiscal Office, the Office of Legislative Council, and the Sergeant at Arms	Representative, Senator, staff from any office, member of public	Joint

Although persons subject to this policy are encouraged to use this policy, a complaint may also be made to court through a private attorney or to any of the following:

- Equal Employment Opportunity Commission (EEOC), John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, tel. (800) 669-4000
- Vermont Human Rights Commission, 14-16 Baldwin St., Montpelier, VT 05633, tel. (800) 416-2010
- Vermont Attorney General, Civil Rights Unit, 109 State St., Montpelier, VT 05609, tel. (802) 828-3657



Information Technology Policy Manual

Office of Legislative Council

In effect as of November 1, 2015

LEGISLATIVE INFORMATION TECHNOLOGY POLICIES

Note: Laptops and mobile devices operate under different policies. See section 8.

1. General

- 1.1. The legislative computer systems are maintained and operated to further the mission and functions of the Vermont General Assembly.
- 1.2. The Legislative Information Technology department is part of the Office of Legislative Council and is directly managed by the Deputy Director for Information Technology and the Director of the Legislative Council. It is overseen by the Legislative Information Technology Committee and the Legislative Council Committee.

2. Appropriate Use

- 2.1. The legislative computer system is intended to support the business of the General Assembly and its members.
- 2.2. Users of the computer system may not use the system for unlawful purposes.
- 2.3. Members and staff may not use the computer system for campaign or personal business activities.

3. Security

3.1. Authorized Users

- 3.1.1. The legislative computer system may only be used by members of the Vermont Legislature, legislative staff, contractors under the supervision of legislative staff, and paid or unpaid interns hired or appointed by the Legislature or a Legislative department.
- 3.1.2. The legislative computer system may not be used by any other person, including family or friends of members and staff of the Vermont Legislature, paid or unpaid interns hired by individual members, and members of the public.

3.2. Logins

- 3.2.1. A login account to the legislative computer system will be created whenever a new member of the Legislature is elected or appointed, or when a new member of the staff is hired.
- 3.2.2. Users will be granted the level of access to applications, services, documents, and data that is appropriate for the user's department and position.
- 3.2.3. In order to have the login account created before the employee begins work, departments must notify the legislative IT department at least two working days before the employee's start date.

3.3. Passwords

- 3.3.1. Users of the computer system must treat user IDs and passwords as confidential information and not release them to any unauthorized person. This includes login passwords, e-mail passwords, and remote access passwords.
- 3.3.2. The Legislative IT staff does not have the ability to find out the current password for a user who has forgotten it, but can create a new password for the user upon request.
- 3.3.3. Login passwords will expire after 365 days, and cannot be reused.

3.4. Remote access

- 3.4.1. Remote access to the legislative computer system is provided to those users who have a business need for remote access.
- 3.4.2. All appropriate use policies for the legislative computer system apply equally to remote access.

3.5. Termination of employment

- 3.5.1. It is the responsibility of each legislative department to notify the Legislative IT department when an employee is terminated or otherwise leaves the General Assembly.
- 3.5.2. All state-owned computer equipment provided to a member or employee of the General Assembly, including laptop computers, tablets, smart phones, and similar devices, must be returned to the IT department upon separation from the General Assembly or termination of employment.
- 3.5.3. Login accounts will be deactivated when a member of the General Assembly or a staff person is terminated or otherwise leaves the employment of the Legislature.

4. Data

- 4.1. Users are encouraged to save their work frequently during the course of the workday. The Legislative IT department will be unable to recover data lost from an unsaved document.
- 4.2. All work-related data must be stored on network drives, not on the local workstation.
- 4.3. Personal data files (including data files from users' non-legislative workplaces) should not be stored on the legislative computer system or on individual workstations. The Legislative IT department cannot guarantee either the integrity or the confidentiality of personal data.
- 4.4. For legislative staff, all work-related documents should be stored within the document management system, with the exception of documents for which there is a technical reason that prevents such storage.
- 4.5. Members of the General Assembly should store work-related documents in their My Documents folder.

- 4.6. The Joint Fiscal Office maintains a non-DM directory structure which predates the legislative computer system. Documents and spreadsheets relating to this structure may be stored outside the document management system.

5. E-mail

- 5.1. E-mail messages, appointments, and tasks are retained for 180 days following receipt, and then automatically archived unless deleted by the user. *Note: This policy may be suspended during litigation holds.*
- 5.2. E-mail messages are considered a public record, and are subject to discovery requests. It is the user's responsibility to retain all e-mails related to a discovery request.
- 5.3. The entire e-mail environment is backed up systematically for disaster recovery purposes. However, restoration of individual e-mail messages is virtually impossible due to the structure of the e-mail database.
- 5.4. The Legislative e-mail system scans incoming messages for characteristics typical of bulk commercial e-mail, often called "spam." Messages which resemble spam are stored in users' "Junk Mail" folders for 30 days, and then automatically discarded. Users should review this folder periodically to check for legitimate messages incorrectly identified as spam.

6. Software & Hardware

- 6.1. State House computer system workstations are provided with a standard software suite. The standard software suite is considered complete for members of the Legislature and staff to perform their job duties, and is fully supported by the Legislative IT department.
- 6.2. The IT department will purchase and install software other than the supported suite ("third-party software") on a user's workstation upon the request of his or her department supervisor, if required for performance of the user's job duties. Third-party software will have only limited support from the IT department.
- 6.3. Personally owned software is not permitted on any legislative computer system workstation or server. Unauthorized software installed on legislative workstations may be removed without warning.
- 6.4. Users may not modify workstation hardware. Workstations may be modified, relocated, or replaced by the IT staff as needed to support the operations of the computer system as a whole.

7. Support

- 7.1. Support is available during regular business hours from 7:45 a.m. to 4:30 p.m., Monday through Friday, but may be scheduled in advance if needed for events at other times. After-hours support will generally be provided remotely.

- 7.2. When emergencies occur outside regular business hours, the IT staff will provide remote or on-site support as required.
- 7.3. Due to limited support resources, requests for support may need to be prioritized, with the most critical requests attended to first.
- 7.4. Commercial software applications are purchased “off-the-shelf,” and configured to incorporate the software’s features into the legislative process. In most cases, the IT staff cannot modify the software’s behavior beyond that point.

8. Mobile Devices

- 8.1. Laptops, iPads, and other equipment may be issued to members and staff of the General Assembly. This equipment is owned by the State of Vermont, and is intended to support the business of the General Assembly. Equipment reserved for use by outside organizations must be signed out by a legislative staff member who will remain responsible for the equipment.
- 8.2. In addition to legislative business, members may use equipment to correspond with constituents and personal use. Staff may also use equipment for limited personal use. However, members and staff should not use the equipment for campaign or private business purposes.
- 8.3. This equipment is for the use of the user to whom it is issued, and may not be transferred to other users, family members, or members of the public.
- 8.4. Upon separation from the General Assembly, the user must return the device directly to a member of the legislative IT department and sign the return portion of a receipt. The user will be given a copy of this receipt for his or her own records and to confirm that the equipment was returned.
- 8.5. Users are responsible for replacing lost equipment. Equipment broken or damaged under normal use may be replaced by the IT department. In the case of theft, the IT department will replace the equipment upon receipt of a copy of the police report.
- 8.6. The IT department is not responsible for recovering, duplicating, syncing, or transferring personal, non legislative data to or between devices.
- 8.7. The IT department is not responsible for restoring personal purchases of applications, multimedia content, or any other software on an issued device.
- 8.8. The IT department is not required to provide additional accessories for use with legislative equipment. Accessories provided on initial issue that are damaged or lost may be replaced by the IT department, if supplies are available.
- 8.9. In the event of a litigation hold, public records request, or any event that requires content to be obtained from a device, the IT department may require an issued device to be returned immediately. If required, a replacement device will be issued to the user.

9. Support of Personally Owned Equipment

- 9.1. A limited amount of support will be provided for personally owned laptop computers and mobile devices used in support of legislative business.
- 9.2. The legislative IT staff will attempt to configure laptop computers and other wireless devices to access the State House wireless system. **Configuration of personally owned equipment is at the owner's risk.**
- 9.3. The legislative IT staff cannot support Windows versions older than Windows Vista, Macintosh OS X versions older than 10.6, or some specific iOS and Android devices (due to differing vendor implementations).
- 9.4. Assistance will be provided to users in accessing outside e-mail and other online services. Such assistance will be limited to providing a connection to the online site. Assistance with using the features of the site will not be provided.
- 9.5. In the event a user requires additional support with a personal device, the IT department may provide them with a list of commercial service providers.

Employee Acknowledgement

This is to acknowledge that I have received a copy of the Information Technology Policy Manual. I understand that it is my responsibility to read and familiarize myself with all information in this manual.

Employee's name (printed)

Employee's signature

Date

Please return this form to the Legislative IT department.

