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Notes for Testimony to Joint Legislative Management Oversight Committee  
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Thank you for asking NCSL to conduct the study and for taking the study results seriously. Most especially, thank you for making time to listen to staff at all levels. I think it is important that you know that the various level supervisors have explicitly solicited participation and encouraged staff to make their views known.

**HR**

The Human Resources position seems essential and should be created sooner rather than later. Others have spoken to that, so I will not elaborate.

**General Organization**

I believe that the current organization is a bit confusing, and it seems to have many layers for such an essentially small group of people. In general, it works, because everyone here is devoted to making it work. In that regard, you as legislators overseeing us and we down here doing the work all are very fortunate. You have staff who want to succeed and want you to succeed, and so we work to make it happen.

Eliminating the Deputy Director for Operations is something I strongly oppose, as I believe it deprives my team and me, as their supervisor, of a valuable and necessary resource. My staff and I have benefitted greatly from having the Deputy for Operations as a go-to person. This position vanishes under both scenarios A and B, as far as I can see. In Option C, the position could exist in the Legislative Management Office, and I would recommend that.

**Structure**

Drafting Operations consists of a supervisor, one full-time, year-round technician, one seasonal technician, two, soon to be three, year-round editors, and one seasonal hybrid who has been an administrative assistant for resolutions, a technician, and now an editor. So, total, soon to be 7 people, two of whom will be seasonal employees.

I do not know why my unit has been called “drafting operations” when much of what we do is not directly related to drafting, but historically that is our name and names don’t trouble me much. That said, subsuming Drafting Operations under the legal division is NOT an option I favor. Although probably 80 to 85 percent of our editing and organizational work is directly with and for the attorneys, but the rest of it is not. Much of the technicians’ work is more associated with the House and Senate offices and the public facing website than with the attorneys. The attorneys rely on our technicians’ work, but much of it is not of a legal nature.

### **Executive Director**

From my view down here in the ladder, the Executive Director role seems to just add another layer of reporting and distance. As do others, I see the Executive Director role as concentrating too much authority in one person. It is as if you were creating a Secretary of Administration for the legislative branch, but the legislative branch does not have a Chief Executive Officer in charge of policy in the way that the Governor is Chief Executive Officer for the Executive Branch.

I do see your need, as a governing committee, for a liaison or other entity to convey information and questions among offices and branches. Down here on the staff, we also need a liaison. I find Mike Ferrant's and John Bloomer's suggestions more helpful than either NCSL's Option A or Option B. At present, it is most often the Deputy Director for Operations who serves that liaison function for drafting operations. Whether it is on a routine matter or in an urgent case, Drafting Operations relies on the Deputy Director for Operations and we would struggle to be efficient without that person.

Regarding subsuming drafting operations under the attorneys rather than under operations, I am not in favor of this. I think we belong under Legislative Services, even though the majority of our work will be with the attorneys.

### **Editing and Technical Services**

At present, drafting operations serves other people and entities in addition to the attorneys, and at our level on the hierarchical scheme, our concerns and interests are sometimes not entirely congruent with those of the attorneys. Among the nonlegal items we routinely deal with at present are JFO documents; committee press releases, letters, and memos; capitol police memos, press releases, and policy documents; sergeant at arms documents; letters, memos, and various documents such as the biography book of representatives and senators and the staff directories produced by the Deputy Director for Operations. We assist with new member orientation. The technicians post documents to the website, enter and retrieve vast amounts of information from the database that is used by the House and Senate, and provide services directly to representatives and senators who want to know what bills they have outstanding, what drafting requests they have submitted, and who the lead sponsor is on a bill or resolution. I like the Option C idea of a Legislative Management Office and Legislative Services Unit, and would put the drafting technicians and the editors under that unit, providing services primarily to the legal office but also to the members directly and to each of the other offices that serve the General Assembly. I don't think it makes any sense for JFO and the capitol police and the sergeant at arms to hire their own editors, for example, but they do need to have editorial services available to them.

### **History and Future Clarification**

In addition to the items drafting operations routinely processes are items we formerly handled that the job descriptions never discussed: we used to edit and correct memos and letters for the pro tem; legislators' reports home for town meeting; legislators' articles for their local papers; class plans for legislators who had visiting students; and miscellaneous other items that were never IN the job description but were never officially EXCLUDED

from our responsibilities. Some of these, I think, qualify as constituent services, which are not part of any staff member's job description, as far as I can see, although constituent services seem to be something you need. Staff has in recent years been told that we do not provide constituent services, but constituent services have not been officially defined, that I am aware of, and so decisions about what staff will and will not do for a senator or representative are often made on the fly rather than by policy.

Here, I am going out on a limb, but it is my personal view that most concurrent resolutions are actually a constituent service more than they are a legal matter. My staff works with the resolutions attorney to edit and process more than 200 of these documents every year. Most of those are also processed by the Office of the House Clerk and the work load that results from them is significant. They do not have the weight of law and so, to me, although they have value, they are not legal services.

A further note on Option C and any other option that incorporates the Research Division. My unit will undoubtedly be editing, formatting, and correcting the work of the researchers, so our unit should be depicted as serving them, and accommodations would need to be made for the increased workload to our staff if legislative researchers were added.

### **Staff organizational issues that the NCSL report did not necessarily address:**

#### **Show and Tell: The Funnel**

My staff is interested in how we push back on the expectations of work volume and speed. In my view, the expectations for both the legal staff and the drafting operations staff have become increasingly unrealistic. I will not address JFO staff, House staff, and Senate staff because they are separate offices, though I am certain that the funnel effect squeezes them as well, and likely also IT.

Having a liaison would help resolve issues that arise among the offices. It is not that staff do not have the ability to resolve these issues. Mike Ferrant, for example, is excellent at conflict resolution, in my experience. He has the skills. But in the case of interoffice conflicts, he does not have the authority, and neither does anyone else under the current structure.

**Staffing issues my staff would like to see addressed under a unified HR policy include:** The expectation of working extended hours with little or no notice, working shifts, the disruption of personal lives caused by seemingly mandatory overtime for which staff are awarded only hour-for-hour comp time. When the members decide to stay late and adjourn for dinner and return, they have their dinner allowance. Staff do not have that; staff have to either keep food on hand for unexpected situations, or pay for take-out food out of their own pockets. Particularly for seasonal staff, this seems an unfair burden. Time off in the summer is wonderful, but it does not pay the grocery bills or buy winter fuel. For some staff, even year-round staff, at the lower ranges of the pay

scale, their household budgets are tight, and being forced to buy supper throws things out of whack.

**The Human Element: Work is not instantaneous**

Especially at the introduction deadlines, the crossover deadlines, and heading into adjournment, the expectations about what staff—my staff and staff in other offices—realistically can or should be expected to do seem to explode. The biggest complaint I hear among staff on a routine basis is that the extended working hours and expected turnaround times are unfair and unrealistic.

The truth is that just because computers make it possible to do word processing and printing seemingly at the click of a mouse, that does not mean that the computers do the actual work. Have you even tried to type an e-mail on an iPad? Have you ever relied on the spell and grammar check in MS Word? If you have, then you get the gist of what I am talking about. Humans need to do this work. Attorneys think and apply their legal knowledge. Editors read and apply their editorial skills. Technicians view the marks of attorneys and editors and apply those changes and save and print the documents and post them to the internet and import them into databases to run the website and help with the calendars and journals. IT experts resolve computer glitches. Those humans need time to do their work to the standards they expect of themselves and you expect of them.