



STATE OF VERMONT
OFFICE OF LEGISLATIVE COUNCIL

MEMORANDUM

To: Joint Legislative Management Committee
From: Luke Martland, Director and Chief Counsel
Date: December 19, 2019
Subject: Requested feedback on organizational chart

The Joint Legislative Management Committee (JLMC) has been tasked with fixing the Vermont General Assembly's "inefficient or outdated" staff and oversight structure to "improve staff services, increase operational efficiency, establish a more equitable and stable workplace and mitigate potential institutional risks." *NCSL Vermont General Assembly Legislative Branch Workforce Comparative Evaluation*, p. 3. Unfortunately, the structure set forth in the organizational chart distributed to staff on December 17th ("org. chart") fails to achieve these goals.

Most importantly, the org. chart:

- I. Retains multiple oversight committees, thereby continuing the problem of "too many cooks" that results in inconsistent oversight.
- II. Diminishes the role and authority of the new HR Director.
- III. Fails to combine all shared services.
- IV. Increases the number of silos while failing to establish an effective oversight structure.

As a result, I am concerned the structure set forth in the org. chart will not fix long-standing problems and fails to increase efficiency or create a more equitable and stable work environment.

I. Too many cooks

One of the major problems with the current oversight structure of the General Assembly is that there are "too many cooks," meaning that there are multiple oversight committees. As a result, there is often confusion, inconsistency, inequity, and contradiction in the management of different offices. In addition, because of this confusion and inconsistency, there is the opportunity for individuals to bypass oversight or play one committee against another.

The NCSL report recommended that there be a "single legislative oversight body" which would be a "one-stop shop" for all matters having to do with legislative staff services

and employment issues,” thereby mitigating “ambiguity” and “foster[ing] a more uniform approach to the management of staff and the institution.” *NCSL report*, p. 25-26.

Although, the proposed org. chart reduces the number of “cooks” it fails to adopt such a one-stop approach. For example, JLMC (or perhaps a hiring committee) will apparently hire the heads of three offices, but the head of JFO will be hired by the Joint Fiscal Committee. It also appears that the House and Senate Rules Committees retain direct oversight over the Clerk and Secretary, while the JLMC has secondary oversight (as indicated by the dotted line). Notably, the Sergeant at Arms, which is also an elected position, is directly overseen by JLMC and not overseen by Joint Rules.

Therefore, instead of a one-stop shop that fosters a uniform approach, the org. chart puts forward a four or five-stop shop that will probably lead to continued confusion, inconsistency, inequity, and contradiction in the management of different offices.

II. Diminishing the role and authority of HR

Creating an independent and powerful Director of HR was one of the, if not the most, frequent request from staff. Reflecting this, the NCSL report stated that “[i]t is important that the new HR function and personnel be located centrally and apart from the other staff offices to maintain neutrality and a reputation for equitable and confidential engagement with all employees.” *NCSL report*, p. 27. Instead of doing so, the org. chart places HR in a subordinate role within the newly created “Shared Administrative Services” office. This is a mistake for three reasons.

First, it is essential that HR be independent of any office. Employees must feel comfortable and empowered to go to HR regardless of what office they are a member of and regardless of their rank or status. Will employees of the new Shared Administrative Services office truly believe that HR is independent if it is part of, and reports to, the head of the Shared Administrative Services office?

Second, employees must also trust that they will be protected if they have a complaint concerning a supervisor. That can only happen if the Director of HR is at least of the same rank as the heads of every other office. Under the current org. chart, it seems the Director of HR will be of a lower rank.

Third, it is essential that HR be able to tell, and not merely ask, all offices what to do in the HR sphere. Currently, individual offices feel empowered to ignore policies and best practices that they find inconvenient. Placing HR in one of seven co-equal offices will almost guarantee this problem persists. To truly establish consistency, the Director of HR has to be “above” the other staff offices and have authority to order (not ask) every office to follow the same, consistent, policies, procedures and rules of professionalism and conduct.

Personally, if I continue as Director and Chief Counsel of the Office of Legislative Council, I would welcome having HR “above” me, just as I would welcome reporting to

an Executive Director. Similarly, all other offices should also be prepared to have the HR Director “above” them and follow the same HR policies and procedures.

III. Are “shared” services really shared?

A combined or shared services model may be a valid model and may increase efficiency, but only if it truly combines all shared services and is more efficient as a result. From the org. chart it appears that Committee Services and Operations staff from the Office of Legislative Council are being moved into the new Shared Administrative Services office. However, it is unclear if the committee services staff of JFO is also being moved.

If the goal is to truly create efficiencies and improve services it is important that all shared services, from all offices, be combined. This would include all committee services personnel, all staff that are tasked with developing office budgets, and all payroll, accounting, and administrative staff.

IV. Ineffective oversight; creating more silos

The creation of the JLMC is a positive step. However, this committee should function as a board of directors, providing high-level oversight over all offices. Instead, from the org. chart it appears that JLMC is envisioned as providing day-to-day management of the staff of the General Assembly.

From my experience, managing an office composed of three units and approximately 57 staff is a full-time job. Managing seven different offices with almost 100 staff is an even bigger job, especially if the goal is to improve operational efficiency. A committee composed of part-time legislators is simply unable to do this effectively for multiple reasons.

As discussed previously, the rigid silos that currently exist are a major problem. Although, creating new offices such as a shared services office might be beneficial, it can only be beneficial if all silos report to a central person or entity that has authority to streamline operations, combine budgets, and ensure that all offices are pulling in the same direction and working as a team.

Not only does the org. chart fail to achieve this, but it perhaps goes in the opposite direction, creating more silos and failing to establish effective oversight. The result, over time, will not only be that the current problems are not fixed, but that those problems may grow even worse.

V. Conclusion

The JLMC has a once-in-a-generation opportunity to, as the NCSL report stated, fix the General Assembly’s inefficient and outdated staff and oversight structure and “improve staff services, increase operational efficiency, establish a more equitable and stable

workplace and mitigate potential institutional risk.” *NCSL report*, p. 3. The proposed org. chart fails to achieve these objectives.

In order to create a more professional work environment and move the General Assembly into the 21st Century the JLMC should reconsider the decisions contained in the org. chart. Specifically, the JLMC should consider:

- I. Only having one oversight committee which will function as a board of directors with high-level oversight over all offices.
- II. Make the HR Director independent and above all other offices.
- III. If a shared services model is being followed, combine all shared services including committee support, budgeting, payroll and accounting.
- IV. Establish an effective oversight structure, including an Executive Director or other entity that reports to the JLMC in a manner similar to Option A from the NCSL report.